

**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
TELEWORK APPLICATION AND AGREEMENT**

1. Check one of the following:				
<input type="checkbox"/> New Agreement <input type="checkbox"/> Change in Existing Agreement				
2. Employee Name	3. Organization	4. Position Title	5. Series and Grade	
6. Office Telephone No.	7. Supervisor (Name/Title)			
8. Type of Telework: <input type="checkbox"/> Regular (Core) <input type="checkbox"/> Situational (Episodic)				
<b>Part I - Completion of this agreement indicates that:</b>				
1. The employee's telework arrangement begins on _____ (date)				
2. The employee's official tour of duty and location are listed below.				
DAY	Telework Days (Week 1)	Start and End Times	Telework Days (Week 2)	Start and End Times
<b>Monday</b>				
<b>Tuesday</b>				
<b>Wednesday</b>				
<b>Thursday</b>				
<b>Friday</b>				
3. Employee volunteers to participate in the program and to adhere to the applicable guidelines and policies. Agency concurs with employee participation and agrees to the applicable guidelines and policies.				
4. Employee understands that FEMA may require participating employee to work from their telework site, e.g., home, satellite office, or other location, during periods of Unscheduled Telework authorization due to area closures, dismissals, unforeseen emergencies or other reasons as authorized by the Supervisor.				
5. Management reserves the right to alter the employee's established telework schedule to accommodate peak workload office demands or for any other official purpose with advance notifications.				
6. Employee's official tour of duty must include at least a 30-minute uncompensated lunch.				
7. Employee's official duty station is: _____ (City and State) for purposes such as pay, travel, etc. The location at which the employee is designated to work (i.e., alternate work location) while not at the official duty station is: _____				
The phone number of the alternate worksite is _____				
8. Employee understands requirements for an adequate and safe office space and that these requirements must be met.				
9. An employee approved for telework is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group.				
10. The employee will regularly meet/speak with the supervisor to receive assignments and to review completed work as necessary or appropriate. The employee's job performance will be evaluated on criteria and milestones determined by the supervisor with input from employee.				
11. Employee's Time and Attendance (WebTA) for all official duty time spent in a Teleworking status will be recorded using the proper Telework code. The supervisor and employee are responsible for ensuring the accuracy of time and attendance reported for the employee's work at the official duty station and the alternative workplace. The supervisor agrees to certify biweekly the employee's Time and Attendance Daily Report for hours worked. The employee's timekeeper will retain a copy of the employee's work schedule.				
12. Employee agrees to participate in surveys and data calls relative to the FEMA Telework Program, as requested.				
13. The employee must obtain supervisory approval before taking leave in accordance with established office procedures in accordance with FEMA's Absence and Leave policies. Use of sick leave, annual leave, or other leave credits during regularly scheduled telework time must be approved in advance by the supervisor. Overtime must be approved in advance by the supervisor.				
14. Employee will utilize Government equipment for official business only and in accordance with applicable laws, regulations, policies, etc., as well as safeguard said equipment. Employee is responsible for servicing and maintaining employee-owned equipment.				
15. The employee agrees to permit access to their home by agency representatives when necessary to ensure proper maintenance of agency-owned equipment. Teleworkers should be given at least one day's advance notice of any such visit. Visits should only be done during regular working hours.				

16. Employee is covered under the Federal Employees Compensation Act in the course of performing official duties at the alternate work location or official duty station. Any accident or injury which occurs at the alternate work location must be brought immediately to the attention of the supervisor.
17. Employee's most recent performance rating must be at least equivalent to "proficient" or "achieved expectations".
18. Employee understands that telework is not a substitute for dependent care (child care or elder care) and that appropriate arrangements must be made to accommodate children and adults who cannot care for themselves, while performing official duties in a telework site.
19. The employee understands that the Government will not be responsible for any operating costs that are associated with the use of employee's home as an alternative workplace, for example home maintenance, insurance or utilities.
20. Employee will apply approved safeguards to protect Government records from unauthorized disclosure or damage and will comply with the provisions set forth in the Privacy Act of 1974, Public Act of 1974, Public Law 93-579, codified at Title 5, U.S.C., Section 55a.
21. The employee agrees to abide by the Department of Homeland Security and FEMA Standards of Ethical Conduct Standards while working on official duty.
22. Telework agreements will be reviewed and discussed between the employee and supervisor on an annual basis.
23. Management may terminate participation in this arrangement at any time.

24. The employee may withdraw from the program at any time. The supervisor and employee understand that either party may terminate the Telework agreement with reasonable advance notice, generally fourteen calendar days, but not less than seven calendar days and require the employee to resume working at his/her official duty station. Reasons for termination will be documented by the supervisor and/or employee and filed with this agreement.

#### **Compliance with this Agreement**

The employee's failure to comply with the terms of this agreement may result in the termination of this agreement and the telework arrangement. Failure to comply with the provisions of this agreement may also result in appropriate disciplinary or adverse action against the employee.

#### **Part - II**

##### **Certification**

By signing this agreement, the employee certifies that (s)he has read the terms of this agreement and agrees to follow the policies and procedures outlined in them as well as all other applicable regulations, policies, and procedures.

*May Meindl*

Employee's Signature

Title

Date

Supervisor's Signature

Title

Date

Telework Coordinator's Signature

Date Reviewed

#### **Part III - Approval/Disapproval**

Your request to participate in the telework program is:  Approved as written  Approved with the following modification(s)

--

**Disapproved for the following reason(s):**

- The employee does not have sufficient duties or work activities suitable for performance at an alternate work site.
- The employee's absence from the work place under a telework arrangement will unacceptably impact the operation of the work unit.
- The extent of supervision required for the employee could not be achieved in conjunction with a telework arrangement.
- The employee's alternative work site does not meet prescribed acceptability standards. (State the specific deficiency issue(s), such as: safety, two-way communications, access to required materials, IT security, or non-work related distractions and/or obligations.)
- The employee does not meet performance eligibility requirements. (State the specific deficiency issue(s) such as: writing, problem-solving, reliability for the following prescribed policies and procedures, organization/time management skills, or work quality/quantity.)
- The employee does not meet conduct-related eligibility requirements. (State the specific deficiency issues(s), such as: leave abuse, excessive absence, or a record of misconduct which precludes participation at this time. If no additional misconduct in one (1) year, employee may reapply.)
- Other (please specify): \_\_\_\_\_

Supervisor's Signature

Title

Date

Telework Program Coordinators Signature

Date



# FEDERAL EMERGENCY MANAGEMENT AGENCY

## MANUAL

Date

Number

December 3, 2002

1430.1 Chg. 1

ER

### Reasonable Accommodation for the Federal Emergency Management Agency

#### Foreword

**1. Purpose.** This transmits changes to FEMA Manual 1430.1, “Reasonable Accommodation for the Federal Emergency Management Agency” (FEMA), dated August 22, 2001. Requests for reasonable accommodations will be processed by FEMA, and where appropriate, provided in a prompt, fair and efficient manner.

**2. Action Required.** Holders of FEMA Manual 1430.1, shall file this transmittal sheet in front of the Manual for reference purposes.

**3. Change Lines.** A vertical line in the right or left margins immediately opposite the new or revised material indicates new or revised material appearing on the change page.

#### Insert

New Table of Contents

Pages 1-1, 1-2, and 1-3

Pages 2-1

Page 3-1

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#### Remove

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/s/

Joe M. Allbaugh  
Director

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**Appendix A - FEMA Form 14-13, "Request for Reasonable Accommodation"**

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**Appendix C - Department of Defense (DOD) – CAP (Computer Accommodation Program) Accommodation Request Form**

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**Chapter 1**

### **General Information**

**1-1. Purpose.** This manual establishes the policy and procedures for the Federal Emergency Management Agency (FEMA) on reasonable accommodation.

**1-2. Applicability and Scope.** The provisions of this manual are applicable to permanent full-time and part-time employees, Cadre On-Call Response (CORE) employees, Disaster Assistance Employees (DAEs), disaster local hires and applicants for any of these positions at FEMA.

**1-3. Policy.** FEMA's policy is to fully comply with the reasonable accommodation requirements of the Rehabilitation Act of 1973. Under the law, Federal agencies must provide reasonable accommodations to qualified individuals with disabilities, except in cases where this would cause undue hardship. (See Section 1-8 for definitions of "Qualified Individual With a Disability" and "Undue Hardship".)

**1-4. Procedures.** Requests for reasonable accommodation can be made as follows:

a. An employee may request a reasonable accommodation orally or in writing from his/her immediate supervisor or the Disability Program Manager. Any request must be documented on Form 14-13, "Request for Reasonable Accommodation" (Appendix A).

b. An applicant for employment may request a reasonable accommodation orally or in writing from any FEMA employee with whom s/he has contact in connection with the application process. Such employee must forward the request to the appropriate decision maker (as delineated in Section 1-7) as soon as possible. An applicant for employment may also request reasonable accommodation from the Disability Program Manager in the Office of Equal Rights. An oral request must be documented on Form 14-13, "Request for Reasonable Accommodation" (Appendix A).

c. A family member, health professional, or other representative may request an accommodation on behalf of a FEMA employee or applicant. The request should go to one of the same persons to whom the employee or applicant would make the request.

**1-5. Authority.** Section 501 of the Rehabilitation Act of 1973. Under this law, Federal agencies must provide reasonable accommodation to qualified employees or applicants with disabilities, except in cases where this would cause undue hardship to the Agency.

**1-6. References.** Title 29, Code of Federal Regulations (CFR) Part 1614.

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**1-7. Responsibilities.** The FEMA staff member who first receives the request from an employee must forward it to the individual's first line supervisor who will be the decision maker. The FEMA staff member who first receives the request from an applicant for employment at FEMA Headquarters, one of the regions, or for a CORE or DAE position must forward it to the Deputy Director, Human Resources Division who will be the decision maker. The FEMA staff member who first receives the request from an applicant for employment as a local hire in a disaster must forward it to the FCO or his/her designee who will be the decision maker in conjunction with the Equal Rights Officer servicing that disaster.

**1-8. Definition of Key Terms.**

**a. Reasonable Accommodation:** Any change in the work environment or in the way things are customarily done that would enable a qualified individual with a disability to have employment opportunities equal to those of an individual without a disability. Reasonable accommodations may include:

- (1) Making existing facilities accessible;
- (2) Part-time or modified work schedules;
- (3) Acquiring or modifying equipment; and
- (4) Providing qualified readers or interpreters.

**b. Disability:** A physical or mental impairment that substantially limits a major life activity (i.e., caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working).

**c. Qualified Individual with a Disability:** An individual with a disability is qualified if: (1) he/she satisfies the requisite skill, experience, education, and other job-related requirements of the position; and, (2) he/she can perform the essential functions of the position, with or without reasonable accommodation.

**d. Essential Functions:** Those job duties that are so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; or, the function is specialized and the individual is hired based on his/her ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description.

**e. Undue Hardship:** FEMA must provide reasonable accommodation for a disability unless it would cause significant difficulty or expense. Determination of undue hardship is always made on a case-by-case basis, considering factors that include the nature and cost of the reasonable accommodation needed and the impact of the reasonable accommodation on the operations of the agency.

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**1-9. Forms Prescribed.** This manual prescribes the use of the following forms:

FEMA Form 14-13, "Request for Reasonable Accommodation" (Note: the reverse of this form is "Management Response to Request for Reasonable Accommodation"); FEMA Form 14-13A, "Reasonable Accommodation Information Reporting Form." These FEMA forms, may be obtained through the Agency's Printing, Publications and Graphics Arts Branch, Program Services and Systems Branch, Administration and Resource Planning Directorate or by accessing the FEMA electronic forms website at <http://DocNet.fema.gov>. This manual also prescribes the use of the Department of Defense (CAP) form, which may be obtained from the Office of Equal Rights.

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Chapter 2

**Requests For Reasonable Accommodation**

**2-1. Reasonable Accommodations.**

- a.** A request for reasonable accommodation is a statement that an individual needs an adjustment or change at work, in the application for employment, or in a benefit or privilege of employment, for a reason related to a medical condition. The reasonable accommodation process begins as soon as the request for accommodation is made.
- b.** An individual with a disability may request a reasonable accommodation whenever he/she chooses, even if he/she has not previously disclosed the existence of a disability. However, the individual must make the manager aware that he/she has a disability at the time of the request. Special words, such as "*reasonable accommodation*," "*disability*," or "*Rehabilitation Act*" do not necessarily have to be used in making the request.
- c.** For specific procedures, (See 1-4). |

**2-2. Written Requests.**

- a.** To enable FEMA to keep accurate records regarding requests for accommodation, employees and applicants for employment seeking a reasonable accommodation should follow up an oral request by completing the attached "Request For Reasonable Accommodation" form (Appendix A) and providing it to the decision maker.
- b.** The "Request for Reasonable Accommodations" form should be filled out as soon as possible following an oral request, but it is not a requirement for processing the request itself. FEMA will begin processing the request as soon as it is made, whether or not the form has been filled out. If an employee does not fill out the form, the decision maker on the request should do so.
- c.** The "Request for Reasonable Accommodations" form is not required to be filled out when an individual needs a reasonable accommodation on a repeated basis (e.g., the assistance of sign language interpreters or readers). The written form is required only for the first request although appropriate notice by the employee must be given each time the accommodation is needed.

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**Chapter 3**

**Examples of Accommodations:**

**3-1. Computer and Electronic Assistive Devices.** FEMA has an interagency agreement with the Department of Defense (DOD), to provide computer and electronic assistive devices to accommodate employees with disabilities. Examples of such accommodations include voice recognition/keyboards, telecommunication devices, training on assistive technology, screen readers/magnification, assistive listening devices, and captioning services. To request such an accommodation the employee must complete DOD's Computer Accommodations Program (CAP) form and have it approved by his/her supervisor and coordinated with the Disability Program Manager in the Office of Equal Rights.

**3-2. Reader or Sign Language Interpreter.** When an employee has a recurring, predictable need for accommodation, such as a reader or sign language interpreter, FEMA may be obligated to provide it, whether or not the employee has requested it. When an employee does make such a request, it can be handled by the employee's immediate supervisor. Readers and sign language interpreters may not always be immediately available. Therefore, supervisors should plan activities requiring such services in advance to ensure their availability. The Deputy Director, Human Resources Division will handle requests from applicants for employment at Headquarters, the regions, and for applicants for employment as CORE and DAE employees. The FCO or his/her designee(s) in conjunction with the Equal Rights Officer at disaster sites will handle requests from applicants for employment for positions as local hires. The Disability Program Manager in the Office of Equal Rights is available to provide technical assistance and information regarding resources for sign language interpreters.

**3-3. Accessible Parking and Materials In Alternative Formats.** Requests from employees for accessible parking and materials in alternative formats can be handled by the employee's immediate supervisor or the Disability Program Manager. The Deputy Director, Human Resources Division will handle requests from applicants for employment at Headquarters, the regions, and for applicants for employment as CORE and DAE employees. The FCO or his/her designee(s) in conjunction with the Equal Rights Officers at disaster sites will handle requests from applicants for employment for positions as local hires.

**3-4. Telework.** Telework is available only to permanent full-time, permanent part-time and CORE employees. Requests for telework as a reasonable accommodation for a disability must be made in accordance with the procedures outlined in the FEMA Manual "Program Guidance for Flexible Workplace Environment" (FEMA Manual 3000.3/July 2000). Such requests must include sufficient medical documentation to substantiate the need for telework. When submitting the "Telework Application Form" to the supervisor, the box for "medical" must be checked under "Application Type."

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**Chapter 4**

**Interactive Process**

**4-1. Interactive Process.** The parties need to discuss the issue to determine what, if any, accommodation should be provided. This means that the individual requesting the accommodation and the FEMA decision maker must talk to each other about the request, the process for determining whether an accommodation will be provided, and potential accommodations.

Communication is a priority throughout the entire process. The FEMA decision maker will have the principal responsibility for identifying possible accommodations. He/she will take a proactive approach in searching out and considering possible accommodations, including consulting appropriate resources for assistance. The employee requesting the accommodation should also participate to the extent possible in helping to identify an effective accommodation. The Disability Program Manager is also available to provide assistance.

- a.** The FEMA decision maker will: (1) explain to the applicant or employee that he/she will be making the decision on the request; and, (2) describe what will happen in the processing of the request. This initial discussion should happen as soon as possible.
- b.** On-going communication is particularly important where the specific limitation, problem, or barrier is unclear; where an effective accommodation is not obvious; or where the parties are considering different possible reasonable accommodations. In those cases where the disability, the need for accommodation, and the type of accommodation that should be provided, are clear, extensive discussions are not necessary. Even so, the decision maker and requesting individual should talk to each other to make sure that there is a full exchange of relevant information.
- c.** The decision maker or any other FEMA official who receives information in connection with a request for reasonable accommodation must keep the information confidential. He/she may share information connected with that request with other agency officials only when the agency official(s) need to know the information in order to make a determination on a reasonable accommodation request.
- d.** There are specific considerations in the interactive process when responding to a request for reassignment.

**(1)** Reassignment is a form of reasonable accommodation that must be provided to an employee, who, because of a disability, can no longer perform the essential functions of the position he/she holds, with or without reasonable accommodation. Reassignment is a “last resort” accommodation that must be considered if there are no effective accommodations that would enable the employee to perform the essential functions of his/her current job, or if all other possible accommodations would impose undue hardship on the Agency.

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(2) Reassignment is available only to employees, not to applicants. In addition, reassignment may be made only to a vacant position. The law does not require that agencies create new positions or move employees from their jobs in order to create a vacancy.

(3) In considering whether there are positions available for reassignment, the Disability Program Manager will work with the Human Resources Division, the offices identifying the vacancies, and the individual requesting the accommodation to identify: (1) vacant positions within the agency for which the employee may be qualified, with or without reasonable accommodation; and, (2) positions which the Human Resources Division has reason to believe will become vacant over the next 60 business days and for which the employee may be qualified. The agency will first focus on positions that are equivalent to the employee's current job in terms of pay, status and other relevant factors. If there is no vacant equivalent position, FEMA will consider vacant lower level positions for which the individual is qualified.

(4) Reassignment may be made to a vacant position outside of the employee's commuting area if the employee is willing to relocate. As with other transfers not required by management, FEMA will not pay for the employee's relocation costs.

**4-2. Requests for Medical Information.** FEMA is entitled to know that an employee or applicant has a covered disability that requires a reasonable accommodation. In some cases the disability and need for accommodation will be obvious or otherwise already known to the decision maker. In these cases, FEMA will not seek any further medical information. However, when a disability and/or need for reasonable accommodation is not obvious or otherwise already known to the decision maker, FEMA may require that the individual provide documentation about the disability and his or her functional limitations. A request for medical documentation may be made to the individual and/or the individual may be asked to obtain information from an appropriate professional, such as a doctor, social worker, or rehabilitation counselor. The information may include:

- a. The nature, severity, and duration of the individual's impairment;
- b. The activity or activities that the impairment limits;
- c. The extent to which the impairment limits the individual's ability to perform the activity or activities; and/or,
- d. Why the individual requires the particular reasonable accommodation requested, as well as how the accommodation will assist the individual in applying for a job, performing the essential functions of the job, or, enjoying a benefit of the workplace.

(1) If a decision maker believes that medical information is necessary in order to evaluate a request for reasonable accommodation, he/she should coordinate such request with the Disability Program Manager in the Office of Equal Rights prior to requesting such information.

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(2) When medical documentation is submitted to the decision maker, he/she must provide all such documentation to the Disability Program Manager at the conclusion of the process for record keeping purposes.

e. In order to get the most helpful information possible, all requests for medical documentation should describe the nature of the job, the essential functions the individual is expected to perform, and any other relevant information.

f. The individual requesting the accommodation will be asked to sign a limited release of medical information specific to the accommodation requested.

g. If the information provided by the health professional, or by the individual requesting the accommodation, is insufficient to determine whether an accommodation is appropriate, the decision maker may ask for further information.

(1) However, he/she will explain to the individual seeking the accommodation, in specific terms, why the information provided is insufficient, what additional information is needed, and why it is necessary for a determination of the reasonable accommodation request.

(2) The individual may then ask the health care, or other appropriate medical professional to provide the missing information. FEMA may submit a list of specific questions for this purpose.

(3) If, after a reasonable period of time there is still not sufficient information to demonstrate that the individual has a disability and needs a reasonable accommodation, the decision maker, in consultation with the Disability Program Manager, may request that the individual be examined by a physician chosen by FEMA, at FEMA's expense.

h. In some cases, the individual requesting the accommodation will supply medical information directly to the decision maker without being asked. In these cases, the decision maker will consider such documentation and if additional information is needed, the decision maker will follow the process as set forth in this section. The failure to provide appropriate documentation or to cooperate in the Agency's efforts to obtain such documentation can result in a denial of the reasonable accommodation.

i. Any exceptions to this process will be handled on a case-by-case basis.

**4-3. Confidentiality Requirements.** All requests for reasonable accommodation must be kept confidential. Under Section 501 of the Rehabilitation Act of 1973, medical information obtained by FEMA in connection with the reasonable accommodation process must be kept confidential. This includes medical information about functional limitations and reasonable accommodation needs. Requests for reasonable accommodation must also be kept in files separate from the individual's personnel file. Any FEMA employee who obtains or receives such information is strictly bound by these confidentiality requirements.

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**a.** The Disability Program Manager will maintain custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records, and will respond to all requests for disclosure of the records. All records will be maintained in accordance with the Privacy Act, the requirements of 29 C.F.R. 1611 and this guidance document.

**b.** This information may be disclosed only as follows:

(1) Supervisors and managers who need to know may be told about necessary restrictions on the work or duties of the employee and about the accommodation(s), but medical information should only be disclosed if strictly necessary;

(2) First aid and safety personnel may be informed, when appropriate, should the disabled employee require emergency treatment;

(3) Government officials may be given information necessary to investigate the Agency's compliance with the Rehabilitation Act; and,

(4) The information may, in certain circumstances, be disclosed to workers' compensation offices or insurance carriers.

**c.** Whenever medical information is disclosed, the recipient of the information must be informed of the confidentiality requirements.

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**Chapter 5**

**Time Frames**

**5-1. Processing Requests.** FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:

- a. Requests from applicants for employment should be expedited when necessary to ensure the applicant's ability to compete for the position. However, these requests should not exceed ten (10) business days.
- b. If a request from an employee is processed by the supervisor, the request should be processed, and the accommodation, if granted, provided within 15 business days from the date of receipt of the request. Requests for accommodation should be expedited when the accommodation is needed to enable the employee to participate in an Agency activity scheduled to occur in the near future.
  - (1) If the decision maker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decision maker will request the information as soon as possible after his or her receipt of the request for accommodation. FEMA recognizes that the need for documentation may not become apparent until after the interactive process has begun.
  - (2) In cases where medical documentation is needed, the accommodation, if granted, will be provided within ten (10) business days for an applicant, and within 15 business days for an employee, from the date the decision maker receives the relevant information, absent any extenuating circumstances.
- c. Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided within 15 business days from the date of the request. If medical documentation is necessary, the decision will be made within 15 business days of receipt of the medical information, absent any extenuating circumstances.

**5-2. Extenuating Circumstances.** These are factors that could not reasonably have been anticipated or avoided in advance of the request for accommodation. When extenuating circumstances are present, the time for processing a request for reasonable accommodation and providing the accommodation will be extended on a case-by-case basis. Such extensions may be

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granted by the second level supervisor, in the case of a request from an employee, and the Disability Program Manager, in the case of a request from an applicant. It is FEMA's policy that extensions based on extenuating circumstances should be limited to circumstances where they are strictly necessary. FEMA staff is expected to act as quickly as possible in processing and providing accommodations. The following are examples of extenuating circumstances:

- a.** There is an outstanding initial or follow-up request for medical information, or the medical information is being evaluated.
- b.** The purchase of equipment may take longer than 15 business days because of requirements under the Federal Acquisition Regulation and the processing of requests through the DOD CAP program. Requests for computer and electronic equipment through the DOD CAP program are likely to take an additional 15-20 days.
- c.** Equipment is back-ordered, the vendor typically used by FEMA for goods or services has unexpectedly gone out of business, or the vendor cannot promptly supply the needed goods or services and another vendor is not immediately available.
- d.** The employee with a disability needs to try working with equipment on a trial basis to ensure that it is effective before FEMA buys it.
- e.** New staff needs to be hired or contracted for, or an accommodation involves the removal of architectural barriers.
- f.** "Extenuating circumstances" covers limited situations in which unforeseen or unavoidable events prevent prompt processing and delivery of an accommodation. For example, FEMA may not delay processing or providing an accommodation because a particular staff member is unavailable.

(1) Where extenuating circumstances are present, the decision maker must notify the individual of the reason for the delay, and the approximate date on which a decision, or provision of the reasonable accommodation, is expected. Any further developments or changes should also be communicated promptly to the individual.

- a.** If there is a delay in providing an accommodation that has been approved, the decision maker must investigate whether temporary measures can be taken to assist the employee. This could include providing the requested accommodation on a temporary basis or providing a less effective form of accommodation. In addition, the decision maker may provide measures that are not reasonable accommodations within the meaning of the law (e.g., temporary removal of an essential function) if: (1) they do not interfere with the operations of the Agency; and, (2) the employee is clearly informed that they are being provided only on a temporary, interim basis.

**5-2**

(2) If a delay is attributed to the need to obtain or evaluate medical documentation and FEMA has not yet determined that the individual is entitled to an accommodation, FEMA may provide accommodation on a temporary basis. In this case, the decision maker will notify the individual in writing that the accommodation is being provided on a temporary basis pending a decision on the request.

(3) FEMA decision makers who approve temporary measures are responsible for assuring that they do not take the place of a permanent accommodation and that all necessary steps are being taken to secure a permanent accommodation.

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**Chapter 6**

**Granting a Reasonable Accommodation Request**

**6-1. Granting a Request.** As soon as the decision maker determines that a reasonable accommodation will be provided, the decision should be immediately communicated to the individual. If the accommodation cannot be provided immediately, the decision maker must inform the individual of the projected time frame for providing the accommodation. This notice does not need to be in writing.

**6-2. Denial of a Request.** In the case of a denial of a request for reasonable accommodation, the decision maker must fill out the “Management Response to Request For Reasonable Accommodation” form on the back of the “Request for Reasonable Accommodation” form (Appendix A) and provide a copy to the individual requesting the accommodation. The denial should clearly state the specific reasons for the denial. Where the decision maker has denied a specific requested accommodation, but offered an alternative accommodation not previously discussed, the denial notice should explain both the reasons for the denial and the reasons that the decision maker believes that the chosen accommodation will be effective. Denial of a request for reasonable accommodation may include the following:

- a.** The requested accommodation and the reasons the accommodation would not be effective and why.
- b.** The reason the requested accommodation would result in undue hardship to the agency. Before reaching this determination, the decision maker must have explored whether other effective accommodations exist which would not impose undue hardship and therefore can be provided. A determination of undue hardship means that FEMA finds that a specific accommodation would result in significant difficulty or expense, or would fundamentally alter the nature of FEMA’s operations.
- c.** Medical documentation is inadequate to establish that the individual has a disability and/or needs a reasonable accommodation.
- d.** The requested accommodation would require the removal of an essential job function.
- e.** The requested accommodation would require the lowering of a performance or production standard. (The decision maker must understand that temporary adjustments, including lowering performance or production standards, are allowed during the normal course of business, if circumstances warrant it. For instance, a supervisor may, if an employee is temporarily but seriously ill, temporarily lower a performance or production standard to accommodate the employee.)

**6-1**

Keep in mind that the actual notice to the individual must include specific reasons for the denial, for example, why the accommodation would not be effective or why it would result in undue hardship.

The written notice of denial informs the individual that he/she has the right to file an Equal Employment Opportunity (EEO) complaint, and may have the right to pursue Merit Systems Protection Board (MSPB) and union grievance procedures. The notice also explains FEMA's procedures for informal dispute resolution.

**6-3. Dispute Resolution.** Individuals with disabilities can request prompt reconsideration of a denial of reasonable accommodation.

- a. If an employee is denied his/her request for reasonable accommodation, he/she may appeal directly to his/her second level supervisor. The employee may present additional information in support of his/her request. The second level supervisor will respond to this request within ten (10) business days.
- b. If an applicant is denied his/her request for reasonable accommodation, he/she may appeal directly to the Disability Program Manager in the Office of Equal Rights. The applicant may present additional information in support of his/her request. The Disability Program Manager will respond to this request within ten (10) business days.
- c. In an effort to resolve issues or concerns, employees or applicants can request to participate in the Alternative Dispute Resolution Program.

The pursuit of any of the informal dispute resolution procedures identified above does not affect the time limits for initiating statutory and collective bargaining claims. An individual's participation in any or all of these informal dispute resolution processes does not satisfy the requirements for bringing a claim under EEO, MSPB, or union grievance procedures.

**6-2**  
**Chapter 7**

**Claims**

**7-1. Statutory and Collective Bargaining Claims.** This policy is in addition to statutory and collective bargaining protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory and collective bargaining claims, including time frames for filing such claims, remain unchanged.

An individual who chooses to pursue statutory or collective bargaining remedies for denial of reasonable accommodation must:

- a.** For an EEO complaint, contact an EEO counselor within 45 days from the date of receipt of the written notice of denial;
- b.** For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or,
- c.** Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3.

If a member of the Office of Equal Rights has had any involvement in the processing of the request for reasonable accommodation, that staff member shall remove him or herself from any involvement in the processing of an EEO counseling contact or EEO complaint in connection with the request.

**7-1**  
**Chapter 8**

**Assistance Information**

**8-1. Tracking and Reporting.** FEMA is required to identify the following information regarding requests for reasonable accommodation:

- a.** The number and types of reasonable accommodation that have been requested for each job (occupational series, grade level), by agency component;
  - b.** Whether those requests have been granted or denied;
  - c.** How many of those requests relate to the benefits or privileges of employment;
  - d.** The reasons for denial of requests for reasonable accommodation;
  - e.** The amount of time taken to process each request for reasonable accommodation; and,
  - f.** The sources of technical assistance that have been consulted in trying to identify possible reasonable accommodations.
- g.** The Disability Program Manager will retain for at least three (3) years information or any cumulative records used to track FEMA's performance with regard to reasonable accommodation.

In accordance with the information tracking requirements, the decision maker must complete the attached "Reasonable Accommodations Information Reporting Form" and submit it to the Disability Program Manager within ten (10) business days of the decision. The decision maker should attach copies of all information, including medical documentation he/she received as part of processing the request.

The Disability Program Manager will maintain records related to an employee's request for accommodation for the duration of the employee's tenure.

**8-2. Inquiries.** Any person wanting further information concerning these procedures may contact the Disability Program Manager in the Office of Equal Rights.

**8-3. Distribution.** These procedures will be distributed to all employees upon issuance. They also will be posted on FEMA's intranet and internet sites. Copies also will be available in the Office of Equal Rights and the Human Resources Division.

**8-1****8-4. Resource Assistance.**

- a. Listed below are resources to assist in providing reasonable accommodations:

**(1) Office of Equal Rights, FEMA**

202-646-3535 (Voice); 202-646-2745 (TT)

**(2) U.S. Equal Employment Opportunity Commission**

1-800-669-3362 (Voice); 1-800-800-3302 (TT)

<http://www.eeoc.gov>.

EEOC Enforcement Guidance: Disability-Related Inquiries and Medical Examinations of Employees Under the Americans With Disabilities Act;

EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act.

**(3) Job Accommodation Network (JAN)**

1-800-232-9675 (Voice/TT)

<http://janweb.icdi.wvu.edu/>.

**(4) ADA Disability and Business Technical Assistance Centers (DBTACs)**

1-800-949-4232 (Voice/TT)

**(5) Registry of Interpreters for the Deaf**

(301) 608-0050 (Voice/TT)

<http://www.rid.org>

**(6) RESNA Technical Assistance Project**

(703) 524-6686 (Voice) (703) 524-6639 (TT)

<http://www.resna.org/>

**(7) Computer/Electronic Accommodations Program (CAP)**

703-681-8813 (Voice/TT)

[www.tricare.osd.mil/cap](http://www.tricare.osd.mil/cap)



# Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities

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# **Affirmative Action Plan for the Recruitment, Hiring, Advancement, and Retention of Persons with Disabilities**

To capture agencies' affirmative action plan for persons with disabilities (PWD) and persons with targeted disabilities (PWTD), EEOC regulations (29 C.F.R. § 1614.203(e)) and MD-715 require agencies to describe how their affirmative action plan will improve the recruitment, hiring, advancement, and retention of applicants and employees with disabilities.

## Section I: Efforts to Reach Regulatory Goals

EEOC regulations (29 C.F.R. § 1614.203(d)(7)) require agencies to establish specific numerical goals for increasing the participation of persons with reportable and targeted disabilities in the federal government.

1. Using the goal of 12% as the benchmark, does your agency have a trigger involving PWD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

a. Cluster GS-1 to GS-10 (PWD)                          Answer: Yes

b. Cluster GS-11 to SES (PWD)                          Answer: Yes

Based on the utilization analysis of the DHS workforce by disability grouping, PWDs are participating at a rate of 8.79 percent in the GS-1 to GS-10 grades, and a rate of 10.24 percent in the GS-11 to SES grade clusters. Both rates are lower than expected, when compared to the 12 percent regulatory onboard goal.

\* For GS employees, please use two clusters: GS-1 to GS-10 and GS-11 to SES, as set forth in 29 C.F.R. § 1614.203(d)(7). For all other pay plans, please use the approximate grade clusters that are above or below GS-11 Step 1 in the Washington, DC metropolitan region.

2. Using the goal of 2% as the benchmark, does your agency have a trigger involving PWTD by grade level cluster in the permanent workforce? If "yes", describe the trigger(s) in the text box.

a. Cluster GS-1 to GS-10 (PWT<sub>D</sub>)                          Answer: Yes

b. Cluster GS-11 to SES (PWT<sub>D</sub>)                          Answer: Yes

Based on the utilization analysis of the DHS workforce by disability grouping, PWTDS (IWTD) are participating at a rate of 1.43 percent in the GS-1 to GS-10 grades, and at a rate of 1.18 percent in the GS-11 to SES grade clusters, which is lower than expected, when compared to the 2 percent onboard regulatory goal.

3. Describe how the agency has communicated the numerical goals to the hiring managers and/or recruiters.

Annual hiring goals for individuals with disabilities and targeted disabilities are formally announced in conjunction with the Veterans hiring goals on an annual basis from the DHS OCHCO to all DHS Components via the Human Capital Leadership Council (HCLC), which is composed of the senior human capital officials in OCHCO, the DHS Components, and other lines of business. The goals are further communicated to the

Components' EEO and Diversity officials and staff, to be socialized and implemented throughout the Components with human resources, EEO, and Diversity practitioners and hiring officials.

## Section II: Model Disability Program

Pursuant to 29 C.F.R. § 1614.203(d)(1), agencies must ensure sufficient staff, training and resources to recruit and hire persons with disabilities and persons with targeted disabilities, administer the reasonable accommodation program and special emphasis program, and oversee any other disability hiring and advancement program the agency has in place.

### A. PLAN TO PROVIDE SUFFICIENT & COMPETENT STAFFING FOR DISABILITY PROGRAM

- Has the agency designated sufficient qualified personnel to implement its disability program during the reporting period? If "no", describe the agency's plan to improve the staffing for the upcoming year.

Answer: Yes

CRCL's, Equal Employment Opportunity and Diversity Division, has a full-time Departmental Disability Employment Program Manager who is responsible for implementing and maturing the DHS Disability Employment Program. Also at the DHS level, (OCHCO's SRDI) has two assigned employees to support disability recruitment, career development, and retention programs across DHS. All DHS Components have identified personnel for the following programs: Selective Placement Program, Disability Employment Program, Reasonable Accommodation Program, and the Operations Warfighter Program.

- Identify all staff responsible for implementing the agency's disability employment program by the office, staff employment status, and responsible official.

Disability Program Task	# of FTE Staff by Employment Status			Responsible Official (Name, Title, Office, Email)
	Full Time	Part Time	Collateral Duty	
Processing applications from PWD and PWT	123	9	28	See full report for list of responsible officials.
Answering questions from the public about hiring authorities that take disability into account	132	9	29	See full report for list of responsible officials.
Processing reasonable accommodation requests from applicants and employees	18	0	25	See full report for list of responsible officials.
Section 508 Compliance	62	0	0	See full report for list of responsible officials.
Architectural Barriers Act Compliance	110	0	0	See full report for list of responsible officials.
Special Emphasis Program for PWD and PWT	8	0	0	See full report for list of responsible officials.

- Has the agency provided disability program staff with sufficient training to carry out their responsibilities during the reporting period? If "yes", describe the training(s) that disability program staff have received. If "no", describe the training(s) planned for the upcoming year.

Answer: Yes

DHS CRCL/EEOD provided continuous training and guidance to all responsible staff to ensure they have the most up-to-date information and resources to carry out their responsibilities effectively, to include:

- Leading Quarterly Disability Employment Advisory Council meetings covering ongoing program guidance, updates, and sharing of best practices across DHS Components.

- Participation in the Federal Exchange on Employment & Disability (FEED), a Federal Interagency working group focused on information sharing, best practices, and collaborative partnerships designed to make the Federal Government a model employer of people with disabilities.

Developed and delivered DHS Selective Placement Program Coordinator training to all identified Selective Placement Program Coordinators and Disability Program Managers.

## B. PLAN TO ENSURE SUFFICIENT FUNDING FOR THE DISABILITY PROGRAM

Has the agency provided sufficient funding and other resources to successfully implement the disability program during the reporting period? If “no”, describe the agency’s plan to ensure all aspects of the disability program have sufficient funding and other resources.

Answer: Yes

Eight of the nine DHS Components responded Yes.

Additionally, in support of meeting this measure, CRCL continued efforts during FY 2017, to encourage all DHS Components to utilize the Accessibility Compliance Management System (ACMS) to manage and track reasonable accommodations. As of January 2018, six out of nine Components are successfully using ACMS.

## Section III: Program Deficiencies in the Disability Program

In Part G of its FY 2017 MD-715 report, the agency identified the following program deficiencies involving its disability program:

Program Deficiencies	Agency Comments
Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedures available on the World Wide Web or Internet?	HQ has not met this measure.
Are 90% of accommodation requests processed within the frame set forth in the agency procedures for reasonable accommodation?	CBP and ICE have not met this measure.

Program Deficiencies	Agency Comments
Does the agency review disability accommodation decisions/actions to ensure compliance with its written procedures and analyze the information tracked for trends, problems, etc.?	FEMA and HQ have not met this measure.

## Section IV: Plan to Recruit and Hire Individuals with Disabilities

Pursuant to 29 C.F.R. § 1614.203(d)(1)(i) and (ii), agencies must establish a plan to increase the recruitment and hiring of individuals with disabilities. The questions below are designed to identify outcomes of the agency's recruitment program plan for PWD and PWTD.

### A. PLAN TO IDENTIFY JOB APPLICANTS WITH DISABILITIES

1. Describe the programs and resources the agency uses to identify job applicants with disabilities, including individuals with targeted disabilities.

DHS implemented a CRC, comprising recruiting personnel from DHS Components and led by OCHCO, Strategic Recruitment, Diversity and Inclusion to identify and monitor disability recruiting programs and resources. The Recruitment Outreach Marketing Matrix (ROMM) is used to monitor all DHS activities. The CRC also assists with the implementation of the Strategic Outreach and Recruitment Plan (SOAR). In FY 2017, the CRC continued to maintain a Top 25 list of recruiting events to attend. From this list, OCHCO identified a priority subset for DHS-wide coordination, focusing on DHS mission-critical occupations (predominantly law enforcement).

In FY 2017, DHS participated in 91 events targeting veterans with disabilities and 14 events targeting individuals with disabilities (IWD) and targeted disabilities (IWTD). Events targeting IWD and IWTD included:

- Illinois Vocational Rehabilitation, Chicago, IL
- Minnesota Vocational Rehabilitation Agency, Saint Paul, MN
- Rotary Career Fair, Bellingham, WA
- Snohomish Career Fair, Marysville, WA
- Non-Competitive Hiring Fair, St. Paul, MN
- Advancement Via Individual Determination Classes, San Antonio, TX
- Gallaudet University Spring Career Fair, Washington, DC (multiple Component attendance)
  - Employment Opportunity Information Sessions at Gallaudet, Washington, DC
  - International Technology & Persons with Disabilities Conference, San Diego, CA
  - Bender Disability Virtual Career Fair, Virtual
  - Schedule A Targeted Hiring Event, Lyndhurst, NJ

Additionally, DHS conducted the following activities:

- Provided two information sessions for three classes in February 2017 and September 2017 at Gallaudet University to discuss objectives with college students including the Workforce Recruitment Program (WRP), the Pathways program, how to apply non-competitive jobs via USAJOBS, how to obtain a Schedule A letter from medical professionals or rehabilitation offices, and professionalism.

- In support of the DOL's Workforce Recruitment Program, conducted approximately 40 telephone interviews with students from the National Technology Institute of the Deaf, Touro Law School, and the University of San Francisco. As WRP recruiters, candidate profiles were developed, as well as recommendations for further referral for the WRP 2018 database.

2. Pursuant to 29 C.F.R. § 1614.203(a)(3), describe the agency's use of hiring authorities that take disability into account (e.g., Schedule A) to recruit PWD and PWTD for positions in the permanent workforce.

DHS uses the following hiring authorities to hire individuals with disabilities into temporary and permanent positions:

- 30 percent or More Disabled Veteran (5 U.S.C. 3112; 5 C.F.R. 316.302, 316.402, and 315.707)
- Schedule A Appointing Authority (5 C.F.R. § 213.3102(u))

3. When individuals apply for a position under a hiring authority that takes disability into account (e.g., Schedule A), explain how the agency (1) determines if the individual is eligible for appointment under such authority and (2) forwards the individual's application to the relevant hiring officials with an explanation of how and when the individual may be appointed.

Each DHS Component utilizes both the Schedule A appointing authority, and the 30 percent or More Disabled Veteran authority. Component Selective Placement Program Coordinators and Veterans Employment Program Managers handle coordination of applicants who qualify under non-competitive authorities.

The Department recognizes that while it has an established policy on administering the employment of veterans, it does not currently have a policy covering the Schedule A Appointment Authority for Individuals with Disabilities. DHS will continue to explore the feasibility of developing a DHS Schedule A policy during FY 2018.

For detailed procedures on how DHS Components are handling and processing applicants eligible under both Schedule A and the 30 percent or More Disabled Veteran authority, please refer to each Component's MD-715 report.

4. Has the agency provided training to all hiring managers on the use of hiring authorities that take disability into account (e.g., Schedule A)? If "yes", describe the type(s) of training and frequency. If "no", describe the agency's plan to provide this training.

Answer: Yes

DHS developed training for all hiring managers and human resources professionals entitled, "Employment of People with Disabilities: A Roadmap to Success," which includes information on Schedule A hiring authority as well as Veterans hiring authorities that take disability into account. The training is mandatory and must be taken sixty (60) days from employment and every two years thereafter.

The Roadmap to Success training was updated during FY 2017 to include the provision of the Final Rule covering Section 501 of the Rehabilitation Act, as well as other necessary revisions. DHS plans to revise this training course over the next two years.

## B. PLAN TO ESTABLISH CONTACTS WITH DISABILITY EMPLOYMENT ORGANIZATIONS

Describe the agency's efforts to establish and maintain contacts with organizations that assist PWD, including PWT, in securing and maintaining employment.

The CRC coordinated participation in recruiting events at Gallaudet University, California State Northridge, the National Technical Institute for the Deaf, the Bender Virtual Career Fair, and recruiting and outreach events for disabled veterans through Operation Warfighter and Wounded Warrior programs.

A pilot non-paid internship program was also initiated during the summer in FY 2017, with CRCL and the Maryland Department of Rehabilitation Services, resulting in three offers of full-time employment. DHS plans to expand and encourage Component participation to increase employment opportunities throughout DHS.

## C. PROGRESSION TOWARDS GOALS (RECRUITMENT AND HIRING)

1. Using the goals of 12% for PWD and 2% for PWT as the benchmarks, do triggers exist for PWD and/or PWT among the new hires in the permanent workforce? If "yes", please describe the triggers below.

- a. New Hires for Permanent Workforce (PWD)      Answer: No
  - b. New Hires for Permanent Workforce (PWT)      Answer: Yes

During FY 2017, DHS exceeded the 12 percent hiring goal for IWD, representing 12.04 percent of all new hires. DHS did not reach the 2 percent hiring goal for IWTD. IWTD represented 1.14 percent of all new hires, which falls below the 2 percent hiring goal.

Disability workforce data includes employees who self-identify as having a disability and employees appointed under Schedule A and 30 percent or more Disabled

2. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWT among the new hires for any of the mission-critical occupations (MCO)? If "yes", please describe the triggers below.

- a. New Hires for MCO (PWD)      Answer: No
  - b. New Hires for MCO (PWT)      Answer: Yes

Based on a review of B7 Applications and Hires which represents AFD and hires for Components (CBP, HQ, ICE, USCIS, and FEMA) that are using USA Staffing Cognos, triggers exist for the following occupations of the 10 Major Occupational Classifications for IWTDs:

1802-Compliance Inspection and Support: Qualified 1.54 percent; Selections 0.69 percent

1895-Customs and Border Protection: Qualified 0.51 percent; Selections 0.00 percent

1896-Border Patrol Agent: Qualified 0.73 percent; Selections 0.00 percent

0343-Management and Program Analysis: Qualified 2.35 percent; Selections 1.98 percent

2210-Information Technology Management: Qualified 1.16 percent; Selections 0.90 percent

3. Using the relevant applicant pool as the benchmark, do triggers exist for PWD and/or PWT among the qualified *internal* applicants for any of the mission-

critical occupations (MCO)? If “yes”, please describe the triggers below.

- |  |            |
|--|------------|
| a. Qualified Applicants for MCO (PWD)  | Answer: No |
| b. Qualified Applicants for MCO (PWTD) | Answer: No |

Relevant applicant pool data is not available. Identifying which current DHS employees would qualify for a job series they are not currently in is a difficult undertaking. The Human Capital offices do not adjudicate applicant qualifications until an applicant applies for a specific position, and the applicant may qualify based on experience obtained prior to entry into their current job series, or into DHS. DHS has not attempted to develop an estimate for job series-relevant applicant pools to date. In FY 2018, DHS will work to determine whether there is a way to develop the relevant internal applicant pool percentages for each series.

4. Using the qualified applicant pool as the benchmark, do triggers exist for PWD and/or PWTd among employees promoted to any of the mission-critical occupations (MCO)? If “yes”, please describe the triggers below.

- |                              |             |
|------------------------------|-------------|
| a. Promotions for MCO (PWD)  | Answer: Yes |
| b. Promotions for MCO (PWTd) | Answer: Yes |

Based on a review of B9 Selections for Internal Competitive Promotions for Major Occupations, which represents AFD and selections for Components (CBP, HQ, ICE, USCIS, and FEMA) that are using USA Staffing Cognos, triggers exist for the following occupations for IWD and IWTDs when comparing the qualified applicant pool to the number of selections for promotions:

IWD

1896-Border Patrol Agent: Qualified 2.98 percent; Selections 2.30 percent

IWTD

1801-General Inspection, Investigation, & Compliance: Qualified 3.56 percent; Selections 1.95 percent

1895-Customs and Border Protection: Qualified 1.69 percent; Selections 0.06 percent

1896-Border Patrol Agent: Qualified 1.53 percent; Selections 0.31 percent

## Section V: Plan to Ensure Advancement Opportunities for Employees with Disabilities

Pursuant to 29 C.F.R §1614.203(d)(1)(iii), agencies are required to provide sufficient advancement opportunities for employees with disabilities. Such activities might include specialized training and mentoring programs, career development opportunities, awards programs, promotions, and similar programs that address advancement. In this section, agencies should identify, and provide data on programs designed to ensure advancement opportunities for employees with disabilities.

### A. ADVANCEMENT PROGRAM PLAN

Describe the agency's plan to ensure PWD, including PWTd, have sufficient opportunities for advancement.

All managers and supervisors are encouraged to promote the career development of all employees, including individuals with disabilities and individuals with targeted disabilities.

## B. CAREER DEVELOPMENT OPPORTUNITIES

1. Please describe the career development opportunities that the agency provides to its employees.

DHS hosted the Third Annual DHS Education Fair on September 21, 2017 in Washington, D.C., which included over 30 colleges and universities offering information on degrees and certifications available to DHS employees and family members. 225 employees and family members attended in person, and 100 employees participated by webinar. DHS Components continue to promote participation in their training and career development and academic programs through their internal Component websites and employee communications channels. Additionally, DHS employees have access to training/career development courses such as DHS's Senior Executive Service Candidate Development Program. DHS, in partnership with SkillSoft, offers approximately 20,000 online learning resources. Employees can use these online resources as quick references, practical job aids to gain in-depth knowledge, or skill practice. These resources are mapped to support competencies, job roles, or blended learning offerings.

The DHS Mentoring Program is a formal program that provides enriching experiences through reciprocal relationships and opportunities for personal and professional growth while sharing knowledge, leveraging skills, and cultivating talent. The DHS Mentoring Program is open to all DHS federal employees. The Undersecretary for Management announces mentoring opportunities and provides training to mentors. Types of mentoring include: Speed Mentoring, Flash Mentoring, Situational Mentoring, Reverse Mentoring, Group Mentoring, and Peer Mentoring. The program is evaluated, and feedback is provided on its successes, along with areas requiring improvement. The OCHCO Strategic Learning Development and Engagement Division is exercising option year four (2017-2018) of the Mentoring Connection contract. In FY 2017, the DHS Mentoring programs coordinated over ninety (90) mentoring/mentee partnerships.

2. Do triggers exist for PWD among the applicants and/or selectees for any of the career development programs? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Applicants (PWD)

Answer: No

b. Selections (PWD)

Answer: No

Detailed applicant flow data (AFD) for the career development programs identified above are not available at the DHS level. DHS CRCL will continue to coordinate efforts with OCHCO and OPM to acquire access to applicant flow data as identified in the planned activities.

During FY 2017, AFD data were not available to conduct an analysis of the applicants and selections for development programs identified above by the required benchmarks. However, when comparing the number of selections for PWD to the 12 percent goal, PWD (IWD) were selected at rates significantly below those expected in the reported mentoring programs and the SES CDP program.

3. Do triggers exist for PWTD among the applicants and/or selectees for any of the career development programs identified? (The appropriate benchmarks are the relevant applicant pool for applicants and the applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

- a. Applicants (PWTd)                          Answer: No

b. Selections (PWTd)                          Answer: No

Detailed applicant flow data (AFD) for the career development programs identified above are not available at the DHS level. DHS CRCL will continue to coordinate efforts with OCHCO and OPM to acquire access to applicant flow data as identified in the planned activities.

During FY 2017, AFD data were not available to conduct an analysis of the applicants and selections for development programs identified above by the required benchmarks. When comparing the number of selections for PWTs (IWTD) to the 2 percent goal, PWTs (IWTD) are exceeding in all programs with the exception of the Pathways-Recent Graduates program.

### **C. AWARDS**

1. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for any level of the time-off awards, bonuses, or other incentives? If "yes", please describe the trigger(s) in the text box.

a. Awards, Bonuses, & Incentives (PWD)      Answer: Yes

b. Awards, Bonuses, & Incentives (PWTD)      Answer: Yes

Based on a review of MD-715 Table B13: Employee Recognition and Awards - Distribution by Disability, PWD (IWD) and PWTD (IWTD) are not receiving awards at the expected rates when compared to the corresponding inclusion rate. DHS-wide, this was identified for the following categories:

IWD		Benchmark
1-9 hours: 34.52%	IWD Inclusion Rate: 26.87%	IWOD Inclusion Rate:
Cash awards 1 – \$500: 26.63%	IWD Inclusion Rate: 21.65%	IWOD Inclusion Rate:
Cash awards \$500 +: 59.85%	IWD Inclusion Rate: 50.41%	IWOD Inclusion Rate:
IWTD		Benchmark
1-9 hours: 34.52%	Inclusion Rate: 34.03%	IWOD Inclusion Rate:
9+ hours: 26.49%	Inclusion Rate: 25.40%	IWOD Inclusion Rate:
Cash awards \$500 +: 59.85%	Inclusion Rate: 47.37%	IWOD Inclusion Rate:

2. Using the inclusion rate as the benchmark, does your agency have a trigger involving PWD and/or PWTD for quality step increases or performance-based pay increases? If "yes", please describe the trigger(s) in the text box.

a. Pay Increases (PWD)                                  Answer: No

b. Pay Increases (PWTD)                                  Answer: No

Based on a review of MD-715 Table B13: Employee Recognition and Awards - Distribution by Disability, PWDs (IWD) and PWTD (IWTD) are exceeding the inclusion rate benchmark for quality step increase (QSI).

QSI Awards Benchmark	IWD Inclusion Rate: IWTD Inclusion Rate: IWOD Inclusion Rate:	1.16% 1.53% 0.74%
Further review indicates 4 out of 9 Components have triggers in this award category.		

3. If the agency has other types of employee recognition programs, are PWD and/or PWTD recognized disproportionately less than employees without disabilities? (The appropriate benchmark is the inclusion rate.) If "yes", describe the employee recognition program and relevant data in the text box.
- a. Other Types of Recognition (PWD)                          Answer: N/A
- b. Other Types of Recognition (PWTD)                          Answer: N/A

DHS did not have any other types of recognition programs during FY 17.

## D. PROMOTIONS

1. Does your agency have a trigger involving PWD among the qualified internal applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.
- a. SES
- i. Qualified Internal Applicants (PWD)                          Answer: No
- ii. Internal Selections (PWD)                                  Answer: No
- b. Grade GS-15
- i. Qualified Internal Applicants (PWD)                          Answer: Yes
- ii. Internal Selections (PWD)                                  Answer: No
- c. Grade GS-14
- i. Qualified Internal Applicants (PWD)                          Answer: Yes
- ii. Internal Selections (PWD)                                  Answer: No
- d. Grade GS-13
- i. Qualified Internal Applicants (PWD)                          Answer: Yes
- ii. Internal Selections (PWD)                                  Answer: No

Based on a review of MD-715 Table B11: Internal Selections for Senior Level Positions (GS 13, 14, 15, and SES) - Distribution by Disability, PWD (IWD) participation rates within the Qualified Internal Applicants indicate triggers for Grades GS-13 through GS-15. However, data shows rates for these selections exceeded their corresponding qualified applicant percentages, indicating no trigger for internal selections.

DHS SES positions were all announced and open to the public during FY 2017. DHS is unable to determine the percentage of qualified internal applicants by disability

distribution, due to limited applicant flow data available. However, when comparing the percentage of SES selections to the relevant applicant pool as an alternative comparator, selections for PWD (IWD) were lower than expected.

IWD SES Selections: 3.57% IWD Relevant Applicant Pool:  
12.00%

2. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to the senior grade levels? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.
  - a. SES
    - i. Qualified Internal Applicants (PWTD) Answer: No
    - ii. Internal Selections (PWTD) Answer: No
  - b. Grade GS-15
    - i. Qualified Internal Applicants (PWTD) Answer: Yes
    - ii. Internal Selections (PWTD) Answer: No
  - c. Grade GS-14
    - i. Qualified Internal Applicants (PWTD) Answer: Yes
    - ii. Internal Selections (PWTD) Answer: No
  - d. Grade GS-13
    - i. Qualified Internal Applicants (PWTD) Answer: Yes
    - ii. Internal Selections (PWTD) Answer: No

Based on a review of MD-715 Table B11: Internal Selections for Senior Level Positions (GS 13, 14, 15, and SES) - Distribution by Disability, PWTD (IWTD) participation rates within the Qualified Internal Applicants indicate triggers for Grades GS-13 through GS-15. However, as with IWD, data reveal rates for these selections exceeded their corresponding qualified applicant percentages, indicating no trigger for internal selections.

DHS SES positions were all announced and open to the public during FY 2017. DHS is unable to determine, due to limited applicant flow data available, the percentage of qualified internal applicants by disability distribution. However, when comparing the percentage of SES selections to the relevant applicant pool as an alternative comparator, selections for PWTD (IWTD) were lower than expected.

IWTD SES Selections: 0.00% IWTD Relevant Applicant Pool:  
1.00%

3. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

- a. New Hires to SES (PWD) Answer: No
- b. New Hires to GS-15 (PWD) Answer: No
- c. New Hires to GS-14 (PWD) Answer: No
- d. New Hires to GS-13 (PWD) Answer: No

DHS was unable to analyze new hires for PWD (IWD), as compared to the required benchmark using applicant flow data.

However, based on a review of MD-715 Table B8: New Hires by Type of Appointment, filtered down by hires for Senior Level Positions (GS 13, 14, 15, and SES) - Distribution by Disability, PWD (IWD) exceeded the 12 percent goal for all grades with the exception of SES new hires.

	Hires	Qualified Applicant Pool	
Regulatory Goal			
New Hires to SES	9.52%	Not Available	12%
New Hires to GS-15	20.73%	Not Available	12%
New Hires to GS-14	20.41%	Not Available	12%
New Hires to GS-13	21.00%	Not Available	12%

4. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the new hires to the senior grade levels? For non-GS pay plans, please use the approximate senior grade levels. If "yes", describe the trigger(s) in the text box.

- a. New Hires to SES (PWTD) Answer: No
- b. New Hires to GS-15 (PWTD) Answer: No
- c. New Hires to GS-14 (PWTD) Answer: Yes
- d. New Hires to GS-13 (PWTD) Answer: Yes

DHS was unable to analyze new hires for PWTD (IWTD), as compared to the required benchmark using applicant flow data.

However, based on a review of MD-715 Table B8: New Hires by Type of Appointment, filtered down by hires for Senior Level Positions (GS 13, 14, 15, and SES) - Distribution by Disability, PWTD (IWTD) exceeded the 2 percent goal for grades GS 15 and SES. While the percentages of new hires for GS-13 and GS-14 were notable, DHS did not meet the 2 percent goal.

	Hires	Qualified Applicant Pool	
Regulatory Goal			
New Hires to SES	4.76%	Not Available	2%
New Hires to GS-15	2.59%	Not Available	2%
New Hires to GS-14	1.54%	Not Available	2%
New Hires to GS-13	1.98%	Not Available	2%

5. Does your agency have a trigger involving PWD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.
- a. Executives
- i. Qualified Internal Applicants (PWD)                          Answer: No
- ii. Internal Selections (PWD)                                  Answer: Yes
- b. Managers
- i. Qualified Internal Applicants (PWD)                          Answer: No
- ii. Internal Selections (PWD)                                  Answer: Yes
- c. Supervisors
- i. Qualified Internal Applicants (PWD)                          Answer: No
- ii. Internal Selections (PWD)                                  Answer: No

Due to the limited availability of applicant flow data, DHS is unable to identify the participation rates by disability distribution for qualified internal applicants. When reviewing the internal selections, and using the relevant applicant pool as an alternative comparator, triggers were identified for promotions to Executive (GS 15 and above) and Manager (Mid-Level Grades 13-14) positions. No trigger was identified for Supervisors (First-Level Grades 12 and Below) positions.

PWD (IWD) Executive Selections: 2.58%  
Pool:    9.00%

PWD (IWD) Relevant Applicant

PWD (IWD) Manager Selections: 7.58%  
Pool:    10.00%

PWD (IWD) Relevant Applicant

6. Does your agency have a trigger involving PWTD among the qualified *internal* applicants and/or selectees for promotions to supervisory positions? (The appropriate benchmarks are the relevant applicant pool for qualified internal applicants and the qualified applicant pool for selectees.) If "yes", describe the trigger(s) in the text box.

a. Executives

i. Qualified Internal Applicants (PWTD)                          Answer: No

ii. Internal Selections (PWTD)                                  Answer: No

b. Managers

i. Qualified Internal Applicants (PWTD)                          Answer: No

ii. Internal Selections (PWTD)                                  Answer: No

c. Supervisors

i. Qualified Internal Applicants (PWTD)                          Answer: No

ii. Internal Selections (PWTD)                                  Answer: No

Due to the limited availability of applicant flow data, DHS is unable to identify the participation rates by disability distribution for qualified internal applicants. When reviewing the internal selections and using the relevant applicant pool as an alternative comparator, no triggers were identified for promotions to supervisory positions.

7. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWD)                                  Answer: No

b. New Hires for Managers (PWD)                                  Answer: No

c. New Hires for Supervisors (PWD)                                  Answer: No

Due to the limited availability of applicant flow data, DHS is unable to identify the participation rates by disability distribution for qualified applicants. When reviewing the new hires and using the relevant applicant pool as an alternative comparator, no triggers were identified for hires to supervisory positions for PWD (IWD).

8. Using the qualified applicant pool as the benchmark, does your agency have a trigger involving PWTD among the selectees for new hires to supervisory positions? If "yes", describe the trigger(s) in the text box.

a. New Hires for Executives (PWTD)                                  Answer: No

b. New Hires for Managers (PWTD)                                  Answer: No

c. New Hires for Supervisors (PWTD)                                  Answer: No

Due to the limited availability of applicant flow data, DHS is unable to identify the participation rates by disability distribution for qualified applicants. When reviewing

the new hires and using the relevant applicant pool as an alternative comparator, no triggers were identified for hires to supervisory positions for PWT (IWT).

## Section VI: Plan to Improve Retention of Persons with Disabilities

To be a model employer for persons with disabilities, agencies must have policies and programs in place to retain employees with disabilities. In this section, agencies should: (1) analyze workforce separation data to identify barriers retaining employees with disabilities; (2) describe efforts to ensure accessibility of technology and facilities; and (3) provide information on the reasonable accommodation program and workplace personal assistance services.

### A. VOLUNTARY AND INVOLUNTARY SEPARATIONS

1. In this reporting period, did the agency convert all eligible Schedule A employees with a disability into the competitive service after two years of satisfactory service (5 C.F.R. § 213.3102(u)(6)(i))? If "no", please explain why the agency did not convert all eligible Schedule A employees.

Answer: No

During FY 2017, DHS converted a total of 101 of 189 eligible Schedule A employees (Permanent and Temporary) to the Competitive Service, representing 53 percent conversion rate.

DHS will continue to educate supervisors and monitor progress.

Based on DHS Component-level reporting, three out of nine Components indicated no trigger.

2. Using the inclusion rate as the benchmark, did the percentage of PWD among voluntary and involuntary separations exceed that of persons without disabilities? If "yes", describe the trigger below.

- a. Voluntary Separations (PWD)                          Answer: Yes
- b. Involuntary Separations (PWD)                          Answer: No

Based on a review of MD-715 Table B14: Separations by Type of Separation - Distribution by Disability, IWD are exceeding the inclusion rate benchmark for voluntary separations.

Voluntary Separations      PWD (IWD) Inclusion Rate:      6.75%

Benchmark                      PWOD (IWOD) Inclusion Rate:      5.71%

Further review indicates four out of nine DHS Components have triggers in both voluntary and involuntary separations.

3. Using the inclusion rate as the benchmark, did the percentage of PWT among voluntary and involuntary separations exceed that of persons without targeted disabilities? If "yes", describe the trigger below.

- a. Voluntary Separations (PWT)                          Answer: Yes
- b. Involuntary Separations (PWT)                          Answer: Yes

Based on a review of MD-715 Table B14: Separations by Type of Separation - Distribution by Disability, IWTs are exceeding the inclusion rate benchmark for both voluntary and involuntary separations.

Voluntary Separations      PWT (IWT) Inclusion Rate:      8.16%

Benchmark                      PWT (IWOD) Inclusion Rate:      5.71%

Involuntary Separations PWTD (IWTD) Inclusion Rate: 0.93%  
Benchmark PWOD (IWOD) Inclusion Rate: 0.73%

Further review indicates four out of nine DHS Components have triggers in voluntary separations, and two out of nine indicate triggers for involuntary separations.

4. If a trigger exists involving the separation rate of PWD and/or PWTD, please explain why they left the agency using exit interview results and other data sources.

Based on a limited analysis of the DHS exit survey data, which includes all Components with the exception of TSA and USSS, approximately 12 percent of all employees separating completed the exit survey during the first and second quarters of FY 2017 resulting in a total of 3611 response. Of those responses, only 398 or 11 percent of the respondents, indicated they had a disability.

Of the respondents who indicated they had a disability, the top three reasons for leaving other than retirement included:

Supervision/Management –11.3%

**Personal/Family Related – 9.6%**

#### **Advancement Opportunities – 9.3%**

The top reasons mentioned above are the same as PWOD (IWOD), with the exception of moving to another DHS Component/Office at 10.1%.

When comparing the response rates for leaving based on health-related reasons, PWD (IWD) had an 8% response rate compared to a 1.1% response rate for IWODs. Further review revealed a 3% response rate for employees indicating they had a targeted disability.

Of the respondents who indicated they had a targeted disability, the top three reasons for leaving included:

for leaving included:

Salary/Pay – 11.0%

Personal/Family Related and Work Environment – tied at 9.2%

Advancement opportunities and health related reasons are next at 8.3%.

## **B. ACCESSIBILITY OF TECHNOLOGY AND FACILITIES**

Pursuant to 29 C.F.R. § 1614.203(d)(4), federal agencies are required to inform job applicants and employees of their rights under Section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794(b)), concerning the accessibility of agency technology, and the Architectural Barriers Act of 1968 (42 U.S.C. § 4151 – 4157), concerning the accessibility of agency facilities. In addition, agencies are required to inform individuals where to file complaints if other agencies are responsible for a violation.

1. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under Section 508 of the Rehabilitation Act, including a description of how to file a complaint.

DHS Accessibility Website address: <https://www.dhs.gov/accessibility>

The DHS web page for accessibility does not currently include a description of how to file a Section 508 complaint. However, the page does provide an option for the user to submit an automated comment to describe the user's accessibility issue and offers the user an option to provide recommendations to improve accessibility.

DHS CRCL will collaborate with the Office of Accessible Systems and Technology to update the page to include a notice of rights under Section 508, including a

description of how to file a complaint during FY 2018. Currently, Section 508 complaints from the public are processed under Section 504, and complaints from employees can be processed using the EEO Complaint Process or procedures under Section 504. Links to both procedures are provided below:

Filing an EEO Complaint: <https://www.dhs.gov/filing-equal-employment-opportunity-eeo-complaint>

Disability Access in the Department of Homeland Security (Section 504)  
<https://www.dhs.gov/disability-access-department-homeland-security>.

All DHS Components maintain an accessibility webpage:

CBP:	<a href="http://www.cbp.gov/site-policy-notices/accessibility">http://www.cbp.gov/site-policy-notices/accessibility</a>
USCIS:	<a href="https://www.uscis.gov/website-policies/accessibility">https://www.uscis.gov/website-policies/accessibility</a>
HQ:	<a href="https://www.dhs.gov/accessibility">https://www.dhs.gov/accessibility</a>
OIG:	<a href="https://www.oig.dhs.gov/accessibility">https://www.oig.dhs.gov/accessibility</a>
FEMA:	<a href="https://www.fema.gov/accessibility">https://www.fema.gov/accessibility</a>
FLETC:	<a href="https://www.fletc.gov/accessibility-statement">https://www.fletc.gov/accessibility-statement</a>
ICE:	<a href="https://www.ice.gov/site-policies">https://www.ice.gov/site-policies</a>
USCG:	<a href="http://www.overview.uscg.mil/access/">http://www.overview.uscg.mil/access/</a>
TSA:	<a href="https://www.tsa.gov/accessibility">https://www.tsa.gov/accessibility</a>
USSS:	<a href="https://www.secretservice.gov/section508/">https://www.secretservice.gov/section508/</a>

2. Please provide the internet address on the agency's public website for its notice explaining employees' and applicants' rights under the Architectural Barriers Act, including a description of how to file a complaint.

DHS currently has the following procedure covering rights under the Architectural Barriers Act:

[https://www.dhs.gov/sites/default/files/publications/dhs-instruction-nondiscrimination-individuals-disabilities\\_03-07-15.pdf](https://www.dhs.gov/sites/default/files/publications/dhs-instruction-nondiscrimination-individuals-disabilities_03-07-15.pdf)

Additionally, DHS employs Disability Access Coordinators at each Component to coordinate and provide support for compliance with Section 504.

In FY 2018, CRCL will coordinate DHS efforts with the DHS Office of the Chief Readiness Support Officer and Office of Facilities and Operational Support (OCRSO/FOS), to develop language required by Section 501, then socialize and implement the process throughout the Components.

The United States Access Board enforces the Architectural Barriers Act (ABA). Complainants may file an ABA complaint with the Access Board using an Online ABA Complaint Form or by e-mail, fax, or mail (please see the contact information below). For more information on how to file an ABA complaint, visit the Access Board's Complaint Form page.

3. Describe any programs, policies, or practices that the agency has undertaken, or plans on undertaking over the next fiscal year, designed to improve accessibility of agency facilities and/or technology.

DHS issued the policy and procedures for Nondiscrimination for Individuals with Disabilities in DHS-Conducted Programs and Activities (Non-Employment). Directive

Number 065-01 outlines DHS' policy and Instruction Number 065-01-001 provides implementing its instruction. This policy requires all Components to identify Disability Access Coordinators and requires each Component to conduct a self-evaluation of DHS programs and activities to ensure accessibility.

As previously stated, CRCL will collaborate with OAST, OCRSO/FOS, and DHS Components to implement standardized language to meet the requirements for posting notices on the internal and external websites that define the rights of individuals with disabilities under Section 508 and the ABA.

## C. REASONABLE ACCOMMODATION PROGRAM

Pursuant to 29 C.F.R. § 1614.203(d)(3), agencies must adopt, post on their public website, and make available to all job applicants and employees, reasonable accommodation procedures.

1. Please provide the average time frame for processing initial requests for reasonable accommodations during the reporting period. (Please do not include previously approved requests with repetitive accommodations, such as interpreting services.)

During FY 2017, the overall average time frame for processing initial requests for reasonable accommodations was approximately 20 days.

The average number of days reported by DHS Components for FY 2017 are as follows:

CBP:	41.7 Days
USCIS:	17 Days
HQ:	21 Days
FEMA:	2.5 Days
ICE:	24.37 Days
TSA:	35 Days
USCG:	16.41 Days
USSS:	11.65 Days

2. Describe the effectiveness of the policies, procedures, or practices to implement the agency's reasonable accommodation program. Some examples of an effective program include timely processing requests, timely providing approved accommodations, conducting training for managers and supervisors, and monitoring accommodation requests for trends.

DHS is committed to providing effective reasonable accommodations to employees and applicants with disabilities. The overall average processing time for reasonable accommodation requests during FY 2017 was eighteen (18) days.

DHS developed the Employment of People with Disabilities: Roadmap to Success training in 2008, updated the materials in 2012, and more recently during FY 2017 to include the provision of the final rule implementing Section 501 of the Rehabilitation Act of 1973. All supervisors, hiring officials and human capital professionals are required to complete the training within sixty (60) days of appointment and every two years after appointment. All Components use the DHS training module.

In 2016, CRCL issued DHS Instruction Number 259-01-002, Procedures for Conducting a Department-Wide Search for a Reassignment as a Reasonable Accommodation of Last Resort. This Instruction outlines the procedures used to conduct a DHS-wide search for a position that will be used in a reassignment that is a reasonable accommodation of last resort. During FY 2017, to support the implementation of the Instruction, CRCL partnered with OCHCO, then developed and

delivered training to all Component-level Reasonable Accommodation Coordinators and human capital points of contact.

DHS continues to partner with the Department of Defense (DoD), Computer/Electronic Accommodation Program (CAP) to provide assistive technology accommodation solutions. During FY 2017, CAP provided 357 accommodations to 148 employees, totaling \$126,658.90 in cost savings to DHS.

## **D. PERSONAL ASSISTANCE SERVICES ALLOWING EMPLOYEES TO PARTICIPATE IN THE WORKPLACE**

Pursuant to 29 C.F.R. § 1614.203(d)(5), federal agencies, as an aspect of affirmative action, are required to provide personal assistance services (PAS) to employees who need them because of a targeted disability, unless doing so would impose an undue hardship on the agency.

Describe the effectiveness of the policies, procedures, or practices to implement the PAS requirement. Some examples of an effective program include timely processing requests, timely providing approved services, conducting training for managers and supervisors, and monitoring PAS requests for trends.

In FY 2017, DHS posted an updated notice to CRCL Connect Page, covering the requirement to provide personal assistance services (PAS). The language reads: Consistent with the EEOC's guidance until further notice, requests for Personal Assistance Service (PAS) will be processed under reasonable accommodations procedures. In addition, a link to the EEOC guidance on providing PAS was also added.

DHS plans to revise existing Reasonable Accommodation procedures during FY 2018, to include PAS.

## **Section VII: EEO Complaint and Findings Data**

### **A. EEO COMPLAINT DATA INVOLVING HARASSMENT**

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging harassment, as compared to the government-wide average?

Answer: Yes

2. During the last fiscal year, did any complaints alleging harassment based on disability status result in a finding of discrimination or a settlement agreement?

Answer: Yes

3. If the agency had one or more findings of discrimination alleging harassment based on disability status during the last fiscal year, please describe the corrective measures taken by the agency.

DHS had two findings alleging harassment based on disability status during FY 2017. A summary of the corrective measures taken are as follows:

Finding # 1:

1. Post notice for 120 consecutive days.
2. Within 60 days of the date the decision is final, pay \$500 in non-pecuniary compensatory damages.
3. Provide training to the two EEO Specialists who processed the complaint.

**Finding # 2:**

1. Within 60 days of date of decision, provide at least three hours of training to the three named supervisors.
2. Within 90 days of date the decision becomes final, consider taking disciplinary action against the coworker and supervisor. Report who considered the disciplinary action, what factors were considered, and what action was taken. If no action is taken, report the reasons why.
3. Entitled to compensatory damages.
  - a. On September 9, 2017, a FAD awarded \$25,000 in non-pecuniary compensatory damages.
4. Entitled to attorney's fees and costs.
  - a. On September 9, 2017, a FAD awarded no attorney's fees.
5. Post notice for 60 days.

**B. EEO COMPLAINT DATA INVOLVING REASONABLE ACCOMMODATION**

1. During the last fiscal year, did a higher percentage of PWD file a formal EEO complaint alleging failure to provide a reasonable accommodation, as compared to the government-wide average?

Answer: No

2. During the last fiscal year, did any complaints alleging failure to provide reasonable accommodation result in a finding of discrimination or a settlement agreement?

Answer: Yes

3. If the agency had one or more findings of discrimination involving the failure to provide a reasonable accommodation during the last fiscal year, please describe the corrective measures taken by the agency.

DHS had two findings alleging failure to provide a reasonable accommodation based on disability status during FY 2017. A summary of the corrective measures taken are as follows:

**Finding # 1: (same as Finding # 1 for Harassment above)**

1. Post notice for 120 consecutive days.
2. Within 60 days of the date the decision is final, pay \$500 in non-pecuniary compensatory damages.
3. Provide training to the two EEO Specialists who processed the complaint.

**Finding #2:**

1. Within 60 days of receipt of the decision, provide EEO training for the HR Specialist with a focus on the correct procedures and processing of reasonable accommodations.
2. Determine back pay from June 9, 2016 to January 26, 2017.
3. Within 90 days of date decision becomes final, consider taking disciplinary action against the HR Specialist. Report who considered the disciplinary action, what factors were considered, and what action was taken. If no action is taken, report the reasons why.
4. \$7,500 in non-pecuniary compensatory damages.

- |    |  |
|----|--|
| 5. | \$13,195 in attorney's fees and \$317.70 in costs. |
| 6. | Post notice for 60 days.                           |

## Section VIII: Identification and Removal of Barriers

Element D of MD-715 requires agencies to conduct a barrier analysis when a trigger suggests that a policy, procedure, or practice may be impeding the employment opportunities of a protected EEO group.

- Has the agency identified any barriers (policies, procedures, and/or practices) that affect employment opportunities for PWD and/or PWTD?

Answer: Yes

- Has the agency established a plan to correct the barrier(s) involving PWD and/or PWTD?

Answer: Yes

- Identify each trigger and plan to remove the barrier(s), including the identified barrier(s), objective(s), responsible official(s), planned activities, and, where applicable, accomplishments.

<b>Trigger 1</b>	Lower than expected participation for individuals with disability (IWD) and targeted disabilities (IWTD) when compared to the regulatory goals of 12 percent for IWD and 2 percent for IWTD in grade clusters GS 1 – 10 and GS 11 – SES.	
<b>Barrier(s)</b>		
<b>Objective(s)</b>	Increase workforce participation rates of IWD and IWTD at all grade levels.	
<b>Responsible Official(s)</b>		<b>Performance Standards Address the Plan? (Yes or No)</b>
CRCL, OCHCO, OAST		Yes
<b>Barrier Analysis Process Completed? (Yes or No)</b>		<b>Barrier(s) Identified? (Yes or No)</b>
No		No
<b>Sources of Data</b>	<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>
Workforce Data Tables	Yes	
Complaint Data (Trends)	No	
Grievance Data (Trends)	No	
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)	No	
Climate Assessment Survey (e.g., FEVS)	No	
Exit Interview Data	No	
Focus Groups	No	

<b>Sources of Data</b>		<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>		
Interviews		No			
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)		No			
Other (Please Describe)		No			
<b>Target Date (mm/dd/yyyy)</b>	<b>Planned Activities</b>		<b>Sufficient Staffing &amp; Funding (Yes or No)</b>	<b>Modified Date (mm/dd/yyyy)</b>	<b>Completion Date (mm/dd/yyyy)</b>
12/30/2017	Issue Annual Hiring Goals for IWD and IWTD and socialize throughout DHS.		Yes		
09/30/2018	Update DHS Disability training module for managers and HR Professionals (Employment of People with Disability: A Roadmap to Success Training)		Yes		
03/30/2018	Develop mid-year reporting requirements to monitor Component progress with implementing the revised rule on Section 501 of the Rehabilitation Act.		Yes		
09/30/2018	Collaborate with OCHCO to revise DHS standard language on all vacancy announcements to encourage applicants with disabilities to apply, and to clearly explain Schedule A process and requesting reasonable accommodations.		Yes		
09/30/2018	Revise Reasonable Accommodation procedures and include procedures for providing Personal Assistance Services.		Yes		
09/30/2018	Develop and post notice of rights for employees and applicants under Section 508 of the Rehabilitation Act and the Architectural Barriers Act on the internal and external websites.		Yes		
03/30/2018	Implement and post Affirmative Action plan for Individuals with Disabilities to the DHS website internally and externally.		Yes		
<b>Fiscal Year</b>	<b>Accomplishments</b>				

<b>Trigger 2</b>	Individuals with disabilities and targeted disabilities are receiving recognition and awards at rates lower than expected when compared to individuals without disabilities.
<b>Barrier(s)</b>	
<b>Objective(s)</b>	Collaborate with OCHCO to review recognition and awards policy, practices and procedures, and determine next steps.

<b>Responsible Official(s)</b>		<b>Performance Standards Address the Plan? (Yes or No)</b>		
CRCL, OCHCO		Yes		
<b>Barrier Analysis Process Completed? (Yes or No)</b>		<b>Barrier(s) Identified? (Yes or No)</b>		
No		No		
<b>Sources of Data</b>		<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>	
Workforce Data Tables		Yes		
Complaint Data (Trends)		No		
Grievance Data (Trends)		No		
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		No		
Climate Assessment Survey (e.g., FEVS)		No		
Exit Interview Data		No		
Focus Groups		No		
Interviews		No		
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)		No		
Other (Please Describe)		No		
<b>Target Date (mm/dd/yyyy)</b>	<b>Planned Activities</b>		<b>Sufficient Staffing &amp; Funding (Yes or No)</b>	<b>Modified Date (mm/dd/yyyy)</b>
09/30/2018	Collaborate with OCHCO to review recognition and awards policy, practices and procedures, and determine next steps.		Yes	
<b>Fiscal Year</b>	<b>Accomplishments</b>			

<b>Trigger 3</b>	Unavailability of applicant flow data by disability distribution to effectively analyze percentage of qualified applicants for career development opportunities, promotions and new hires. Limited access to Applicant Flow data using current systems (USA Staffing/Cognos, Monster Government Solutions, and Learning Management Systems).
<b>Barrier(s)</b>	
<b>Objective(s)</b>	Acquire accurate and reliable applicant flow data to analyze, monitor and inform program enhancements to increase representation of IWD and IWTD in all programs and hires.

<b>Responsible Official(s)</b>		<b>Performance Standards Address the Plan? (Yes or No)</b>		
CRCL, OCHCO, SRDI, OCHCO Reports and Analysis		Yes		
<b>Barrier Analysis Process Completed? (Yes or No)</b>		<b>Barrier(s) Identified? (Yes or No)</b>		
No		No		
<b>Sources of Data</b>		<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>	
Workforce Data Tables		No		
Complaint Data (Trends)		No		
Grievance Data (Trends)		No		
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		No		
Climate Assessment Survey (e.g., FEVS)		No		
Exit Interview Data		No		
Focus Groups		No		
Interviews		No		
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)		No		
Other (Please Describe)		No		
<b>Target Date (mm/dd/yyyy)</b>	<b>Planned Activities</b>		<b>Sufficient Staffing &amp; Funding (Yes or No)</b>	<b>Modified Date (mm/dd/yyyy)</b>
09/30/2020	CRCL and OCHCO will work with OPM and Monster Government Solutions to modify data collection and reporting capabilities to match MD-715 data reporting requirements.		Yes	
09/30/2019	Coordinate with OCHCO to develop AFD framework for the SES Career Development Program, Pathways Program, and mentoring programs at the DHS level.		Yes	
<b>Fiscal Year</b>	<b>Accomplishments</b>			

<b>Trigger 4</b>	Lower than expected conversion rates of eligible Schedule A employees into competitive service.
<b>Barrier(s)</b>	
<b>Objective(s)</b>	Increase conversion rates of eligible Schedule A employees.

<b>Responsible Official(s)</b>		<b>Performance Standards Address the Plan? (Yes or No)</b>		
CRCL, OCHCO		Yes		
<b>Barrier Analysis Process Completed? (Yes or No)</b>		<b>Barrier(s) Identified? (Yes or No)</b>		
No		No		
<b>Sources of Data</b>		<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>	
Workforce Data Tables		Yes		
Complaint Data (Trends)		No		
Grievance Data (Trends)		No		
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		No		
Climate Assessment Survey (e.g., FEVS)		No		
Exit Interview Data		No		
Focus Groups		No		
Interviews		No		
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)		No		
Other (Please Describe)		No		
<b>Target Date (mm/dd/yyyy)</b>		<b>Planned Activities</b>	<b>Sufficient Staffing &amp; Funding (Yes or No)</b>	<b>Modified Date (mm/dd/yyyy)</b>
09/30/2018		Review and analyze current policies and procedures for excepted service appointments.	Yes	
01/30/2018		Monitoring Schedule A Conversions on a quarterly basis.	Yes	
09/30/2018		Coordinate efforts with OCHCO to develop DHS Schedule A policy and procedures.	Yes	
<b>Fiscal Year</b>		<b>Accomplishments</b>		

<b>Trigger 5</b>	Higher than expected separation rates for individuals with disabilities.
<b>Barrier(s)</b>	
<b>Objective(s)</b>	Increase retention rates of individuals with disabilities and targeted disabilities.
<b>Responsible Official(s)</b>	

**Performance Standards Address the Plan? (Yes or No)**

<b>Responsible Official(s)</b>		<b>Performance Standards Address the Plan? (Yes or No)</b>		
CRCL, OCHCO		Yes		
<b>Barrier Analysis Process Completed? (Yes or No)</b>		<b>Barrier(s) Identified? (Yes or No)</b>		
No		No		
<b>Sources of Data</b>		<b>Sources Reviewed? (Yes or No)</b>	<b>Identify Information Collected</b>	
Workforce Data Tables		Yes		
Complaint Data (Trends)		No		
Grievance Data (Trends)		No		
Findings from Decisions (e.g., EEO, Grievance, MSPB, Anti-Harassment Processes)		No		
Climate Assessment Survey (e.g., FEVS)		No		
Exit Interview Data		No		
Focus Groups		No		
Interviews		No		
Reports (e.g., Congress, EEOC, MSPB, GAO, OPM)		No		
Other (Please Describe)		No		
<b>Target Date (mm/dd/yyyy)</b>	<b>Planned Activities</b>	<b>Sufficient Staffing &amp; Funding (Yes or No)</b>	<b>Modified Date (mm/dd/yyyy)</b>	<b>Completion Date (mm/dd/yyyy)</b>
01/30/2018	Review and analyze exit surveys to identify barriers to retention.		Yes	
01/30/2018	Monitor separations on a quarterly basis by disability distribution.		Yes	
06/30/2018	Collaborate with OCHCO to explore feasibility of implementing new retention programs specifically for IWD and IWTD.		Yes	
<b>Fiscal Year</b>	<b>Accomplishments</b>			

4. Please explain the factor(s) that prevented the agency from timely completing any of the planned activities.

Activities are new for FY17.

5. For the planned activities that were completed, please describe the actual impact of those activities toward eliminating the barrier(s).

Activites are new for FY17.

6. If the planned activities did not correct the trigger(s) and/or barrier(s), please describe how the agency intends to improve the plan for the next fiscal year.

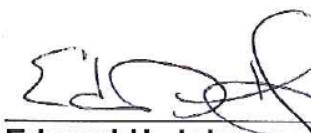
Activities are new for FY17.

**FEMA MANUAL 252-11-1**  
**CADRE OF ON-CALL RESPONSE/RECOVERY EMPLOYEE (CORE)**  
**PROGRAM**  
**APPROVAL DATE: 08/25/2015**



**DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**  
**OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**

  
Corey J. Coleman  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer  
Date: 8/25/15

  
Edward H. Johnson  
Chief Financial Officer  
Office of the Chief Financial Officer  
Date: 8/25/2015

  
David M. Robinson  
Associate Administrator  
Mission Support  
Date: Aug 25, 2015

## **Foreword**

The Federal Emergency Management Agency (FEMA) intends to achieve business and management excellence by providing guidance and policy direction for the administration of FEMA's Cadre of On-call Response/Recovery Employees (COREs). FEMA's most valuable resource is its workforce; permanent and temporary employees who are focused on and committed to leading America to prepare for, prevent, respond to, and recover from all-hazards incidents. FEMA relies upon its temporary personnel, in particular, to carry out its role in incident management and support operations and to augment FEMA's permanent workforce.

The objective of the CORE Program is to attract and maintain a pool of highly skilled and motivated temporary personnel who are well trained and ready to respond and deliver quality and timely services to survivors and communities impacted by all-hazards incidents. The publication of this Manual will ensure consistent policy application and enable FEMA to better manage COREs in a cost effective and efficient manner, while offering the necessary incentives to recruit a professional incident workforce capable of assisting disaster survivors in their time of greatest need.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

This Manual establishes the policies and procedures for FEMA's Cadre of On-call Response/Recovery Employees (CORE) Program. FEMA will achieve consistency and facilitate the equitable and effective management of all COREs through the implementation of the policies and procedures set forth in this Manual.

### **1-2. Applicability and Scope**

- A. The provisions of this Manual apply to all FEMA COREs, unless otherwise indicated.
- B. FD 010-7, Incident Management Assistance Team (IMAT) Program Directive (IMAT Directive), is applicable to COREs who receive CORE-I appointments, also known as CORE-Incident Management Assistance Team (IMAT) Members or Pilot IMATs. Inconsistencies between this Manual and the IMAT Directive are resolved in favor of the IMAT Directive.
- C. The Attorney Hiring and Promotion Plan (AHPP), dated April 21, 2014, provides pay setting, pay adjustments, and promotion policy for CORE Attorneys. Inconsistencies between this Manual and the AHPP are resolved in favor of the AHPP.

### **1-3. Authorities**

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended (Stafford Act), codified at 42 U.S.C. §§ 5121 et seq., provides FEMA with authority "to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service."

### **1-4. References**

The following list is not an exhaustive list of statutes, regulations, DHS and FEMA directives and manuals, policies, and guidance memorandums applicable to COREs.

- A. FEMA Policy 401-123-1, Equal Employment Opportunity (EEO) Policy Statement, October 1, 2014.
- B. Memorandum from the DHS Chief Human Capital Officer, Annual Leave Enhancements, February 17, 2006.
- C. DHS Instruction 121-01-007, DHS Personnel Suitability and Security Program, June 2009.
- D. DHS Management Directive 254-02, Employee Assistance Program, May 31, 2007.

- E. DHS Management Directive 0810.1, The Office of Inspector General, June 10, 2004.
- F. DHS Management Directive 3120.2, Employment of Non-Citizens, March 22, 2004.
- G. Memorandum from the Deputy Administrator, Every Employee an Emergency Manager—Action Items, January 20, 2012.
- H. FEMA Directive (FD) 010-7, Incident Management Assistance Team (IMAT) Program Directive, January 12, 2015.
- I. FEMA Directive 010-9, FEMA Incident Workforce Cadre Management, June 9, 2015.
- J. FEMA Directive 122-1, International Travel, October 24, 2011.
- K. FEMA Directive 122-2, Local Travel Reimbursement, March 12, 2013.
- L. FEMA Directive 122-4, Payment of Official Travel Expenses from a Non-Federal Source, June 27, 2013.
- M. FEMA Directive 122-7, Premium Class Travel, September 19, 2013.
- N. FEMA Directive 122-8, Invitational Travel, February 7, 2014.
- O. FEMA Directive 122-9, Travel Charge Card, April 18, 2014.
- P. FEMA Directive 119-6, Employee Physical Fitness Program, February 2, 2012.
- Q. FEMA Directive 141-1, Records Management Program Directive, March 6, 2014.
- R. FEMA Manual (FM) 106-1-1, Scheduling of Work, March 5, 2014.
- S. FEMA Manual 123-9-1, Telework, January 9, 2013.
- T. FEMA Manual 123-20-1, Drug-Free Workplace Program, July 28, 2014.
- U. FEMA Manual 253-2-1, Premium Pay, February 11, 2014.
- V. FEMA Manual 255-1-1, FEMA Employee Performance Management Program (EPMP), February 21, 2013.
- W. FEMA Manual 255-4-1, Employee Awards and Recognition, September 26, 2013.
- X. FEMA Manual 109-2-1, Privacy Program, June 4, 2013.
- Y. FEMA Manual 3300.3, FEMA Absence and Leave Policy, July 31, 2001.
- Z. FEMA Manual 6200.1, Travel Regulations, November 25, 1988.
- AA. Memorandum from the FEMA Chief Counsel, Appointment and Compensation of Stafford Act Employees Under Section 306(b)(1) of the Stafford Act, June 25, 2012.
- BB. Attorney Hiring and Promotion Plan, April 21, 2014.

CC.FEMA Interview and Selection Guidance, June 4, 2014.

DD.FEMA Budget Guidance on use of DRF/DRS resources, March 2015.

## **1-5. Policy**

- A. The authority provided by the Stafford Act allows FEMA to manage its CORE Program without being required to apply all of the provisions of Title 5, United States Code, and its implementing regulations. FEMA chooses, as a matter of policy, to administratively implement some Title 5 provisions and, in other circumstances, to use its Stafford Act authority to create and administer its own policies to more effectively manage Stafford Act employees consistent with the intent and program needs for these positions. In all circumstances, FEMA intends to develop and implement policies that are fair and equitable to its CORE workforce and that are consistently understood and implemented by FEMA managers and supervisors.
- B. COREs are hired to directly support the response and recovery efforts related to disasters and are funded out of the Disaster Relief Fund (DRF). As temporary employees, COREs cannot replace the work performed and funded through annual appropriations by permanent full-time staff. COREs can perform Stafford Act duties that are not otherwise funded in FEMA's budget and can be charged to an open disaster. The use of COREs must be reviewed and validated on a recurring basis to ensure a continued need for the positions and consistent funding decisions across FEMA.
- C. FEMA shall:
  1. Staff positions with the best qualified persons available;
  2. Develop and use COREs to the maximum extent possible consistent with the completion of FEMA's mission and the Stafford Act;
  3. Establish CORE positions with a minimum of two-year appointments (unless otherwise justified for less than two years based on workload analyses) based on requests from Offices and Directorates authorized to fill CORE positions. Offices and Directorates will request the renewal of a CORE's appointment prior to the CORE's expiration date, subject to funding (see section 3-9);
  4. Require COREs to sign a Conditions of Employment letter at the time of hiring and reappointment;
  5. Ensure that all personnel actions are taken without regard to political, religious, or labor organization affiliation or non-affiliation, marital or family status, race, color, gender, sexual orientation, national origin, disability, genetic information, age, or prior Equal Employment Opportunity (EEO) activity; without regard to criteria unrelated to the position, such as personal friendship or patronage, and that selections are based solely on job-related criteria; and do not fall within prohibited personnel practices identified at 5 U.S.C. § 2302(b);

6. Establish a pay system that will improve the ability of FEMA to attract and retain quality candidates and employees;
  7. Ensure that equal pay is provided for work of equal value, with appropriate consideration of both national and local pay rates paid by employers in the private sector, and that appropriate incentives and recognition should be provided for excellence in performance; and
  8. Provide effective education and training, consistent with Stafford Act duties, which will result in enhanced organizational and individual performance.
- D. COREs must:
1. Maintain high standards of integrity, conduct, and concern for the public interest; and
  2. Be prepared at all times to deploy or work from alternate work locations other than their normal official duty station.
- E. COREs may be terminated at any time, with cause (poor performance or misconduct), or without cause (such as when workload or funding diminishes or ends).
- F. A CORE may be subject to removal if the CORE declines a deployment request without reasonable cause.

## **1-6. Definitions**

- A. Algorithm. A formula for allocating a CORE's salary and benefits across multiple disaster declarations. The allocation should correlate to the estimated amount of time the CORE performs work attributable to each declaration.
- B. Annual Direct Charge CORE Certification. The annual process for verification of Disaster Relief Fund (DRF) related duties and the continued need for all CORE positions.
- C. Appointment. A personnel action that results in an individual becoming a FEMA employee. Individuals, who accept CORE positions, are given excepted service appointments with FEMA under the Stafford Act. Generally, appointments may not be effective prior to the date of approval by the appointing official and are only effective from the date of acceptance of the offer of employment and entrance on duty, unless a later date is stated on the SF-52, or other approving document.
- D. Ancillary Support. Personnel directly supporting disaster operations from their daily duty station.
- E. Backfill. Hiring an employee to fill a previously approved vacant funded position.
- F. Basic pay. The rate of pay fixed by administrative action for the position held before any deductions, but exclusive of additional pay of any other kind, including premium pay.

- G. Career path. A progression of positions in one or more occupational series leading to an increase in responsibility and proficiency.
- H. Confidential Financial Disclosure (OGE Form 450) Filer. A CORE who, because of the duties of his or her assigned position, must file confidential financial disclosure reports (OGE Form 450s) as directed by the Office of Government Ethics and FEMA's Office of the Chief Counsel pursuant to 5 C.F.R. § 2634 Subpart I. COREs in these positions are assigned FEMA duties that involve the exercise of significant discretion in certain sensitive areas. OGE Form 450 disclosures serve to ensure confidence in the integrity of FEMA operations by identifying and preventing potential conflicts of interest. If a CORE's position description indicates duties requiring a confidential financial disclosure, timely filing of OGE Form 450 is a condition of employment.
- I. Continuing Service Agreement (CSA). A written agreement between FEMA and a CORE under which the CORE agrees to a specified period of employment with FEMA in return for a monetary incentive or participation in a training or developmental program.
- J. Conversion Action. The process by which a non-CORE FEMA employee is appointed to a CORE position.
- K. CORE-I (IMAT CORE). A CORE assigned full-time to an IMAT and to an IMAT position description. CORE-Is receive four-year appointments and are the first FEMA personnel deployed to an incident, serving in leadership roles as part of an IMAT. When not deployed, IMAT CORE base salaries are paid from the Disaster Readiness and Support (DRS) account; however, when deployed their salaries are paid by the disaster (under the declaration). IMAT COREs are non-direct charge COREs and new, backfill, or reassignment actions are not subject to direct charge CORE requirements.
- L. Declaration. Declarations for DRF-funded events, including major disasters, emergencies, fire management declarations, and disasters under the Compact of Free Association.
- M. Demotion. A change to a lower grade or pay band and a decrease in pay as a result of an adverse action or poor performance.
- N. Direct Charge CORE. Employees whose primary duty is to carry out Stafford Act functions in support of open, active declarations or pre-event surge activities to an event for which a declaration is reasonably likely and imminent. The salary of a Direct Charge CORE is charged to Major Disasters, Emergencies, Fire Management Assistance Grants or the Disaster Surge account. Direct Charge COREs working on specific events should charge their time directly to those events. Direct Charge COREs working on multiple events or working as a part of a distributed group defined below should charge their time to an algorithm that accurately reflects the amount of work performed for each of those events. Specifically, the salary of a Direct Charge CORE may be structured in one of the following ways:

1. Specific Declaration: Salary is based on work performed on a single, specific declaration.
2. Multiple Declarations: Salary is based on work that provides services to multiple declarations and is charged based on an established algorithm.
3. Distributed Group Activities: Activities comprised of non-segregable declaration and non-declaration related functions that will be performed collectively by COREs and non-COREs. The number of COREs carrying out a particular Distributed Group Activity is based on the percentage of time required for the disaster related functions of that Distributed Group Activity. Charges are allocated across multiple disasters based on an established algorithm for the Distributed Group Activity.<sup>1</sup>

Duties related to preparedness, readiness, and planning for future events are not allowable Direct Charge CORE duties. Charging a CORE's salary to declarations when the duties performed by the CORE do not support those declarations could result in a violation of the Anti-Deficiency Act (ADA) and result in adverse actions against the responsible officials.

- O. **Distributed Group Activity Baseline**. The ratio of COREs and non-COREs carrying out a particular Distributed Group Activity as determined by the percentage declaration and non-declaration functions performed for that Activity based on verifiable workload data and evaluation of current or past budget justification materials.
- P. **FEMA Qualification System (FQS)**. A performance-based system for certifying FEMA employees as "Qualified" or "Trainee" in IM and IS positions; certification is based on successful completion of required experience, required training, and demonstrated performance (see FEMA Directive 010-9, Incident Workforce Cadre Management, dated June 9, 2014).
- Q. **Fitness Determination**. "Fitness" means "the level of character and conduct determined for an individual to perform work for or on behalf of a Federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee." Executive Order 13,488, § 2(d); implemented in DHS Instruction 121-01-007, Chapter 3.
- R. **IM CORE**. A CORE assigned to a two-year appointment and whose primary job duty is to perform an FQS incident management position. When not deployed, IM CORE base salaries are paid from the Disaster Readiness and Support (DRS) account; however, when deployed their salaries are paid by the disaster (under the declaration). IM COREs are non-direct charge COREs

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<sup>1</sup> For example, OCFO's FEMA Finance Center has a Distributed Group Activity that processes and pays invoices related to both disaster and non-disaster activities. Determining the number of CORE positions that should populate this Distributed Group Activity requires an analysis of the ratio of disaster functions versus non-disaster functions. If the analysis concludes that 70% of the functions are disaster related and the entire Distributed Group Activity requires 10 positions, then the analysis would justify 7 CORE positions out of the 10 needed to perform those functions.

- and new, backfill, or reassignment actions are not subject to direct charge CORE requirements
- S. Incident Management (IM). The incident-level operation of the Federal role in emergency response, recovery, logistics, and mitigation. Responsibilities include the direct control and employment of resources, management of incident offices, operations, and delivery of Federal assistance through all phases of response and recovery.
  - T. Incident Support (IS). The coordination of all Federal resources that support emergency response, recovery, logistics, and mitigation. Responsibilities include the deployment of national-level assets, support of national objectives and programs affected during the disaster, and support of incident operations with resources, expertise, information, and guidance.
  - U. Locality Payment. A locality-based comparability payment (see 5 U.S.C. § 5304 and 5 C.F.R. Part 531, subpart F).
  - V. Mission Essential. Personnel who perform a limited set of FEMA functions that must be continued throughout, or resumed rapidly after, a disruption of normal activities.
  - W. Non-Direct Charge CORE. COREs whose salaries are partially or wholly funded by the DRS account within the DRF. These employees' functions support operational readiness, response, and recovery functions of the Stafford Act that are not directly attributable to the response and recovery efforts of any specific declaration or pre-event surge activities to an event for which a declaration is reasonably likely and imminent. Examples of Non-Direct Charge COREs include IM and IMAT COREs when not deployed or working for an open disaster.
  - X. Offices and Directorates. Office of the Administrator, Office of Chief Counsel, Office of the Chief Financial Officer, Office of External Affairs, Office of Policy and Program Analysis, Office of Response and Recovery, Response Directorate, Recovery Directorate, Logistics Management Directorate, Protection and National Preparedness, National Preparedness Directorate, National Continuity Programs Directorate, Grant Programs Directorate, Mission Support, Office of the Chief Administrative Officer, Office of the Chief Component Human Capital Officer, Office of the Chief Information Officer, Office of the Chief Procurement Officer, Office of the Chief Security Officer, Federal Insurance and Mitigation Administration, FIA Mitigation, FIA Insurance, United States Fire Administration, and Offices of Regional Administrators.
  - Y. Pay Adjustment. Any increase or decrease in a CORE's basic pay when there is no change in the duties or responsibilities of the CORE's position within the same career path and pay plan (see sections 5-3 and 6-3).
  - Z. Pay Band. A range of pay for a group or categories of employees that FEMA established according to FEMA's Stafford Act authority.

- AA.Permanent Full-Time (PFT). A permanent FEMA employee who meets the definition of “employee” under 5 U.S.C. § 2105.
- BB.Post-Action Review. An internal control established to ensure compliance with the Annual Direct Charge CORE Certification review and documentation requirements established for Direct Charge CORE positions.
- CC.Program Area. A discrete subdivision within an Office, Division, Branch, or Unit that performs work that is substantially different from the work performed by other subdivisions.
- DD.Promotion. A personnel action that moves a CORE (1) to a higher grade; (2) from one pay band to a higher pay band in the same career path; or (3) to a position in another career path in combination with an increase in the CORE’s basic pay.
- EE.Qualifying Life Event (QLE). OPM designated events deemed acceptable to the IRS that may allow premium conversion participants to change their participation election for premium conversion outside of an open season. For more information, see OPM’s Healthcare Reference Materials for a listing of the authorized Qualifying Life Events.
- FF.Reassignment. A personnel action that moves a CORE from one position to another without promotion or change to a lower pay band, grade, or step, at management discretion and based on necessary approvals. Reassignment includes: (1) movement to a position in a new occupational series, or to another position in the same series; (2) assignment to a position that has been reclassified due to the introduction of a new or revised classification or job grading standard; (3) assignment to a position that has been reclassified as a result of a position review; and (4) movement to a different position at the same band but with a change in salary that is the result of a different locality payment.
- GG.Relative. A father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, unmarried domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. The definition of “relative” for sick leave, Family Medical Leave Act (FMLA), and other leave purposes may be different; for more information see FEMA Manual 3300.3, Absence and Leave.
- HH.Rightsizing. The process by which FEMA reduces CORE staff levels in response to changed conditions such as a diminished workload, or budgetary or statutory changes.
- II. Selecting Official. A FEMA employee who is authorized to make a hiring decision.
- JJ. Specialized Experience Statement. A written description of any specialized experience that a candidate must possess in order to be considered minimally qualified for the vacancy. Any candidate who does not meet the specialized

experience requirements will not be referred to Office or Directorate by OCCHCO.

**KK. Supervisor.** An employee who accomplishes work through the direction of other people. A supervisor must spend at least 25 percent of their time exercising independent judgment over other employees on matters relating to, but not limited to, work assignments, performance management, administration, training, and property accountability.

**LL. Supervisor of Record.** The supervisor of record has the delegated authority to assign work, discipline, and remove a CORE from federal employment in accordance with the procedures found in Chapter 11 (discipline) and Chapter 8 (performance management).

**MM. Temporary Duty Supervisor.** The individual (PFT, CORE, or Reservist) on-site or in virtual communication with deployed PFTs, COREs, or Reservists and authorized to exercise independent judgment to assign work. The temporary duty supervisor is not authorized to take personnel actions against a CORE under his or her functional authority, unless the temporary supervisor is also the supervisor of record.

## **1-7. Responsibilities**

- A. FEMA Administrator or Deputy Administrator is responsible for:
  1. Approving details of COREs to perform non-Stafford Act activities; and
  2. Approving written recommendations for pay of recruitment, relocation, and retention incentives that are greater than 25% of a CORE's base pay and, if approved, forwarding concurrence to the head of the requesting Office or Directorate and to OCCHCO.
- B. Associate Administrators, Headquarters' Office Chiefs Reporting Directly to the Administrator, and Regional Administrators are responsible for:
  1. Reviewing and approving the creation or renewal of Direct Charge CORE positions, confirming funding, and forwarding to OCCHCO for requisite personnel processing actions;
  2. Conducting an annual certification of Direct Charge CORE positions approved by authorized officials based on required supporting documentation and any follow-up, including referrals to the Office of Chief Counsel (OCC) or appropriate offices for further action (see section 2-3);
  3. Ensuring that all personnel involved in the hiring of COREs are familiar with the appropriate legal use of CORE positions, the funding factors involved in the hiring process, and comply with all legal and budgetary requirements;
  4. Ensuring all baselines are established and validated on a recurring basis for Distributed Group Activity Direct Charge COREs and all new baselines or baseline changes are approved by OCFO;

5. Certifying that all Direct Charge COREs are carrying out only DRF-related duties performed on open, active disasters;
  6. Providing timely, supporting documentation to OCFO and any oversight organization to complete post-action reviews (see section 2-3);
  7. Reviewing requests for recruitment, relocation, or retention incentives that require approval by the Administrator and, if in concurrence, sending the request to OCCHCO, OCFO, and the Administrator for approval; and
  8. Reviewing requests for recruitment, relocation, or retention incentive repayment waivers and, if in concurrence, transmitting to OCCHCO for review.
- C. Assistant Administrators, Deputy Associate Administrators, and Office Directors Not Reporting Directly to the Administrator are responsible for:
1. Requesting to advance a CORE's initial rate of pay to step five or greater of the grade;
  2. Reviewing requests for recruitment, relocation, or retention incentive repayment waivers that do not require approval by the Administrator and, if in concurrence, transmitting to OCCHCO and OCFO for review and approval; and
  3. Ensuring all CORE hiring actions submitted for higher level approval meet the standards promulgated herein.
- D. Headquarters Office or Directorate Chiefs or Regional Administrators are responsible for:
1. Approving the reassignment of a CORE based on workload needs and subject to funding;
  2. Conducting workload analyses to justify the need for new or continued use of CORE positions;
  3. Submitting staffing plans to OCCHCO with the requested number of CORE positions by title, series, grade, and duty station for OCCHCO's approval which should also support Disaster Spend Plans required by OCFO;
  4. Coordinating with OCCHCO to announce and hire CORE positions;
  5. Renewing CORE appointments based on workload needs and subject to funding;
  6. Approving recruitment, relocation, or retention incentives that do not need Administrator approval; and
  7. Approving Functional Area SMEs in the event of a rightsizing.
- E. Office of Chief Counsel (OCC) is responsible for:
1. Reviewing and advising on legal sufficiency of FEMA matters to include: spending legislation, fiscal policy and potential ADA violations;

2. Providing guidance, as necessary, regarding the appropriate use of the Disaster Relief Fund to charge CORE salaries;
3. Supporting OCFO and OCCHO in conducting the Annual Post-Action Review of direct charge COREs;
4. Reviewing and approving the use of COREs for limited non-Stafford Act activities in furtherance of FEMA's mission;
5. Providing all COREs entering Federal service with an Initial Ethics Orientation as required by 5 C.F.R. § 2638.703;
6. Identifying all COREs that need to be designated as Confidential Financial Disclosure filers who must complete annual ethics training as required by 5 C.F.R. § 2638.705, and auditing the content of said training for compliance with 5 C.F.R. § 2638.704;
7. Notifying all COREs of the requirement to file a new entrant report within 30 days of assuming a position designated as requiring a Confidential Financial Disclosure Report per 5 C.F.R. § 2634.903(b);
8. Notifying all COREs designated as Confidential Financial Disclosure filers to file annual reports as required by 5 C.F.R. § 2634.903(a);
9. Reviewing Confidential Financial Disclosure reports, and providing advisory opinions to COREs, as appropriate, with regard to real or apparent conflicts of interest identified in the CORE's financial disclosure report;
10. Designating ethics attorneys to provide ethics advice to COREs;
11. Providing legal review of performance and disciplinary actions; and
12. Providing legal advice on policy development and implementation.

F. Office of the Chief Financial Officer (OCFO) is responsible for:

1. Managing use and oversight of the DRF;
2. Ensuring the establishment of internal controls designed to prevent and detect non-compliance with applicable laws, standards, and accounting principles;
3. Reviewing and approving initial baseline and subsequent baseline adjustments for "distributed group" CORE positions;
4. Working with OCC and OCCHCO on the Annual Post-Action Review of direct charge COREs;
5. Conducting periodic audits and annual certifications of Direct Charge CORE positions and post-action reviews to validate and verify that all Direct Charge CORE duties are DRF-related and the appropriate approvals and documentation are evident, and taking action as appropriate on potential ADA violations;

6. Referring instances that cannot be validated or verified as DRF-related duties to OCC or appropriate offices for further action;
  7. Determining whether funding exists for each recruitment, relocation, or retention incentive request; and
  8. Establishing an annual awards cap for COREs subject to funding.
- G. Associate Administrator for Mission Support is responsible for reviewing all workload analysis disputes between the head of an Office or Directorate and OCCHCO and issuing a final decision.
- H. Associate Administrator for Response and Recovery is responsible for deciding appeals from an FCO decision on whether to demobilize a CORE due to misconduct.
- I. Office of the Chief Administrative Officer (OCAO) is responsible for:
1. Maintaining responsibility for the management and oversight of all Government-owned personal property within FEMA and for enforcing all applicable statutes, rules, regulations, and official guidance relating to Government-owned personal property; and
  2. Administering the transit subsidy program.
- J. Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
1. Approving and administering all human capital programs and policies to include appointment and compensation programs;
  2. Providing timely information to COREs regarding available benefit options, election periods, and technical direction on how to apply for available benefit options;
  3. Making final decisions on all pay setting and requests for adjustments for CORE pay;
  4. In consultation with the requesting Office or Directorate, approving workload analyses and staffing plans submitted by an Office or Directorate to justify CORE positions;
  5. Providing Offices and Directorates with a list of COREs and their not-to-exceed expiration dates who are assigned to the Office or Directorate on a biweekly basis;
  6. In consultation with the requesting Office or Directorate, revalidating the request based on position management for a CORE position prior to the expiration of the position when an Office or Directorate requests a renewal of a CORE position;
  7. Providing support for post-action reviews and the annual certifications, as well as supporting OCFO in execution of its responsibilities;

8. Approving and administering the recruitment, appointment, placement, and separation of COREs, including setting the length of the appointment term;
9. Providing advice, guidance, training, and direct support to temporary duty supervisors and supervisors of record regarding how to properly document and address performance and misconduct;
10. Coordinating affirmative employment programs with the Office of Equal Rights;
11. Establishing and maintaining personnel records;
12. Assuming responsibility for all EAP operations within FEMA;
13. Administering the performance management and awards and recognition programs;
14. Through the Human Resources cadre, ensuring that any demobilized CORE who has been deployed for at least 20 days has been issued a performance evaluation prior to departing the incident work site;
15. Coordinating with OCC Ethics and supervisors of record to properly designate positions as Confidential Financial Disclosure filers and providing OCC Ethics with monthly reports identifying when a CORE has been appointed to or is no longer serving in a position designated as a Confidential Financial Disclosure filer;
16. Providing technical guidance to Offices and Directorates in the planning of rightsizing procedures and approving the execution of rightsizing procedures;
17. Providing direct support to COREs with respect to individual issues requiring action in connection with the administration of pay, benefits, and other personnel matters;
18. Reviewing and approving requests for recruitment, relocation, or retention incentives;
19. Administering FEMA's Drug-Free Workplace program; and
20. Providing information to managers and supervisors regarding the procedures for performance and disciplinary actions, recommendations for disposition in each case; and any relevant appeal process.

K. Office of the Chief Security Officer (OCSO) is responsible for:

1. Using standardized policies and procedures for verifying applicants' personal identity;
2. Determining the fitness of applicants and COREs by conducting background checks; and
3. Authorizing facility access and issuing identification badges for COREs in a manner that ensures nationwide consistency across the CORE program.

L. Division Chiefs are responsible for reviewing and providing a final decision on any hire via name request within their area of responsibility.

M. Second Level Supervisors are responsible for:

1. Overseeing the use of COREs consistent with the requirements established herein;
2. Requesting to advance a CORE's basic rate of pay to step two, three, or four of the grade in conjunction with the CORE's supervisor of record;
3. In coordination with OCCHCO, reviewing and issuing final decisions on disciplinary action appeals;
4. In coordination with OCCHCO, reviewing and issuing final decisions on all actions to terminate a CORE's position for lack of FEMA need;
5. Reviewing and providing a final decision on all requests for merit-based increases, step increases, and to set pay for a new hire above the minimum rate for the position; and
6. Developing a Rightsizing Plan.

N. Federal Coordinating Officers (FCO) are responsible for deciding to demobilize a CORE due to misconduct.

O. Cadre Coordinators are responsible for:

1. Establishing and implementing individual performance goals on an annual basis for each position in the cadre, utilizing the position-specific behaviors found in the position's PTB or any other sources approved by OCCHCO, and consulting with employees with Incident Management Titles in the cadre on the substance of the performance goals insofar as practical; and
2. Receiving and reviewing completed evaluations for their cadre personnel. Completed evaluations will be archived for each employee.

P. Selecting Officials are responsible for:

1. Recruiting and selecting COREs in accordance with this Manual, transmitting any request for hire via name request to his or her program area's Division Chief (or higher) for review; and
2. Documenting the reasons for the selection of any CORE, and ensuring that all relevant records documenting such reasons are transmitted to OCCHCO for retention, including all interview notes.

Q. Supervisors of Record are responsible for:

1. Ensuring COREs are used for authorized purposes as outlined herein;
2. Providing day-to-day supervision of the performance and conduct of COREs under their supervision;
3. Assigning and evaluating work performed by a CORE when a CORE is not deployed;

4. Requesting to renew appointments based on a workload analyses and staffing plan, subject to funding;
5. Requesting pay adjustments, conversion actions, and pay settings when a CORE voluntarily requests a change to a lower pay band or rate;
6. Requesting to advance a CORE's basic rate of pay to step two, three, or four of the grade in conjunction with the CORE's second level supervisor;
7. Initiating all recommendations for merit-based pay and step increases;
8. Establish performance and development plans, and evaluating employee performance in accordance with FEMA Manual 255-1-1;
9. Recommending performance awards consistent with FEMA guidelines;
10. Retaining performance appraisals and all other documents related to the performance and/or conduct of COREs under their direct supervision, for a duration to be determined by FD 141-1, FEMA Records Management Program and relevant Equal Employment Opportunity Commission (EEOC) regulations, if applicable;
11. Submitting all requests for recruitment, relocation, or retention incentives to the head of their Office or Directorate for approval;
12. Communicating proper conduct and performance standards to COREs consistent with FEMA policy;
13. Receiving all deployment evaluations for COREs under their direct supervision and completing applicable progress reviews and annual performance ratings, considering as appropriate any deployment evaluations provided to the CORE by the temporary duty supervisor while deployed;
14. Coordinating with OCC Ethics and OCCHCO to properly designate positions as Confidential Financial Disclosure Filers, and ensure that COREs complete required new entrant and annual ethics training requirements;
15. Approving a CORE's work schedule, telework schedule (if requested), and time and attendance records;
16. Monitoring a CORE's performance while teleworking in accordance with FM 123-9-1;
17. Coordinating with COREs under their supervision to identify any real or apparent conflicts of interest or other standards of conduct issues prior to deployment, raising any such issues to the appropriate ethics counselor and, if applicable, mitigating any of these issues in accordance with recommendations from the ethics counselor and the temporary duty supervisor;
18. Providing performance feedback and mentoring to maximize the success of a CORE in achieving performance goals and objectives;

19. Coordinating with OCCHCO's Employee Relations Specialists to document incidents of poor performance and misconduct as they occur, and following up with the CORE to ensure that he or she understands the seriousness of his or her performance deficiencies or misconduct;
20. Initiating personnel actions against COREs, to include discipline or removal for misconduct or poor performance after consulting with OCCHCO, and ensuring that any such actions are consistent with Merit Systems and EEO principles;
21. In coordination with OCCHCO, documenting the reasons for all other personnel actions, including assignments, reassignments, promotions, demobilizations, rightsizing, and non-renewal of CORE appointments, and ensuring that such documentation is forwarded to OCCHCO along with any request or recommendation for personnel action;
22. Collecting all government equipment prior to the effective date of a CORE's removal or resignation;
23. Overseeing and managing the resignation process when a CORE submits a resignation notification and forwarding all documentation to OCCHCO for processing;
24. In coordination with OCCHCO, adopting the rightsizing procedures provided in this Manual; and
25. Ensuring the professional development for COREs under their supervision.

R. Temporary Duty Supervisors are responsible for:

1. Ensuring COREs are used for authorized purposes as outlined herein;
2. Providing day-to-day supervision of the performance and conduct of deployed COREs;
3. Communicating proper conduct and performance standards to deployed COREs, included but not limited to, the basis for a deployment performance evaluation consistent with FEMA policy;
4. Completing performance evaluations for all COREs under their functional authority who are deployed for at least 20 days, and transmitting performance evaluation records to the CORE's supervisor of record within 30 days of the date of the demobilization; and
5. Advising the CORE and consulting with OCCHCO regarding issues of CORE misconduct and poor performance and referring allegations of misconduct to the CORE's supervisor of record for review and coordination with OCCHCO prior to initiating disciplinary action.

S. COREs are responsible for the following, including, but not limited to:

1. Performing assigned duties and responsibilities acceptably;

2. Conducting themselves in a manner that will bring credit to FEMA and supervisors directing their work, and observing the spirit and letter of the laws and regulations which govern the conduct of COREs;
3. Signing and complying with the terms and conditions of their appointments (including any conditions relating to receiving a security clearance), and other applicable FEMA directives;
4. Working at a Directed Work Location if directed by a supervisor or other properly designated FEMA official;
5. Reviewing benefit options and making selections within prescribed election periods;
6. Properly using, caring for, and protecting any assigned government property issued to them by FEMA.
7. Completing and signing a Self Certification of Health and Safety Checklist prior to beginning work, if the CORE's home is his or her official duty station;
8. Following FEMA's Absence and Leave and Scheduling of Work policies and procedures;
9. Completing Initial Ethics Orientation within 90 days of entry on duty as required by 5 C.F.R. § 2638.703;
10. Complying with the ethics statutes in Title 18, United States Code, and the implementing ethics regulations promulgated by the Office of Government Ethics and DHS. COREs should seek guidance from his or her designated ethics attorney if issues arise that may be governed by these laws and regulations (contact FEMA's Privacy Office for additional information and a listing of OCC Ethics Counselors);
11. If designated as a Confidential Financial Disclosure filer, timely filing New Entrant and Annual OGE Form 450 reports (as required by 5 C.F.R. § 2634 Subpart I);
12. Completing annual ethics training, FQS training, and other required training;
13. If the CORE is a reemployed civilian retiree receiving an annuity, providing a copy of his or her most recent annuity notice and all subsequent notices of change, indicating the monthly annuity amounts to OCCHCO prior to or at the time of appointment;
14. Signing and complying with the conditions of a Continued Service Agreement (CSA) if approved to receive a recruitment, relocation, or retention incentive;
15. Signing and abiding by the conditions of a CSA if selected to participate in a leadership development program;
16. Returning all FEMA-owned equipment before separating from FEMA; and

17. Engaging in activities to promote their professional development.

**1-8. Reporting Requirement**

The CORE program will be evaluated periodically to ensure that stated objectives are being met. Recommendations for improvement will be forwarded to the Chief Component Human Capital Officer and the Chief Financial Officer.

**1-9. Forms Prescribed**

- A. FEMA Form 252-11-1-1, Request for CORE Action.
- B. FEMA Form 30-35, Telephone Reference Check.
- C. FEMA Form 106-1-1-1, Request for Work Schedule.
- D. FEMA Form 119-7-1-3, Custody Receipt for Government Property On Personal Charge.
- E. FEMA Form 123-9-0-1, Telework Application and Agreement Form.
- F. FEMA Form 123-9-0-2, Employee Self Certification Health and Safety Checklist.
- G. FEMA Form 254-1-1, Public Transportation Benefit Program Application.
- H. Standard Form-50, Notification of Personnel Action.
- I. Standard Form-52, Request for Personnel Action.
- J. Standard Form 2809, Health Benefits Election Form.
- K. TSP-1 Thrift Saving Plan Election Form.

**1-10. No Private Right**

Nothing in this Manual shall be interpreted to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative or civil matter.

**1-11. Questions**

Questions concerning the CORE Program should be addressed to OCCHCO at 202-212-3962. Questions concerning the funding or certification process for Direct Charge CORE positions or requests for Distributed Cost COREs should be addressed to OCFO Field Based Operations at [FEMA-fbo-action-tracker@fema.dhs.gov](mailto:FEMA-fbo-action-tracker@fema.dhs.gov).

## **CHAPTER 2: RECRUITMENT AND HIRING**

### **2-1. General**

- A. FEMA Offices and Directorates will identify the Selecting Official for each hire.
- B. FEMA Offices and Directorates may elect to recruit and hire candidates via a vacancy announcement as specified in section 2-4, or via a name request pursuant to section 2-5. FEMA maintains the flexibility to use alternative hiring procedures not specified in this Chapter when necessary to meet its mission requirements.
- C. Nepotism is prohibited by 5 U.S.C. § 3110 and is also a “prohibited personnel practice” under 5 U.S.C. § 2302(b)(7). Under 5 U.S.C. § 3110, a public official is prohibited from appointing, employing, promoting, advancing, or advocating for appointment, employment, promotion, or advancement of a relative in or to a civilian position in FEMA in which the public official is serving or over which the public official exercises jurisdiction or control of any individual who is a relative of the public official. Upon determining that a minimally qualified candidate is a relative or the relative of the Selecting Official, or of someone in the chain of command of the Selecting Official, the program office must refrain from taking action on the job vacancy and contact the servicing HR Specialist for guidance. Supervision of a relative is not generally considered to be “nepotism” but is prohibited as it presents an apparent conflict of interest. Supervision of employees with whom the supervisor has a “covered relationship” may also be an apparent conflict of interest (see 5 C.F.R. § 2635.502).

### **2-2. Staffing Plans**

- A. Offices and Directorates authorized to fill CORE positions will conduct workload analyses every three years, or earlier if needed based on operational changes, to forecast and plan for future work and skills requirements based on historical data, technical estimates, directed requirements, and approved staffing models.
  - 1. The workload analysis will first identify all activities performed by each position (e.g., PFT, CORE, and Reservist) within an Office or Directorate, and designate current and planned future activities.
  - 2. The analysis will estimate how frequent the activity is performed, and the amount of time an employee will need to complete each of the identified activities for which a Distributed Group Activity Baseline has not been approved or is being modified.
  - 3. The analysis may identify shortages or overages in current staffing needs, which will be documented and maintained by the Offices and Directorates until superseded by a subsequent workload analysis or other staffing initiative.

- B. Based on the workload analysis, Offices and Directorates requesting CORE positions will develop and submit staffing plans, subject to funding, to OCCHCO with the number of CORE positions by title, series, grade, and duty station.
1. OCCHCO will review the entity's requested number of CORE positions and proposed length of appointment based on the workload analysis and staffing plan.
  2. Upon OCCHCO's review and approval of the staffing plan, OCCHCO will submit the plans to OCFO for approval if the plan includes a non-Direct Charge CORE, or a Distributed Group Activity Direct Charge CORE if the distributed group activity baseline has not been approved or has changed since the last approval.
  3. Upon any needed confirmation from OCFO, OCCHCO will authorize an Office or Directorate to create or renew a set number of CORE Positions.
  4. The Associate Administrator for Mission Support will review and resolve any disputes between an Office or Directorate and OCCHCO regarding the approval of a workload analysis or staffing plan.
- C. Any request to add, move, rightsize, or adjust a CORE position (if rightsizing a position, see Chapter 12, Rightsizing) made between workload analysis cycles or that does not align with the current staffing plan must be submitted by the head of the Office or Directorate and will require a reexamination of the most recent workload analysis to determine whether the identified shortages or additional work exists to justify the requested position, its length, and pay band or grade. Upon OCCHCO's review and approval of the staffing plan, OCCHCO will submit the plans to OCFO for approval if the plan includes a non-Direct Charge CORE, or a Distributed Group Activity Direct Charge CORE if the distributed group activity baseline has not been approved or has changed since the last approval.
- D. Duty stations for COREs will be established by the supervisor of record in conjunction with OCCHCO.

### **2-3. Annual Direct Charge CORE Certification**

- A. An Annual Direct Charge CORE certification, validating and verifying the CORE's performance of DRF related duties and the continued need for all CORE positions (which have not been requested or funded elsewhere in FEMA's budget), is required by the Assistant Administrator, Associate Administrator, Regional Administrator, and any FEMA employee reporting directly to the Administrator.
- B. CORE positions must be used to execute functions or activities funded solely by the DRF or DRS account and are not charged elsewhere in FEMA's budget. COREs may be used to administer support to FEMA's non-permanent workforce hired under the Stafford Act, performing duties including, but not limited to, hiring and staffing, training and development,

- personnel and payroll processing, legal support, developing and implementing disaster policies and decisions, supervising Stafford Act employees, maintaining information technology and telecommunications services for Stafford Act employees or events, financial management, property and facility management, and auditing and program oversight. OCFO and OCC will provide Directorates and Offices with supplemental guidance on the proper use of CORE positions as needed.
- C. Offices and Directorates must also electronically maintain documentation supporting the creation, backfilling or reassignment of CORE positions. Offices and Directorates will maintain workload analyses, position justifications, and staffing plans. The electronic files<sup>2</sup> are also subject to independent post-action compliance review by OCFO and/or OCCHCO.
  - D. Documentation requirements for “Direct Charge” COREs
    1. Comprehensive list of all COREs to include position title, area assigned, branch/office, duty station, grade, PIN, and CORE type.
    2. Algorithm(s), to include methodology and frequency of analysis, used to determine allocation of salary costs to open active disasters.
    3. A description of duties for each position or group of positions performing the same work that validates the relationship of work being performed to open, active disasters. Example: This Public Assistance (PA) Specialist will: (1) be responsible for the closeout of project worksheets, (2) deploy to disasters to support the development and obligation of PA projects, and (3) conduct eligibility review of public assistance projects.
    4. Baselines and supporting documentation for establishing the baselines for Distributed Activity Group “Direct-Charge” COREs.
    5. Documentation shall be maintained on OCFO’s SharePoint (see footnote 2) and shall be made available to the OCFO and/or OCCHCO for review. Files must be maintained in accordance with the most current DHS records retention policy.

#### **2-4. Procedures for Soliciting Candidates**

FEMA uses the procedures listed below to hire qualified candidates for CORE appointments unless a name request procedure is used (see section 2-5).

- A. To advertise a CORE position, an Office or Directorate shall submit a Standard Form (SF-52) to OCCHCO with a position description. If desired, the Office or Directorate may also submit a draft vacancy announcement or instead, request that OCCHCO draft it. Additionally, the Office or Directorate may, but is not required to, submit a specialized experience statement and any assessment screen-out questions that should be included in the announcement for the purpose of screening out applicants who are not

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<sup>2</sup> Electronic files should be uploaded to <https://portalapps.fema.net/apps/ocfocore/Pages/default.aspx>.

- minimally qualified for the position. Upon receipt of all required and optional documentation, the HR Specialist prepares (or reviews, if submitted) the Vacancy Announcement and sends the draft to the Office or Directorate for final approval.
- B. The Office or Directorate, in consultation with the HR Specialist, may search for qualified candidates utilizing one or more of the following recruitment sources:
1. An email to all FEMA employees, FEMA employees who reside in a specific geographic area, or FEMA employees who already work in the Office or Directorate advertising the position;
  2. Electronic posting on OPM's USAJOBS website (<https://usajobs.gov>);
  3. Outside sources, including but not limited to, other Federal agencies, state employment services, state and local emergency management organizations, professional societies, minority organizations, local colleges/universities and other educational facilities and sources; or
  4. Other sources which, as approved by OCCHCO, will provide adequate competition.
- C. At a minimum, the vacancy announcement posted through USA Jobs must include:
1. FEMA's name;
  2. Announcement number (for USA Jobs announcements only);
  3. Title, series, and grade of the position, including promotion potential;
  4. Opening and closing dates (except in the case of open announcements);
  5. Duty location;
  6. Number of vacancies;
  7. Major duties of the position;
  8. Length of appointment;
  9. Qualification requirements;
  10. How to apply, including required supporting documentation;
  11. Statement that the appointment(s) is excepted from the competitive service, and are authorized under the Stafford Act;
  12. Statement that the selectee must sign a "conditions of employment" form;
  13. Statement that the selectee is subject to the "Every Employee Is An Emergency Manager" Memorandum, requiring capability to deploy for up to 30 consecutive days and changes to work locations, including a requirement to work at home in the event of emergencies or when otherwise directed;
  14. Equal employment opportunity statement; and

15. Reasonable accommodation statement.
- D. All other vacancy announcement postings, authorized by section 2-4.B., must include, at a minimum:
1. Title, series, and grade of the position, including promotion potential;
  2. Opening and closing dates (except in the case of open announcements);
  3. Duty location;
  4. Major duties of the position;
  5. Length of appointment;
  6. How to apply, including required supporting documentation;
  7. Statement that the appointment(s) is excepted from the competitive service, and are authorized under the Stafford Act;
  8. Statement that the selectee must sign a “conditions of employment” form; and
  9. Statement that the selectee is subject to the “Every Employee Is An Emergency Manager” Memorandum, requiring capability to deploy for up to 30 consecutive days and changes to work locations, including a requirement to work at home in the event of emergencies or when otherwise directed.
- E. Vacancy Announcements that are restricted to a particular geographical area or to FEMA employees will clearly identify any such restrictions and indicate that non-compliant applications will not receive consideration.
- F. Once the Office or Directorate has approved the vacancy announcement, the Staffing HR Specialist posts the vacancy announcement via the sources previously agreed upon and notifies the Office or Directorate that the position has been posted.
- G. Vacancy announcements shall be posted for a minimum of five days. If requested, OCCHCO may approve a shorter posting for good cause.
- H. Minimum qualifications: Normally, OCCHCO reviews all submitted applications to ensure that applications have met the minimum qualifications and eligibility requirements and then refers all candidates deemed minimally qualified to the Selecting Official via a Certificate of Eligibles (CERT). Selecting Officials may request to receive all applications prior to OCCHCO’s review, in which case OCCHCO will conduct its review prior to issuance of any offer. Final qualification determinations are made by OCCHCO.
- I. After a selection is made, the Selecting Official shall provide all selection documentation to OCCHCO for retention in accordance with A and B above (see section 3-9). The Selecting Official will indicate the action taken (selection, non-selection, declination, etc.) on each CERT and will return the CERT to the HR Specialist by the expiration date of the CERT, unless an extension is authorized by OCCHCO.

## **2-5. Name Request**

- A. In lieu of utilizing the hiring procedures specified in section 2-4, Offices and Directorates may hire qualified candidates (eligible U.S. citizens, current Federal employees, or current FEMA COREs) via a name request to meet a hiring need or to promote a CORE to a grade outside of the CORE's current position ladder. Such a promotion must include the same justification and approval established for name request hires (see Chapters 5 and 6 for more information on promotions).
- B. The Office or Directorate must submit a justification that describes the individual's qualifications with the SF-52 and resume.
- C. Any name request must be approved in writing by the requesting organization's Division Chief (or higher).
- D. Name requests may be approved even if the Office or Directorate has not posted a vacancy announcement for the position or otherwise competed the position.
- E. The HR Specialist will review the package to determine if the applicant meets the basic qualifications for the position and promptly notify the Selecting Official if the applicant is not minimally qualified.
- F. Name request hiring actions must follow the interview, reference check, and job offer procedures outlined below.

## **2-6. Interviews**

Interviews are conducted for candidates referred to the supervisor as a means of obtaining supplemental information on their qualifications.

- A. At a minimum, the Selecting Official must interview the candidate selected for the position. The Selecting Official may designate one or more appropriate persons to conduct or participate in the interviews.
- B. The Selecting Official should ask all candidates the same job-related questions and document the responses in writing. The Selecting Official should maintain such documentation for a minimum of two years. The Selecting Official should ask the same questions, in the same order, of all interviewed candidates. Follow-up questions to clarify information are permissible. It is preferable to conduct interviews in person and to use the same interview method for all applicants.
- C. The Selecting Official should not ask questions regarding a candidate's race, religion, sex, family status, national origin, religion, age, genetic background, health history, disability, political affiliation, or any other prohibited questions found in FEMA's Interview and Selection Guidance, June 4, 2014.
- D. The Selecting Official or his or her designee(s) may conduct a subsequent interview or contact one or more of the candidates for additional or clarifying information after completing and evaluating the initial interviews. The

- supervisor should consult with the HR Specialist if a subsequent interview is deemed advisable to ensure that the reason for the subsequent interview is related to the requirements of the position.
- E. Interview notes must be retained in accordance with section 2-10 and must not be destroyed.
  - F. In accordance with the Every Employee is an Emergency Manager (EE-EM) initiative,<sup>3</sup> all employees conducting hiring interviews must explain and reiterate, using a set of standard questions and briefing points, the EE-EM vision that all COREs must be willing to receive incident support or incident management assignments. Additionally, all new COREs are required to sign an acknowledgment form confirming their understanding of the EE-EM policy. The supervisor must ensure that the EE-EM vision is explained in all initial interviews and that any candidate who is referred for hire or further examination has completed the applicable acknowledgment form. This form can be obtained from the serving HR Specialist.

- G. All new COREs must acknowledge the requirement to work at a Directed Work Location, which may be the CORE's Residence of Record or another alternate duty location, in the event of office closures, emergencies, or when otherwise directed.

## **2-7. Reference Checks**

The Selecting Official must check and document a candidate's references before the candidate receives a job offer. Reference checking is a vital part of a successful hiring strategy and is primarily used to verify information provided by the candidate; better predict the candidate's on-the-job success; and gain additional information about the candidate's qualifications for the position. Selecting Officials may use FEMA Form 30-35, Telephone Reference Check, to satisfy the requirement to document reference checks. Selecting Officials should coordinate with OCCHCO prior to deciding not to hire a candidate because of a reference check.

## **2-8. Job Offers**

All offers of employment must be made by OCCHCO. The servicing HR Specialist must confirm qualifications and the proposed rate of pay for the candidate with the Selecting Official prior to extending an offer. Additionally, the HR Specialist will confirm acceptance of the offer and will consult with the Selecting Official in establishing an entrance on duty (EOD) date once the appropriate background check has been made by OCSO.

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<sup>3</sup> See Memorandum from the Deputy Administrator, Every Employee an Emergency Manager—Action Items, January 20, 2012.

## **2-9. Notification to Applicants**

OCCHCO Talent Acquisition Division will acknowledge receipt of all applications and notify all applicants if they have or have not been selected for the position.

## **2-10. Recordkeeping Requirements**

- A. Supervisors shall create, maintain, use and dispose of FEMA records in accordance with applicable law and FD 141-1, FEMA Records Management Program.
- B. Pursuant to 29 C.F.R. § 1602.14 and in accordance with Equal Employment Opportunity Commission (EEOC) regulations, all personnel records made or kept by FEMA, including but not limited to, application forms submitted by applicants, name request justifications, interview notes, reference check documents, and other records having to do with hiring, shall be preserved for one year from the date of the making of the record or of the personnel action involved, whichever occurs later.
- C. If applicable, when a non-selectee challenges the non-selection before an administrative or judicial body, OCCHCO and the supervisor must retain the aforementioned documentation until the final disposition of the charge or lawsuit. OCC will notify OCCHCO and the supervisor of any litigation holds and when documentation relating to a charge or lawsuit may be disposed of according to FEMA's record retention policy.

## CHAPTER 3: APPOINTMENTS

### 3-1. Eligibility for Appointment

All applicants selected for appointment to CORE positions must meet the following eligibility requirements:

- A. U.S. Citizenship, subject to limited exceptions;<sup>4</sup>
- B. Must be at least 18 years of age and:
  1. Have graduated from high school or been awarded a certificate equivalent to graduating from high school;
  2. Have completed a formal vocational training program;
  3. Have received a statement from school authorities agreeing with their preference for employment rather than continuing their education; or
  4. Be currently enrolled in a secondary school and either work only during school vacation periods or work part-time during the school year under a formal employment program;
- C. Must comply with selective service registration for males born after 12/31/59;
- D. Must satisfy fitness requirements for the position to which appointed;<sup>5</sup> and
- E. Must agree to accept an Incident Management or Incident Support assignment.<sup>6</sup>

### 3-2. CORE Appointments

- A. COREs are hired under a Stafford Act appointment authority and their salaries and benefits are funded by the DRF, thus the scope of their duties must predominately carryout Stafford Act activities.
- B. Individuals appointed to CORE positions are given time-limited appointments for a period of not less than two years but not to exceed four years unless the appointment is renewed for another term. The length of the appointment requested by the Office or Directorate should be commensurate with the expected amount of work available for the CORE in question (the appointment can be less than two years if appropriate).
- C. A CORE appointment does not confer eligibility or priority consideration for a permanent appointment.
- D. A CORE's work schedule may be changed and a CORE may be assigned a Mission Essential, Incident Management, Incident Support, or Ancillary

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<sup>4</sup> See DHS Management Directive 3120.2, Employment of Non-Citizens, March 22, 2004.

<sup>5</sup> See DHS Instruction 121-01-007, DHS Personnel Suitability and Security Program, June 2009.

<sup>6</sup> See Memorandum from the Deputy Administrator, Every Employee an Emergency Manager—Action Items, January 20, 2012.

- Support title, irrespective of his or her position description, based on the operational needs of FEMA.
- E. COREs are not subject to any protection afforded by reduction-in-force provisions, re-employment rights, or adverse action procedures established under any statutory or regulatory provision.
  - F. COREs must be ready to deploy wherever FEMA needs their services and have 24 hours to respond to a deployment order and may be required to work long hours under stressful and unfavorable conditions.
  - G. A CORE's appointment will end on the Not to Exceed (NTE) date of his or her appointment, unless it is extended or renewed based on the needs of FEMA.
  - H. COREs may be appointed to supervisory positions and serve as supervisors of record for other Stafford Act employees, provided that the CORE is hired into a position description classified as supervisory and completes mandatory supervisory training. COREs may serve as a temporary duty supervisor during a deployment, so long as the work supervised arises out of the Stafford Act and the period of supervision is temporary and/or short-term.
  - I. COREs, who serve as the supervisor of record for PFTs on the date when this Manual becomes effective, may continue to serve in such capacity until the CORE's current term expires.

### **3-3. Conditions of Employment**

All CORE appointees are required to sign a Conditions of Employment statement upon appointment, and upon renewal of an appointment. COEs contain significant, but not all of, the DHS/FEMA and other rules and regulations that COREs must abide by, including but not limited to:

- A. Complying with FEMA's deployment procedures and policies;<sup>7</sup>
- B. Using electronic funds transfer for salary payments and travel reimbursements;
- C. Maintaining eligibility for a government issued travel charge card, and abiding by the terms and conditions established by the bank issuing the travel card and FEMA (see FD 122-9, Travel Charge Card, or superseding document);
- D. Presenting and conducting themselves at all times in compliance with the standards of ethical conduct provided by the Office of Governmental Ethics (see 5 C.F.R. part 2635), preserving the public trust, and adhering to DHS/FEMA rules and regulations;
- E. Traveling in the most expeditious and cost effective manner, abiding by DHS and FEMA travel policy to make all travel arrangements;

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<sup>7</sup> See FD 010-8, FEMA Incident Workforce Deployment, January 29, 2014.

- F. If authorized to use a motor vehicle for official business, complying with all applicable laws, regulations, and policies related to official motor vehicle usage;
- G. Abiding by the terms of use in all revocable licensing agreements with respect to all FEMA-issued property, and using FEMA-issued property for official purposes only; and
- H. Complying with FEMA Manual 123-9-1, Telework, if their supervisor authorizes telework.

Failure to comply with these conditions of employment, or any other standards of conduct, may result in disciplinary action, up to and including removal from Federal service (see Chapter 11).

#### **3-4. Directed Work Location**

COREs will work at their Residence of Record or other designated locations by FEMA supervisors and managers, if so directed. COREs may be directed to work at alternate locations on days when their regular worksite is closed due, but not limited to, weather closures, localized emergencies, facility safety, or for operational needs. COREs working at a Directed Work Location are not teleworking.

#### **3-5. Oath of Office**

- A. The following FEMA personnel are authorized to administer the oath of office to newly appointed COREs or to delegate this authority:
  1. The Administrator;
  2. Deputy Administrator;
  3. Regional Administrators;
  4. The Chief Component Human Capital Officer;
  5. Federal Coordinating Officers; and
  6. Federal Disaster Recovery Coordinators.
- B. The above officials may delegate authority to administer the oath of office to an employee at initial onboarding.

#### **3-6. Government Property**

- A. As soon as practicable after appointment, FEMA shall furnish each CORE with appropriate mobile communication and/or computing equipment as determined by the current property authorization list.
- B. COREs shall keep the equipment charged and accessible, and shall seek prompt assistance for malfunctioning equipment.
- C. All COREs are required to accept receipt of all FEMA-issued equipment and sign FEMA Form 119-7-1-3. By signing this form, the CORE acknowledges

- acceptance of and responsibility for the equipment and becomes a Custodian of the equipment, as set forth in FEMA Directive 119-7, Federal Personal Property Management, dated September 24, 2013. Violation of this agreement may result in disciplinary action, up to and including removal.
- D. COREs shall only use, display, or present their FEMA-issued government identification card for lawful and authorized purposes.

### **3-7. Reassignments to a New Position**

If a CORE is reassigned to a new position, the CORE must meet the minimum qualifications for the position and an Office or Directorate head must approve the reassignment.

### **3-8. Detail Assignments**

- A. A CORE may be temporarily placed on a detail to carry out a discrete function. If a CORE is placed on a detail, the duties and responsibilities performed by the CORE must be payable under the Stafford Act with the exception described in part C below.
- B. Details to perform Stafford Act activities. Absent approval from OPM, a CORE may not be detailed to a competitive service position. A CORE may be placed on a detail assignment for up to 120 days that may be renewed for one additional 120 day period. OCCHCO must approve a CORE detailed to a position for more than 120 days or to positions at a higher pay level. See Chapter 14 for more information on rotational assignments.
- C. A CORE may be detailed for mission and operational needs or for training to perform non-Stafford Act activities described below:
1. Non-Stafford Act Mission and Operational Detail. Pursuant to 6 U.S.C. § 314 the Administrator is vested with the authority to carry out all authorities of FEMA. Upon a determination that urgent and compelling circumstances exist in order to carry out the FEMA mission or support to other Federal agency incident operations, a CORE may be placed on a temporary detail to perform non-Stafford Act activities under the following conditions:
    - i. The detail shall not exceed 90 days per appointment unless approved by OCC; and
    - ii. The detailed CORE's salaries, benefits, and associated expenses must be paid from the account normally charged for carrying out the gaining program or activity for the duration of the detail.
    - iii. Note that training activities and other duties needed to prepare a CORE for a mission essential detail may be conducted outside of the 90 day detail period but must be justified and approved in advance. In such circumstances, the training time and the detail time, will be charged to the receiving program or office.

2. Non-Stafford Act Training Details. FEMA may authorize a non-Stafford Act detail of COREs under the following conditions:
  - i. A determination must be made that the training of the CORE, and thus the increased ability of that CORE to carry out future Stafford Act activities, is the primary purpose and benefit of the non-Stafford Act assignment;
  - ii. The detail may not exceed 30 days without a determination that a detail of more than 30 days is warranted;
  - iii. Extensions of these details beyond 30 days are made every 30 days thereafter and shall not exceed 90 days per appointment; and
  - iv. The detailed COREs may have their salaries and benefits funded by the DRF.
3. COREs carrying-out non-Stafford Act activities must be justified as either an urgent and compelling mission/operation-related detail or a training assignment. Under no circumstances, may FEMA use both of these justifications for the same non-Stafford Act activity. In both instances, the CORE is limited to one non-Stafford Act detail per appointment, unless approved by OCC.

### **3-9. Reappointment Procedures**

- A. OCCHCO provides each Office and Directorate with a list of COREs and their expiration dates on a biweekly basis.
- B. A CORE's appointment will end on the Not-to-Exceed (NTE) date of his or her appointment, unless it is renewed by the Office or Directorate. All requests to renew the appointment of a current CORE must be submitted by the supervisor of record to OCCHCO using an SF-52, Request for Personnel Action.
- C. Two months before the end of a CORE's appointment, if a supervisor of record determines that a CORE's appointment should not be renewed, the supervisor must contact OCCHCO/Employee Relations on how to notify the CORE that the CORE's appointment will not be renewed.

### **3-10. Resignation**

COREs may resign at any time prior to the termination or expiration of their appointments. COREs must state in writing the reason for the resignation and the requested effective date of the resignation. A CORE may request rescission of the resignation prior to the effective date, but FEMA is not obligated to consider or grant such a request. FEMA is not obligated to grant the request in order to avoid removal for misconduct or poor performance. FEMA may not deny the request for any reason prohibited by Title 29, U.S. Code, or any applicable EEOC regulations.

## **CHAPTER 4: COMPENSATION PROVISIONS**

### **4-1. Applicability**

The compensation provided to COREs includes the provisions found in this Chapter regardless of the pay plan covering the CORE, unless otherwise stated.

### **4-2. Establishment of CORE Pay Plan**

COREs are paid via an administratively determined “IC” pay plan. COREs paid via the GS scale or GS based pay bands will be transferred to the IC pay plan of either grades and steps or pay bands at their current rate of pay. FEMA managers, in conjunction with OCCHCO, are given the option to utilize one of two pay scales; a pay scale consisting of pay bands or a pay scale consisting of grades and steps (see Chapters 5 and 6). Offices or Directorates may change the pay plan for all COREs assigned to the Office or Directorate with OCCHCO approval.

### **4-3. Conversion Actions**

The first-level supervisor may recommend adjustment of pay upon conversion from another FEMA appointment to a CORE appointment (see sections 5-3 and 6-3 for information on conversions that result in a decrease in pay).

### **4-4. Position Management and Classification**

The Position Management and Classification Manual, FM 252-2-1, June 19, 2014, provides guidance for the classification and position management of CORE positions. The rules and procedures for position classification reviews (i.e., desk audits) and classification appeals found in FM 252-2-1 do not apply to CORE positions.

### **4-5. Locality Pay**

- A. Locality pay is an additional sum of money administratively-determined by OCCHCO and added to a CORE’s base pay to account for the difference between the pay of government workers and private sector workers in a given geographic location. Locality pay is considered a part of basic pay and is applied to the minimum and maximum rates of each pay plan.
- B. COREs, such as IM COREs, who physically work full time from their residence of record, will receive the locality pay assigned to their residence of record’s locality pay area, even if the CORE reports or is assigned to a FEMA fixed facility with a different locality pay rate.
- C. When a CORE moves from an official duty station in one locality pay area to an official duty station in a different locality pay area, OCCHCO will adjust the CORE’s basic pay to reflect the difference in the administratively-determined locality pay rates. Pay retention is not applicable to geographic changes in locality.

#### **4-6. Cost of Living Increase**

OCCHCO may periodically recommend that the Administrator adjust pay scales for the CORE program. For example, an adjustment may be appropriate to reflect a cost of living increase, but need not coincide with changes to pay and wage schedules by Congress, OPM, or OPM's designee. In such circumstances, OCCHCO will review current CORE pay rates and recommend the proper percentage adjustment that is appropriate.

#### **4-7. Pay Ceilings and Premium Pay**

Absent a waiver for the bi-weekly pay cap, the maximum rate of basic pay for a FLSA-exempt CORE may not exceed the rate payable for Level V of the Executive Schedule or the rate for GS-15 Step 10 employees (including locality pay), whichever is higher (see FM 253-2-1, Premium Pay). The maximum aggregate amount any CORE may receive in basic pay, bonuses, and allowances is the rate for Level I of the Executive Schedule.

The rules and regulations governing premium pay, including, but not limited to, the bi-weekly and annual pay caps, overtime, compensatory time off, and night differential for COREs is found in FM 253-2-1, Premium Pay.

#### **4-8. Recruitment, Relocation, or Retention Incentives**

##### **A. In General**

1. A recruitment incentive is a one-time, lump-sum payment to a newly appointed CORE to a position that is determined to be critical to FEMA's mission and in the absence of the incentive, would be difficult to fill.
2. A relocation incentive is a one-time, lump-sum payment to a current CORE who agrees to relocate with no break in service to accept a FEMA position in a different geographic area if the position is likely to be difficult to fill in the absence of the incentive.
3. A retention incentive is paid to a current CORE if the CORE has unusually high or unique qualifications, or an Office or Directorate has a special need for the CORE's services that makes it essential to retain the CORE, and the CORE would likely leave the Federal service in the absence of a retention incentive. The CORE must have stated an intent to resign or retire, in writing, or must have submitted his or her resignation or retirement paperwork prior to authorization.
4. The employing office must consider at least the following factors, as applicable to the case at hand, when deciding whether to pay a recruitment or relocation incentive:
  - i. The success of recent efforts to recruit candidates for similar positions, including indicators such as offer acceptance rates, the proportion of positions filled, and the length of time required to fill similar positions;
  - ii. Recent turnover in similar positions;

- iii. Labor-market factors that may affect the ability of the office to recruit candidates for similar positions now or in the future;
    - iv. Special qualifications needed for the position; and
    - v. The practicality of using an advanced rate alone or in combination with a recruitment or relocation incentive.
  - 5. The employing office must consider at least the following factors, as applicable to the case at hand, when deciding whether to pay a retention incentive:
    - i. The success of recent efforts to recruit candidates and retain employees with qualifications similar to those possessed by the CORE for positions similar to the position held by the CORE; and
    - ii. The availability in the labor market of candidates for employment who, with minimal training or disruption of service to the public, could perform the full range of duties and responsibilities assigned to the position held by the CORE.
  - 6. The use of a recruitment, relocation, or retention incentive is not to be used as a substitute for traditional recruiting efforts that could yield a competent and qualified employee without the use of such an incentive.
- B. Justification and Approval. The Selecting Official or supervisor of record shall submit a justification for any request for a recruitment, relocation, or retention incentive through the head of his or her Office or Directorate for approval. Office or Directorate heads may approve an incentive amount less than \$20,000, or less than 25% of a CORE's base pay. Any incentive request with a lump sum greater than or equal to \$20,000, or greater than or equal to 25% of a CORE's base pay must be submitted by the Associate Administrator or Office Chief (if the Office Chief reports directly to the Administrator) overseeing the requesting organization and be approved by the Administrator or designee, but at least by the Chief of Staff and OCCHCO. In all cases, OCCHCO must approve the incentive request and OCFO must certify the availability of funds prior to authorizing payment. All justifications shall include, at a minimum, the following information:
- 1. The amount and timing of the approved incentive;
  - 2. For retention incentives, the payment schedule for the incentives and the maximum number of payments or end date for the payments; and
  - 3. The basis for determination that the skills and work experience of the applicant or CORE are of substantial value, or that, without such an incentive, the position would be difficult-to-fill. The basis should be based on at least one factor from subsection A.4 if a recruitment or relocation bonus, or one factor from subsection A.5 if a retention incentive.
- C. COREs who receive a recruitment, relocation, or retention incentive must sign and comply with the terms of a Continuing Service Agreement (CSA). See Chapter 15, Continuing Service Agreements, for more information.

**4-9. Offset Provision for Civilian Retirees**

- A. Retirees from the federal service who are receiving a federal retirement annuity and become reemployed by the federal government, absent a waiver, will have their salaries reduced by the amount of the annuity they are entitled to receive during the period of reemployment, pursuant to 5 U.S.C. § 8344(a).
- B. COREs who are reemployed annuitants must provide OCCHCO with a copy of their most recent annuity notice issued by OPM, and all subsequent notices of change, indicating the monthly annuity amount to the Payroll and Processing Operations Division, OCCHCO prior to or at the time of appointment.

## **CHAPTER 5: COMPENSATION (PAY BANDS)**

### **5-1. General**

- A. This Chapter addresses the rules and procedures associated with compensating COREs via pay bands, which is one of the pay scales under the IC pay plan.
- B. Each pay band established for the IC pay plan corresponds to a range of pay and classification levels, such that bands replace grades and steps, and series are retained. Positions are classified by title, career path, and occupational series. The pay range for each pay band is equivalent to the pay range of GS and IC grades and steps within the pay band. A CORE may not receive base pay in excess of his or her pay band unless they are promoted to a position classified at a higher pay band.
  - 1. Band 1 corresponds to GS 1 to GS 6.
  - 2. Band 2 corresponds to GS 7 to GS 9.
  - 3. Band 3 corresponds to GS 10 to GS 11.
  - 4. Band 4 corresponds to GS 12 to GS 13.
  - 5. Band 5 corresponds to GS 14 to GS 15.
- C. The major duties and responsibilities of each CORE position are included in the position description. The position description is analyzed by a Human Resources Classification Specialist to determine the title and pay band of the position. This analysis of the work to be performed and comparison of the work to established standards is referred to as position classification and applies the principle of equal pay for equal work.
- D. Exceptions to the policies and procedures contained within this Chapter may be authorized by the CCHCO to respond to an emergent and unexpected mission need arising from a Level I disaster, to alleviate severe hardship to individuals resulting from any error on the part of FEMA in effecting personnel actions, or to address unusual situations that were not anticipated when this policy was drafted.

### **5-2. Setting Basic Rate of Pay**

- A. The Selecting Official is delegated the authority to assign a yearly basic pay amount within the position classified pay band. Pay setting criteria may include:
  - 1. The prior salary of the candidate;
  - 2. The overall qualifications of the candidate;
  - 3. The recency of the individual's relevant experience;
  - 4. The qualifications and pay of employees in similar positions in the work unit;

5. Salary comparability to non-Federal pay rates for similar work;
  6. Special qualification requirements associated with the vacant position;
  7. Turnover rates for the position;
  8. Scarcity of qualified candidates; or
  9. Programmatic urgency.
- B. Any request for a rate above the minimum rate within the position classified pay band(s) must include a justification drafted by the Selecting Official and approved by the second level supervisor. This justification must include:
1. The candidate's name;
  2. The title, grade, and recommended rate of the vacant position; and
  3. The factors and determination that support the pay rate determination.
- C. Pursuant to 29 C.F.R. § 1602.14 and in accordance with Equal Employment Opportunity Commission regulations, the justification for setting pay higher than the minimum rate shall be preserved for one year from the date of its making.

### **5-3. Pay Adjustments**

Adjustments to pay within a classified pay band may be requested by the supervisor of record for review and approval by the Human Resources Specialist without written justification or approval from the second level supervisor. Such adjustments may be given under the following circumstances:

- A. Reassignment of a CORE from one position to another position within the same classified pay band if the responsibilities of the new position warrant an increase or decrease in base pay to further the principles of equal pay for equal work;
- B. A pay change, of either an increase or decrease, to compensate for an increase or decrease in locality pay in conjunction with a move to another geographic area; or
- C. Receipt of a merit-based increase (see section 5-4).

### **5-4. Merit-Based Increase**

- A. A CORE who is not already receiving the maximum basic pay for his or her position may receive a merit-based increase at the conclusion of the performance year.
- B. A CORE, who receives a rating of record of "Achieved Expectations", or equivalent, is eligible for a merit-based increase of up to 3%; a rating of record of "Exceeded Expectations" or equivalent, is eligible for a merit-based increase of up to 4%; or a rating of record of "Achieved Excellence" or equivalent, is eligible for a merit-based increase of up to 5%.

- C. A CORE, who receives a rating of “unacceptable”, or equivalent, is not eligible for a merit-based increase.<sup>8</sup>
- D. A CORE’s supervisor of record must send an SF-52, approved by the second level supervisor, to the Payroll and Processing Division, OCCHCO for processing, certifying that the CORE has received an annual rating of record for the most recent performance cycle and that the percentage increase to basic pay sought by the supervisor of record is in compliance with the requirements established by section 5-3 above.

#### **5-5. Promotion**

- A. A promotion is a personnel action that moves a CORE from one classified band to another in the same career path. A promotion may also be the selection and appointment of a CORE to a position in another career path or region to which the CORE applies. This may result in a combination of an increase in the CORE’s salary and a change in position description. If the CORE is moved to a different position, in the same pay band, with the same or similar duties, the personnel action is a reassignment with retained pay.
- B. The CORE’s supervisor of record must certify that the CORE’s most recent performance rating was at least “Achieved Expectations” or equivalent, next higher graded work exists for the CORE to perform, the CORE’s new position description captures the duties to be performed, and the higher graded position is approved and funded. A CORE may be hired into a position in a higher pay band via vacancy announcement or a name request, if the Office or Directorate has an existing higher position available or creates a new position according to the procedures detailed in section 2-2.
- C. The new basic pay rate upon promotion may be set at any level in the new band, but the CORE must receive at least a six percent minimum pay increase over his or her previous salary. If the CORE moves to a different career path, any band in the new career path would be considered a “new band” for the purposes of determining his or her salary.

#### **5-6. Change to a Lower Pay Band**

When a CORE moves from his or her current position to a position at a lower pay band the action is referred to as a change to a lower pay band. The circumstances underlying the supervisor’s recommendation to initiate a change to a lower pay band will determine how pay is set.

- A. A CORE who exhibits poor performance and fails to improve acceptably will be terminated (see Chapter 11 for more information). In rare occasions, COREs may be demoted in lieu of removal due to poor performance. In such circumstances, pay is set at a lower pay band such that there is a reduction in

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<sup>8</sup> Supervisors who encounter poor performance should consult Chapter 11: Procedures for Misconduct and Poor Performance.

- pay equivalent to at least two steps (using the pay intervals from the grades and steps scale) below the higher banded position.
- B. When a CORE requests a change to lower pay band for personal reasons or convenience, including through application for an announced vacancy at a lower pay band, the action is considered a voluntary change to a lower pay band. For voluntary changes to a lower pay band, the new rate will be set according to the procedures in section 5-2, and should include any merit based increases that the CORE would have received during the qualified period.
  - C. The reclassification of a position by OCCHCO to a lower pay band will result in a reduction in pay and pay will be set in accordance with the classification decision. Pay will be set according to the procedures detailed in section 5-2. No appeal of the reclassification decision or pay retention is permitted, subject to any applicable collective bargaining agreement.

## **CHAPTER 6: COMPENSATION (GRADES AND STEPS)**

### **6-1. General**

- A. A CORE may be paid via an administratively-determined “IC” grades and steps pay scale, as described in this Chapter. The pay scale consists of 15 pay grades (IC-1 to IC-15) with 10 steps per grade. The pay sums associated with the IC pay scale mirror the GS scale.

For example, a CORE hired at IC-11, Step 1 under the IC pay plan would be paid at the same basic rate of pay as a GS-11, Step 1 employee under the GS scale.

- B. Exceptions to the policies and procedures contained within this Chapter may be authorized by the CCHCO to respond to an emergent and unexpected mission need arising from a Level 1 disaster, to alleviate severe hardship to individuals resulting from any error on the part of FEMA in effecting personnel actions or to address unusual situations that were not anticipated when this policy was drafted.

### **6-2. Setting Basic Rate of Pay**

- A. The position description is the primary source of information used in setting pay in the IC pay series. Other information used in setting pay is (1) the geographic location (official duty station) of the position; and, (2) the individual's prior employment, salary history, and qualifications.
- B. The major duties and responsibilities of each CORE position are included in its position description. The position description is analyzed by a Human Resources Specialist to determine the title and grade range of the position. This analysis of the work to be performed and comparison of the work to established standards is referred to as position classification and applies the principle of equal pay for equal work.
- C. A new appointment is an individual's first appointment as an employee of the Federal government. Pay for all new COREs will be set at the minimum rate (Step 1) of the grade of the position, unless the CORE is approved for an advanced rate (see part E Advanced to a Higher Step).
- D. If the CORE has prior federal service (including as a current or former FEMA employee), OCCHCO sets the basic rate of pay at the minimum rate for the position, unless they receive an advanced rate (as discussed below) or the highest pay rate previously received during Federal service, whichever is higher.<sup>9</sup> Before setting pay at the highest pay rate previously received during Federal service, the Selecting Official should consider:
1. The overall qualifications of the individual;
  2. The recency of the individual's relevant experience;

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<sup>9</sup> If the employee's highest previously-received pay rate falls between two steps of the IC pay scale, the Selecting Official may request that the employee's pay be set at the higher step.

3. The qualifications and pay of employees in similar positions in the work unit; and
  4. The potential impact on the morale of those employees if the candidate were to receive the maximum payable rate.
- E. Advanced to a Higher Step.
1. Prior to a candidate entering on duty, the Selecting Official will consider whether pay above the minimum rate of the grade should be made for a CORE.
  2. Pay rate decisions maintain equity between the pay of the new hire and that of current employees, including COREs, performing comparable work. The advanced rate may not exceed step 10 of the applicable grade to which the candidate will be hired.
  3. Required documentation and approval:
    - i. A request to advance a CORE up to step four may be submitted by the first or second level supervisor to OCCHCO for approval. A request to advance a CORE to step five and above must be submitted by the head of an Office or Directorate to OCCHCO for approval. The request must be accompanied by a written justification that includes:
      - a. The candidate's name;
      - b. The title, grade, and recommended rate of the vacant position; and
      - c. The factors and determination that support the pay rate determination. This may include, but is not limited to, salary comparability, special qualification requirements, turnover rates, scarcity of qualified candidates, or programmatic urgency.
    - ii. The first or second level supervisor must submit a recommendation for an advanced rate appointment well in advance of establishing an entrance on duty date to ensure sufficient time for OCCHCO to act on the request before the appointment becomes effective.
    - iii. Pursuant to 29 C.F.R. § 1602.14 and in accordance with EEOC regulations, the justification shall be preserved for one year from the date of its making.

### **6-3. Pay Adjustments**

Adjustments to pay within a grade after the pay rate is initially set may be given under the following circumstances:

- A. Reassignment of a CORE from one position to another position if the responsibilities of the new position warrant an increase or decrease in base pay to further the principles of equal pay for equal work;

- B. A pay change, of either an increase or decrease, to compensate for an increase or decrease in locality pay in conjunction with a move to a different official duty station in another geographic area; or
- C. Receipt of a step increase (see section 6-4).

#### **6-4. Step Increases**

- A. A CORE who is not already at the highest step of his or her current grade may be advanced to the next higher step at the conclusion of the waiting period assigned to their current rate.
  - 1. While FEMA's Stafford Act authorities permit FEMA the authority to compensate without regard to Title 5, FEMA adopts the waiting periods for advancement to the next highest step established by 5 U.S.C. § 5335 and its implementing regulation at 5 C.F.R. § 531.405 as a matter of policy for all COREs paid via grades and steps.
  - 2. A CORE is not automatically entitled to receive a step increase at the conclusion of his or her waiting period.
  - 3. To receive the step increase, the CORE's supervisor of record must sign the step increase document and return to OCCHCO for processing, certifying that the CORE:
    - i. Has completed the requisite waiting period;
    - ii. Has not received an equivalent increase during the waiting period; and
    - iii. His or her summary rating level for the most recent performance was at least "Achieved Expectations" or equivalent.
  - 4. If a supervisor determines that a CORE's performance is not at an acceptable level, the supervisor should contact OCCHCO/Employee Relations at least two months before the end of the required waiting period for a step increase, to draft a notification to the CORE stating that the CORE's next step increase is being withheld, the reason for the negative determination, and what the CORE must do to improve his or her performance to be granted the step increase.
- B. Prior to the completion of the requisite waiting period, a supervisor may recommend one additional step increase if warranted by the CORE's performance. To receive the additional step increase, the CORE's supervisor of record must send a justification describing the accomplishments and performance exhibited by the CORE that would warrant an increase in pay, and an SF-52 approved by the second level supervisor to OCCHCO for processing. OCCHCO will review the request to ensure COREs who exhibit similar performance receive similar pay.

## **6-5. Promotion**

- A. A promotion is a personnel action that moves a qualified CORE from one grade to another in the same career path or to a grade in another career path in combination with an increase in the CORE's salary.
- B. The CORE's supervisor of record must certify that the CORE's most recent performance rating was at least "Achieved Expectations" or equivalent, next higher graded work exists for the CORE to perform, the CORE's new position description captures the duties to be performed, and the higher graded position is approved and funded. A CORE may be hired into a position at a higher grade via vacancy announcement or a name request, if the Office or Directorate has an existing higher graded position available or creates a new position according to the procedures detailed in section 2-2.
- C. For promotions, pay is set at the lowest pay rate in the new grade; however, the new pay rate must exceed the CORE's existing pay rate by at least two steps. If the annual rate of the new position falls between two steps of the new grade, the higher step may be used. For example, an IC-7, Step 3 at FEMA HQ, with an annual pay rate of \$45,473, who is promoted to an IC-8, is entitled to at least an increase in pay equal to two steps from the position from which she was promoted at IC-7 Step 5, or \$48,315. Because the annual pay rate for an IC-8, Step 1 is \$47,212, it does not satisfy the two-step increase requirement. Therefore, pay is set at IC-8, Step 2 or \$48,786.

## **6-6. Change to Lower Grade**

When a CORE moves from his or her current position to a position at a lower grade the action is referred to as a change to lower grade. The circumstances underlying the supervisor's recommendation to initiate a change to lower grade will determine how pay is set.

- A. A CORE who exhibits poor performance and fails to improve acceptably will be terminated (see Chapter 11 for more information). In rare occasions, COREs may be demoted in lieu of removal due to poor performance. Upon demotion, the pay rate must be set at least two steps below the current pay rate. If the two-step reduction results in a rate that falls between two steps of the lower grade, the lower step must be used.
- B. When a CORE requests a change to lower grade for personal reasons or convenience, including through application for an announced vacancy at a lower grade, the action is considered a voluntary change to a lower grade. For voluntary changes to a lower grade, the new rate should include any step increase that the CORE would have received during the qualifying period and pay should be set at:
  1. The minimum payable rate of basic pay for the lower grade; or
  2. The highest previous rate received under Federal service, if the action is fair and equitable after considering the factors listed in section 6-2, and if the action serves the convenience of the Government.

C. The reclassification of a position by OCCHCO to a lower grade range will result in a reduction in pay and pay will be set in accordance with the classification decision. Pay will be set according to the procedures detailed in section 6-2. No appeal of the reclassification decision or pay retention is permitted, subject to any applicable collective bargaining agreement.

## **CHAPTER 7: BENEFITS**

### **7-1. General**

- A. With certain exceptions that apply to individuals such as reemployed annuitants, CORE are eligible for Federal Employees Health Benefits (FEHB), Federal Employees Dental/Vision Insurance Program (FEDVIP), Federal Employees Group Life Insurance (FEGLI), Federal Employees Retirement System (FERS), Flexible Spending Account (FSA), Federal Long Term Care Insurance (FLTCIP), and participation in the Thrift Savings Plan (TSP).
- B. COREs must review their benefit options and make selections within prescribed election periods. OCCHCO, Employee Services Division, will provide timely information to COREs with regard to available benefit options, election periods, and technical direction regarding how to apply for these options.
- C. OCCHCO staff is prohibited from making any type of recommendation that may influence a CORE's benefit election. COREs need to evaluate cost, personal needs, and eligible family members and their needs when preparing to make a benefits selection.
- D. FEMA applies guidance contained within OPM Benefits Administration Letter, No. 13-203, when extending benefits to legally married same-sex spouses and common law marriages in certain states, of Federal employees and annuitants, and to the children of those marriages.

### **7-2. Health Benefits**

- A. COREs are given an opportunity to enroll in the Federal Employees Health Benefits Program (FEHB) at the time of appointment to a CORE position.
- B. A CORE must decide whether to elect to enroll in FEHB within 60 days after the effective date of appointment. A CORE who elects to enroll must submit SF-2809 to his or her HR Specialist. A CORE who fails to return the completed form within the prescribed time frame, or who cancels enrollment will not have another opportunity to enroll until an FEHB open season is offered (generally once per year), or as a result of a Qualifying Life Event (QLE).
- C. The CORE's share of the premium for the benefits plan chosen will be deducted from the CORE's bi-weekly pay on a pre-tax basis. A CORE may cancel health benefits coverage during an extended period of non-pay status or may continue the coverage and pay the premium each pay period or upon return to pay status. Effective dates for enrollment, changes in enrollment, and cancellation of enrollment will be established in accordance with guidance prescribed by the U.S. Office of Personnel Management (OPM).

### **7-3. FEDVIP (Dental and Vision) Program**

- A. The Federal Employees' Dental/Vision Program (FEDVIP) is a supplemental program offering vision and dental coverage to Federal employees, retirees, and their eligible family members on an enrollee-pay-all basis.
- B. COREs, retirees, and their eligible family members are eligible to enroll in FEDVIP if they are eligible to enroll in FEHB and the CORE's position is not excluded by law or regulation.<sup>10</sup> COREs who are not enrolled in FEHB may still be eligible for FEDVIP, providing they are eligible to enroll in FEHB.
- C. New and newly eligible COREs may enroll within 60 days after they become eligible. COREs may also enroll during the annual Federal Benefits Open Season in November and December.

### **7-4. Life Insurance**

Unless a CORE elects to waive coverage prior to the end of the pay period in which appointed, eligible COREs are automatically insured for basic life coverage on the day the CORE enters on duty in a pay status. Within 60 days after the effective date of appointment to a CORE position, a CORE who has basic life insurance coverage may also elect standard, additional, and/or family optional insurance. A CORE may decrease or waive all life insurance coverage at any time. Effective dates of life insurance coverage and waivers will be in accordance with the Federal Employees Group Life Insurance (FEGLI) program and OPM guidance. FEGLI is not included in the annual benefits open season and open season periods are rare.

### **7-5. Retirement**

- A. As a general rule, employees appointed to CORE positions are automatically covered by the Federal Employees Retirement System (FERS). Exceptions include certain former Federal employees who were hired prior to January 1, 1984, and were covered under the Civil Service Retirement System (CSRS). Retirement coverage, whether FERS, CSRS, or CSRS Offset, begins on the effective date of appointment to a CORE position.
- B. COREs who are covered by FERS, and first appointed:
  1. Before 2013, contribute 0.8% of pay to the Civil Service Retirement and Disability Fund (CSRDF);
  2. In 2013, contribute 3.1% of pay to the CSRDF; or
  3. After December 31, 2013, contribute 4.4% of pay to the CSRDF.
  4. Employee contributions to the CSRDF may change according to changes in the FERS program.

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<sup>10</sup> See 5 C.F.R. § 894.302 or an HR Specialist to determine whether a position is excluded from FEDVIP.

## **7-6. Thrift Savings Plan**

- A. The Thrift Savings Plan (TSP) is a tax-deferred retirement savings and investment plan that provides COREs with an opportunity to save a portion of their income for retirement and reduce current taxes.
- B. Eligibility for participation is determined by FEMA in accordance with law and TSP regulations published by the Federal Retirement Thrift Investment Board.
- C. COREs, covered by FERS, appointed after July 31, 2010, are automatically enrolled in the TSP.
- D. COREs can elect, change their election, or stop their contributions at any time through the Employee Personal Page (EPP) or by completing and submitting a TSP-1 Election form.

## **7-7. Federal Long-Term Care Insurance Program**

Long-Term Care insurance provides financial protection to enrollees who are in need of assistance with their daily activities due to a lengthy or lifelong illness, injury, or cognitive impairment. Long-Term Care insurance is medically underwritten; therefore, a CORE and eligible family members must qualify for the insurance. Eligible COREs can enroll at any time; however, newly-hired COREs and their spouses receive a 60-day window to enroll using an abbreviated underwriting process.

## **7-8. Flexible Spending Accounts**

Flexible Spending Accounts (FSA) allows COREs to set aside money on a pre-tax basis to cover out-of-pocket health care or dependent care expenses. A newly eligible CORE has 60 days from the date of his or her appointment to elect to set aside this money by payroll deduction. A CORE who wishes to participate or continue to participate from one plan year to the next must make a positive election during the annual open season, which runs concurrent with the health insurance open season. Changes can be made outside of the benefits open season as a result of a Qualifying Life Event (QLE).

## **7-9. Employee Assistance Program (EAP)**

COREs have access to confidential work life enhancement services through the EAP, free of charge. The EAP is a professional resource available to help COREs resolve life challenges. A CORE may call the toll-free EAP number at 1-800-222-0364, 24 hours a day, 7 days a week. A CORE can also access EAP services online at [www.FOH4you.com](http://www.FOH4you.com).

## **7-10. Transit Subsidy Program**

Subject to the availability of funds, all COREs who are currently using public transportation to commute to work are eligible for transit subsidy benefits. The Office of the Chief Administrative Officer (OCAO), Support Services and Facilities Management Division (SSFMD), administers the transit subsidy program.

COREs interested in receiving a transit subsidy must complete FEMA Form 254-1-1, Public Transportation Benefit Program Application, and email it to the Transit Subsidy Program at [FEMA-Transit-Subsidy@fema.dhs.gov](mailto:FEMA-Transit-Subsidy@fema.dhs.gov).

## **CHAPTER 8: PERFORMANCE MANAGEMENT**

### **8-1. General**

- A. CORE performance management shall comply with the Employee Performance Management Program as established by FM 255-1-1.
- B. A CORE who receives a rating of unacceptable, or equivalent, on his or her most recent appraisal (rating of record) may be subject to removal in accordance with Chapter 11 of this Manual. Such removal should be effected regardless of the timing of the CORE's NTE date. However, a supervisor is not precluded from terminating a CORE prior to issuance of a performance appraisal, so long as the supervisor has sufficient documentation to justify the action and has consulted with an OCCHCO Employee Relations Specialist.

### **8-2. Performance Management for CORE-Is**

The performance of IMAT members appointed as CORE-Is are subject to FD 010-7, and are not covered by FEMA Manual 255-1-1 or this Chapter.

### **8-3. Deployment Performance Management**

- A. When deployed to a disaster for twenty days or more, a CORE qualified in a FQS position, and deployed to that position, will receive an evaluation of the CORE's deployment performance by a temporary duty supervisor. The evaluation period consists of the entire time the CORE is deployed.
- B. COREs will be evaluated on their performance based on the performance goals developed by Cadre Coordinators for each position within a Cadre. The goals will align with the position-specific knowledge of program and technical protocols contained in the position's PTB, and the core competencies for deployed personnel.
- C. The temporary duty supervisor will complete a deployment evaluation in a timely manner and transmit the evaluation to the CORE's supervisor of record. Additionally, the HR Unit Leader and his or her staff will ensure that any demobilized CORE who is deployed for at least twenty days is issued a performance evaluation prior to departing the incident work site.
- D. If a CORE's deployment performance does not meet achieved expectations, the CORE's supervisor of record in coordination with the Cadre Coordinator and/or temporary duty supervisor will collaborate with OCCHCO to determine the appropriate course of action.
- E. A CORE's progress review and appraisal (rating of record) should include input received after a deployment from the temporary duty supervisor. However, the supervisor of record has the discretion to consider the deployment performance evaluation as he or she deems appropriate when completing progress reviews and the annual appraisal (rating of record) subsequent to the deployment.

F. If the CORE is deployed at the time that the CORE's quarterly progress review should take place, the supervisor of record will work with the CORE and his or her temporary duty supervisor to obtain feedback on the CORE's performance during the applicable quarter.

## **CHAPTER 9: AWARDS AND RECOGNITION**

### **9-1. Awards and Recognition Program**

The Awards and Recognition program applicable to Title 5 employees and captured in FEMA Manual 255-4-1 is also applicable to COREs, with the exception of CORE-Is. Awards and recognition policy applicable to CORE-I IMATs is found in FD 010-7.

## **CHAPTER 10: SCHEDULING OF WORK AND TELEWORK**

### **10-1. Scheduling of Work and Telework**

- A. FM 106-1-1, Scheduling of Work, applies to all COREs. To establish a work schedule a CORE must submit a copy of FEMA Form 106-1-1-1, Request for Work Schedule, to his or her supervisor of record for approval.
- B. COREs will use FEMA approved timekeeping policies and procedures to account for all hours of work.
- C. FM 123-9-1, Telework Manual, applies to all COREs. To establish a telework agreement and schedule a CORE must submit a copy of FEMA Form 123-9-0-1, Telework Application and Agreement Form, and FEMA Form 123-9-0-2, Employee Self-Certification Safety and Health Checklist, to his or her supervisor of record for approval.
- D. COREs whose Residence of Record is their permanent duty station are not teleworking when on duty. However, all COREs whose Residence of Record is their official duty station must have a completed and approved Employee Self-Certification Safety and Health Checklist forms on-file with FEMA prior to being permitted to work.

## CHAPTER 11: PROCEDURES FOR MISCONDUCT AND POOR PERFORMANCE

### 11-1. General

- A. COREs are non-Title 5 employees and, therefore normally do not have appeal rights to the Merit Systems Protection Board.
- B. Supervisors must communicate proper conduct and performance standards. Supervisors must also set an example for proper conduct and performance for their subordinates.
- C. Supervisors must identify and deal with misconduct and unacceptable performance as they occur.
- D. Supervisors must document problems as they occur and follow up with COREs to ensure they understand the seriousness of their behavior and/or performance deficiencies. Documentation does not have to be lengthy. It can be a brief summary of key facts and issues, with names, dates and times that the incident(s) occurred. This documentation must be created in a timely manner and preserved for potential litigation and may be subject to discovery.
- E. Supervisors should immediately contact their servicing Employee Relations Specialist when misconduct or performance issues occur to obtain advice and guidance before taking any official action. If this issue involves misconduct, supervisors must report the matter as required by FD 123-19, paragraph III.D.
- F. When making a determination of lack of fitness to encumber a FEMA position, or that the CORE's security clearance is being suspended or revoked under DHS Instruction 121-01-007, OCSO shall immediately notify Employee Relations.

### 11-2. Addressing Misconduct

- A. Misconduct must be reported to FEMA HQ in accordance with FD 123-19, Administrative Investigations Directive (AID), and, depending on the status of the CORE and the alleged misconduct, to the DHS OIG. It can be difficult to determine whether a CORE's actions constitute misconduct or poor performance, or whether suspected misconduct triggers the requirements to report the suspected misconduct to DHS OIG or the AID Committee. As such, consultation with OCCHCO is critical to determining the proper course of action. The Employee Relations Specialist will recommend the appropriate option and provide the required documentation to the manager for issuance to the CORE. FD 123-19 and its accompanying Manual, FM 123-19-1, provide procedures for reporting misconduct and investigating it prior to determining if disciplinary action for any substantiated misconduct is to be recommended.

#### B. Options to Address Misconduct

- 1. **Counseling**. A counsel is an informal verbal advisement by a supervisor to a CORE of misconduct that must be corrected, yet which avoids any lasting adverse effect on a CORE's personnel record. The purpose of counseling is to correct misconduct problems soon after they occur in

order to prevent the need for formal discipline. Counseling is an appropriate response to minor misconduct when the CORE has a generally good record, with no prior instances of misconduct, and is committed to correcting the problem. Documentation is not required; however, a follow-up e-mail recounting the conversation entitled "Discussion dated XX" can be provided to the CORE and is strongly recommended. At a minimum the supervisor shall send an email to himself or herself to document the content of the conversation. Counseling can be used to demonstrate that the CORE was put on notice about the problem and knew of the potential for a harsh penalty if the problem continued. A memorandum documenting the counseling is not placed in the CORE's Official Personnel Folder (OPF).

2. **Reprimand**. A written reprimand is the lowest level of formal discipline addressed to the CORE and signed by the immediate supervisor (or higher level supervisor in the chain of command). Depending on the severity of the misconduct, it may be appropriate for a first offense of misconduct, when written formal discipline is necessary or, when verbal counseling has been ineffective in correcting misconduct. The reprimand should include, as a minimum, the following information:
  - i. Reference previous counseling or other action that was relied on to support the action (if any);
  - ii. Advise the CORE of any applicable appeal rights, such as the right to file an appeal with the next higher level supervisor within five calendar days after receipt of the reprimand;
  - iii. Advise the CORE of the potential negative consequences of future misconduct;
  - iv. Advise the CORE of Employee Assistance Program (EAP) services available to assist with any work-related or personal concerns that may have an impact on performance and/or behavior at work;
  - v. Inform the CORE of the Alternative Dispute Resolution (ADR) Program and of his or her right to seek counseling with an EEO advisor if he or she believes the reprimand is based on a prohibited factor;
  - vi. State whether a copy of the reprimand will be placed in the CORE's OPF, which may be for a period not to exceed 3 years;
  - vii. Identify the servicing Employee Relations Specialist to contact for questions concerning the reprimand; and
  - viii. Provide a signature line upon which the CORE will acknowledge receipt of the notice of reprimand.
3. **Suspension**. A suspension temporarily removes the CORE from the performance of duties without pay for a specified period, and is recorded in the CORE's official personnel record. A notice of suspension is a memorandum on FEMA letterhead, addressed to the CORE, and signed

by the immediate supervisor (or higher level supervisor in the chain of command).

- i. The supervisor of record forwards a copy of the notice (signed and dated by the supervisor) and the SF-52 to the Employee Relations Specialist. The Specialist codes the SF-52 and forwards it to the OCCHCO for processing.
- ii. The notice of a suspension should include, as a minimum, the following information:
  - a. Identify the specific charge(s), supporting information, regulations or policies violated;
  - b. Identify the effective date of the action;
  - c. Advise the CORE of any applicable appeal rights, such as the right to appeal the suspension to the next-higher level supervisor within five calendar days of receipt of the notice, and of the CORE's right to file a grievance under any applicable collective bargaining agreement;
  - d. Inform the CORE of his or her right to seek counseling with an EEO advisor if he or she believes the suspension is based on a prohibited factor;
  - e. Advise the CORE how to contact the EAP to assist with any work-related or personal concerns that may have an impact on the CORE's conduct at work;
  - f. Provide the name and telephone number of the servicing Employee Relations Specialist whom the CORE may contact for questions; and
  - g. Provide a signature line upon which the CORE will acknowledge receipt of the notice of suspension.
4. **Removal from Federal Service.** A removal from federal service is recorded in the CORE's personnel record, and is the most severe form of discipline available to a manager. Removal may be appropriate when the facts and supporting information cause the supervisor to conclude that the CORE has demonstrated an unwillingness or refusal to conform to acceptable standards of conduct, a lesser penalty would not deter future misconduct, or there is little probability of the CORE's rehabilitation.
  - i. A notice of removal is a memorandum on FEMA Letterhead addressed to the CORE from the immediate supervisor (or higher level supervisor in the chain of command). The notice should include the same items identified in section 11-2.B.3.ii. (Content of a suspension notice).
  - ii. The CORE's immediate supervisor, or any higher-level supervisor in the CORE's chain of command, should give the notice to the CORE at or before the effective date of the notice and request that the CORE

acknowledge receipt at the bottom of the last page of the notice. If the CORE refuses to sign the notice acknowledging receipt, the supervisor should place a note on the last page to indicate that the notice was given to the CORE and the CORE refused to acknowledge receipt. Failure to acknowledge receipt has no impact on implementation of the decision.

5. **Removal Based on a Determination of Lack of Fitness for a FEMA Position.** All COREs must meet fitness standards established in DHS Instruction 121-01-007.
  - i. OCSO has the authority to determine a CORE's fitness, based on a background investigation at the time of entry on duty and every five years thereafter (or more frequently as circumstances warrant).
  - ii. When OCSO has determined that a CORE does not meet the fitness standard, in accordance with the procedures in DHS Instruction 121-01-007, OCSO shall notify OCCHCO/Employee Relations, which shall coordinate with the CORE's supervisor and OCSO to deny the CORE unescorted access to DHS/FEMA facilities. In addition, DHS Sensitive Systems Policy Directive 4300A requires that DHS employees have a favorably adjudicated background investigation to be granted access to DHS Information Technology systems. Therefore, COREs who do not meet the fitness standard are normally required to turn in their FEMA equipment (e.g., laptop, Blackberry, etc.) and are placed on non-duty, non-pay status. The CORE may request to use any available accrued leave during this period.
  - iii. With the concurrence of OCCHCO/Employee Relations and the Office of Chief Counsel, the supervisor of record issues a removal decision to a CORE under his or her supervision deemed unfit to encumber a FEMA position. The notice should include the same items identified in section 11-2.B.3.ii. (content of a suspension notice).
  - iv. The removal decision shall include the right to appeal within five calendar days after the removal is effective. Appeals from removal decisions are decided by the Associate or Deputy Associate Administrator, Mission Support.
6. **Recovery of Government Equipment.** Supervisors shall collect all government equipment prior to the effective date of the removal.

### **11-3. Addressing Poor Performance**

CORE supervisors and managers should consult FM 255-1-1, Employee Performance Management Program, for more information on dealing with poor performance. Most performance problems can be resolved through effective communication between the supervisor and CORE. The supervisor should, at a minimum, take the following steps:

- A. Discuss performance deficiencies with any CORE whose performance is substandard. This discussion provides the supervisor the opportunity to clarify job expectations, and to identify performance deficiencies. It provides the CORE with clear direction as to what he or she needs to do to improve his or her performance to an acceptable level. The supervisor should document the discussion and provide the CORE with a copy of the documentation to prevent misunderstandings, or mischaracterization of the discussion.
- B. Monitor the CORE's performance following the discussion, and document the CORE's progress toward improving his or her performance.
- C. The supervisor must discuss the CORE's performance deficiencies with the Employee Relations Specialist for guidance on (1) whether to remove a CORE for substandard performance immediately or (2) to provide the CORE time to demonstrate improvement, and if so, the length of time to do so. A "performance expectations" memorandum is a helpful tool that the supervisor can issue to the CORE. The Employee Relations Specialist will assist the supervisor with drafting any correspondence regarding performance problems. The supervisor will provide the Specialist with a signed and dated copy of the final document. The supervisor must document the deficiencies with memoranda, emails, work products and any other documentation that demonstrates the deficiencies. COREs are not placed on formal Performance Improvement Plans (PIPs).
- D. Removal from Federal Service.
  - 1. A removal from federal service is recorded in the CORE's personnel record, and is the most severe form of discipline available to a manager. A notice of removal is a memorandum on FEMA Letterhead addressed to the CORE from the immediate supervisor (or higher level supervisor in the chain of command).
  - 2. The notice should include the same items identified in section 11-2.B.3.ii (content of a suspension notice).
  - 3. The CORE's immediate supervisor, or any higher-level supervisor in the CORE's chain of command, must give the notice to the CORE at or before the effective date of the notice and request that the CORE acknowledge receipt at the bottom of the last page of the notice. If the CORE refuses to sign the notice acknowledging receipt, the supervisor should place a note on the last page to indicate that the notice was given to the CORE and the CORE refused to acknowledge receipt. Failure to acknowledge receipt has no impact on implementation of the decision.
- E. In rare circumstances, the supervisor may initiate a reassignment to another position in a lower pay band or IC pay grade, whichever is applicable, in lieu of removal, to address poor performance after receiving concurrence from the Employee Relations Specialist and the Office of Chief Counsel. In such circumstances, the CORE's rate of pay will be reduced in accordance with Chapters 5 and 6.

#### **11-4. Deployment Scenarios**

COREs may be assigned to perform incident management and incident support duties based on the operational needs of FEMA and subject to the policies contained within FD 010-8, FEMA Incident Workforce Deployment. During deployment, supervisors of record receive feedback on the performance of COREs during deployments from the CORE's temporary duty supervisors. Temporary duty supervisors provide day-to-day supervision of the performance of deployed COREs.

- A. Temporary duty supervisors must consult with the supervisor of record and OCCHCO/Employee Relations Branch when they encounter poor performance, and provide all documents to the supervisor of record.
- B. Temporary duty supervisors who become aware of allegations of misconduct shall notify the supervisor of record of the allegation. The supervisor of record shall consult with OCCHCO/Employee Relations before initiating disciplinary action. The supervisor of record will notify the temporary duty supervisor of any impending disciplinary action. In all cases in which misconduct is alleged, the Employee Relations Branch shall provide advice to the Federal Coordinating Officer (FCO) and the supervisor of record as to the propriety of the following options:
  1. Releasing the CORE from the deployment into a non-duty, non-pay status;
  2. Releasing the CORE and returning him or her to the official duty station, or
  3. Keeping the CORE deployed pending completion of any needed investigation or issuance of disciplinary action.
- C. If the supervisor of record and FCO disagree whether to demobilize the CORE, the issue will be resolved by the Associate Administrator of Response and Recovery.

#### **11-5. Arrest, Indictment, and other Allegations of Misconduct**

- A. FEMA may receive information that a CORE has been arrested, indicted for a crime, used an illegal drug, or has allegedly committed other serious misconduct. Supervisors may learn of this information in a variety of ways, including the CORE's self-report or via other employees, the Office of the Chief Security Office (OCSO), or press reports. Upon receipt of such information, the supervisor of record, FCO, or temporary duty supervisor shall contact Employee Relations for guidance.
- B. If the CORE is incarcerated or otherwise unable to come to work, the supervisor must first address the leave status. COREs may use available leave, if requested and approved by the supervisor. If the request is denied, the CORE shall be placed in a non-duty, non-pay status. The supervisor is not obligated to approve a leave request submitted by the CORE.

- C. If the CORE is available for duty following arrest, or, if not arrested, but is under investigation for alleged misconduct, the following factors must be considered in determining whether the CORE shall be permitted to return to duty pending resolution of the criminal action or other serious misconduct:
1. If the CORE has a security clearance, OCSO, Personnel Security Division (PSD), may suspend a CORE's security clearance upon receipt of adverse information, such as an arrest or indictment. If PSD suspends the CORE's clearance, or revokes it, PSD shall notify ER. Normally, COREs would be placed in non-duty, non-pay status until a recommendation on removal can be made by ER to the supervisor of record.
  2. For COREs without security clearances, OCSO must determine if the CORE is fit for continued employment. Thus, until OCSO has rendered a determination on the CORE's fitness, the supervisor of record must determine whether the CORE should be allowed to continue to work (including telework), be placed in a non-duty, non-pay status or be terminated pending the outcome of the criminal case, considering the following factors after consultation with ER, OCC's Personnel Law Branch, and OCSO:
    - i. What is the nature of the offense or other serious misconduct? The more serious the offense, the more likely that the CORE should not return to duty.
    - ii. What evidence is there as to the commission of the offense? The lack of corroboration or confession especially with a minor offense, may weigh in favor of the CORE's retention on duty.
    - iii. Does the known evidence suggest that the CORE is a physical or logical security risk?
    - iv. Impact on the Mission: Are there other factors that indicate that the mission will be adversely affected if the CORE is returned to duty, such as notoriety? Is the offense known, causing perceived damage to a Directorate's, Office's, or JFO's ability to conduct business or its credibility due to the CORE's continued presence?
  3. Authority to return the CORE to duty pending resolution of criminal matters: After consultation with ER, and subject to approval, if required, by the Office of Inspector General:
    - i. For COREs who are deployed, the FCO shall make the final decision as to whether the CORE shall remain at the JFO, after consultation with the supervisor of record (see section 11-4 for resolution of disputes on this matter between FCO and the supervisor of record).
    - ii. For COREs at their official duty station, the supervisor of record shall make the final decision as to whether the CORE shall return to duty.

## **11-6. The Appeal Process**

A CORE who wishes to appeal a reprimand, suspension, or removal decision may do so in writing to his or her second level supervisor no later than 5:00 p.m. (the local time of the second level supervisor) on the fifth calendar day following the effective date of the disciplinary action. COREs included within collective bargaining units must follow the procedures for that unit. Oral appeals are not permitted. This appeal process is not applicable to non-disciplinary actions, such as right-sizing, demobilization, or the expiration of appointments.

- A. The CORE may provide a narrative and any documentation that he or she considers relevant for the second level supervisor to consider prior to issuing his or her final decision.
- B. The second level supervisor may gather additional documents that he or she deems necessary to make a final decision. The second level supervisor should complete any additional investigation within five working days of the receipt of a timely appeal and issue a decision within five working days after finishing an investigation.
- C. The Employee Relations Specialist will review the written decision drafted by the second level supervisor prior to its issuance to the CORE. Additionally, the Employee Relations Specialist will gather and preserve any and all additional documents acquired by the second level supervisor to issue the final decision and the final decision itself.

## **11-7. Allegations of Discrimination**

If a CORE alleges discrimination to his or her supervisor, the CORE must be referred to the Office of Equal Rights for appropriate guidance on the EEO complaint process. The supervisor may contact the Office of Chief Counsel's Personnel Law Branch with any questions concerning the EEO process.

## **11-8. Allegations of Fraud, Waste, Abuse, and Mismanagement**

Supervisors must not ignore allegations of fraud, waste, abuse, or mismanagement, and must take steps to inquire into the allegations or refer them to appropriate management officials for investigation. Allegations of misconduct against COREs at the IC-15 or equivalent level or higher must be referred to the Office of Inspector General (ref: DHS Management Directive 0810.1) for investigation.

## **CHAPTER 12: RIGHTSIZING**

### **12-1. General**

- A. COREs receive temporary appointments that do not confer eligibility or priority consideration for permanent appointment. They may be removed from Federal service at any time for poor performance, misconduct, reduction in work, or for other agency mission needs, so long as adequate documentation exists to justify the removal, and are not subject to protection afforded by reduction-in-force provisions or reemployment rights established under any statutory or regulatory provision.
- B. When FEMA requires reductions in staff levels in one or more functional areas due to a lack of work or funding, FEMA may conduct a rightsizing of its CORE workforce. A rightsizing may occur when an Office or Directorate anticipates needing fewer positions through the annual workload analysis and staffing plan process, or if an immediate need to reduce positions or workload is realized between annual workload analyses.
- C. Rightsizing results in termination of appointment prior to the expiration date of an appointment, unless the CORE is selected for or is reassigned to another vacant position in FEMA.
- D. Rightsizing procedures should not be used to remove CORE employees due to poor performance or misconduct.
- E. A Rightsizing does not occur when FEMA declines to renew a CORE's appointment at the end of a CORE's appointment term.
- F. Program Areas shall be clearly defined, with appropriate justification, in the Plan. The Plan shall be in writing and approved by OCCHCO prior to implementation.

### **12-2. Rightsizing Plan**

- A. The second level supervisor, in coordination with OCCHCO, develops a Rightsizing Plan to affect the rightsizing procedures described in this Chapter that will impact the COREs under his or her supervisory authority. The Plan shall be in writing and approved by OCCHCO prior to implementation.
- B. Based on the Office or Directorate's most recent workload analysis and staffing plan, the second level supervisor will identify the activities that will cease to be performed or require an adjustment in the amount of time for performance.
- C. Using this adjusted workload analysis, the supervisor or manager will develop a revised Staffing Plan for the positions under his or her authority that will propose the number of CORE positions by title, series, grade, and duty station that will continue to be needed. The remaining positions will be identified for rightsizing.

- D. The Rightsizing Plan will consist of the updated staffing plan, any Functional Area SMEs identified for retention (see section 12-4.B.), the proposed timeline for providing the general and specific notices of rightsizing to the affected COREs, and the proposed effective date of the rightsizing.

### **12-3. Notice**

The second level supervisor will issue both general and specific notice of upcoming rightsizing efforts.

- A. General Advance Notice. COREs will be given a 30 calendar day advance official notification concerning decisions which may result in their being affected by a rightsizing effort. This notification will be in writing and will include: the reasons for the rightsizing effort, such as lack of work or funds, reorganization, or a realignment of functions; and, whom to contact about assistance available for affected employees.
- B. Specific Notice. Specific written notice of separation will be issued to individual affected COREs prior to the proposed date of their release. FEMA's goal is to provide notice no less than 30 calendar days from their date of release unless extenuating circumstances dictate a shorter notice period.

### **12-4. Retention Criteria**

Upon determining that rightsizing procedures are required, the second level supervisor, in consultation with OCCHCO, shall utilize the following criteria to determine the order in which COREs will be released. An incumbent will only be compared to other incumbents under the supervision of that second level supervisor.

- A. **Position**. Identify (1) the affected area; (2) the existing positions staffing that area; and (3) pay levels within each position. Each position is reviewed and listed by pay and location, and positions are identified for retention based on lack of work or funds, reorganization, or a realignment of functions. The determination as to the number of needed positions to staff the reduced workforce must be documented in the Rightsizing Plan.

**Example.** In this example, the program area is identified as "Applicant Services" and the existing positions are "Applicant Services Specialists." There are currently 10 IC-12s, 15 IC-11s, and 15 IC-9s Applicant Services Specialist positions. The remaining work only requires 3 IC-12s, 10 IC-11s, and no IC-9s Applicant Services Specialists.<sup>11</sup> Therefore, 7 IC-12s, 5 IC-11s, and all IC-9s will be released. Consequently, the second level supervisor must examine the incumbent IC-12s and IC-11s to determine who will fill the

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<sup>11</sup> For this example, substitute the pay band numbers for grade level if the COREs with positions targeted for rightsizing are paid via an administratively-determined pay scale utilizing pay bands.

remaining positions utilizing the following retention criteria. OCCHCO must approve this Plan prior to implementation.

Current Staffing	Needed	Release	Remaining
10 – Applicant Services Specialists, IC-12	3 – Applicant Services Specialists, IC-12	7 – Applicant Services Specialists, IC-12	3 – Applicant Services Specialists, IC-12
15 – Applicant Services Specialists, IC-11	10 – Applicant Services Specialist, IC-11	5 – Applicant Services Specialists, IC-11	10 – Applicant Services Specialists, IC-11
15 – Applicant Service Specialists, IC-9	0 – Applicant Services Specialists, IC-9	15 –Applicant Services Specialists IC-9	0 – Applicant Services Specialists, IC-9

- B. **Functional Area SME.** To ensure accomplishment of mission objectives, the supervisor of a functional area subject to rightsizing procedures may identify one SME from the supervisor's functional area that should be excluded from rightsizing procedures because of the SME's subject matter expertise. Any request for a SME's exclusion from rightsizing must be accompanied by a justification that establishes that a need exists for this SME position, and that the requested employee is most qualified for the SME position. This request must be approved by the supervisor's chain of command with the final concurrence of the Head of the Office or Directorate, who will then inform OCCHCO of the SME designation and transmit to OCCHCO all documents justifying his or her selection. OCCHCO must review and approve the SME designation as part of the review of the Rightsizing Plan. A SME who is thereafter reassigned to a different functional area will lose his or her SME designation, thereby losing his or her exemption from rightsizing procedures.
- C. **Performance Evaluation.** The second level supervisor will provide to OCCHCO the summary rating level of all COREs in positions that must be rightsized, based on their most recent annual performance appraisals. Incumbents will be released in inverse order of performance rating (lowest to highest). Normally, incumbents with summary rating levels of Achieved Excellence (or equivalent) will be excluded from release unless the total number of positions that must be released exceeds the number of incumbents who received a summary rating below Achieved Excellence (or equivalent).
- D. **Service Computation Date (SCD).** If reviewing the performance evaluations of all COREs in positions that must be rightsized has not distinguished the incumbents for release from those who will be excluded from release for the current round of rightsizing, OCCHCO shall further review incumbents by SCD and shall identify those with the most recent SCDs for release.
- E. **Ties.** The official who would normally make the selection for the position from which the CORE is being released will determine, on the basis of

qualifications and competencies for the specific position, which employee(s) will be retained when two or more employees have identical service computation dates. The rationale for retention versus removal must be documented with the specific reasons for each decision. OCCHCO must review and approve the stated rationale.

**F. Recovery Office Closure.**

1. Some COREs will remain in their positions until the closure of the Recovery Office.
2. Upon the closure of the Recovery Office, the remaining COREs must have applied and been selected for a vacant FEMA position or they will be released from their employment with FEMA, using the notice procedures above.

**12-5. Transitional Options for Released COREs**

CORE staff identified for release will not be automatically reassigned directly into vacant positions elsewhere in FEMA and must apply and be appointed through the hiring procedures identified in this Manual. COREs will be released from their current appointments for lack of work if, by the date of their release, they have not been selected for another vacant position within FEMA. The Director of the Recovery Office or the Head of the Office or Directorate may assist COREs identified for release with career transition, as appropriate, by arranging for assistance with resume writing and interview preparation.

## **CHAPTER 13: ABSENCE AND LEAVE**

### **13-1. Absence and Leave Policy**

FEMA administratively applies FM 3300.3, FEMA Absence and Leave Policy to COREs, with the exception of CORE-Is, whose absence and leave policies are governed by FD 010-7, Incident Management Assistance Team (IMAT) Program Directive.

## **CHAPTER 14: TRAINING AND ETHICS**

### **14-1. Training Provisions**

- A. The CORE and his or her supervisor of record share the responsibility for ensuring the CORE's professional development.
- B. OCCHCO, Employee Development Division, is responsible for drafting guidance on various topics, including but not limited to, continuing service agreements relating participation in employee development programs, supervisory training, and individual and executive development plans.
- C. A CORE may be temporarily placed on a rotational assignment as part of a professional development program. In such circumstances, the duties and responsibilities performed by the CORE must be authorized under the Stafford Act. A CORE may be placed on a rotational assignment for up to 120 days that may be renewed for one additional 120 day period. As the CORE IMAT program maintains its own professional development program, CORE IMATs are not eligible for rotational assignments.
- D. Eligibility for training programs for a CORE paid via the grades and steps system is determined by the applicable grade and years of service requirement. Eligibility for training programs for a CORE paid via the pay band system is determined by comparing the current salary level of the CORE to the salary range of the GS levels eligible for the training program and the years of service requirement. The CORE will be eligible for a training program if the CORE's salary is within the salary range of the GS employees eligible for the training and satisfying the years of service requirement.
- E. IM COREs are eligible to participate in applicable leadership development programs so long as the training program does not have an impact on mission requirements. If an IM CORE is directed to deploy during a training program the CORE must deploy and may not finish the training program.
- F. COREs participating in a leadership development program will be required to sign and comply with the terms of a three year Continuing Service Agreement (CSA). See Chapter 15, Continuing Service Agreements, for more information.

### **14-2. Ethics Requirements**

- A. All COREs are subject to the federal ethics laws and regulations, including the criminal conflict of interest statutes, the Standards of Ethical Conduct for Employees of the Executive Branch, and any supplemental ethics regulations promulgated by DHS.
  - 1. Federal ethics laws and regulations apply to COREs at all times and may affect a CORE's ability to seek and enter into outside employment.
  - 2. A CORE's outside employment may also create a real or apparent conflict of interest with his or her FEMA duties.

3. COREs must be informed of these rules and regulations prior to hiring.
- B. All COREs shall receive training in fraud detection and prevention, equal rights, privacy, and security.
- C. All COREs must complete Initial Ethics Orientation provided by OCC Ethics within 90 days of their date of entry, in accordance with 5 C.F.R. § 2638.703.
- D. Confidential financial disclosure filers must complete one hour of annual ethics training per calendar year, as required by 5 C.F.R. § 2638.705. All other COREs must complete annual ethics training per FEMA policy.
- E. All annual ethics training is provided by OCC Ethics.

## **CHAPTER 15: CONTINUING SERVICE AGREEMENTS**

### **15-1. Service Agreement**

- A. An applicant or CORE who receives a recruitment, relocation, or retention incentive is required to sign a two-year CSA prior to receiving the incentive. The Selecting Official or supervisor of record will preserve a signed copy of the service agreement and transmit a copy to OCCHCO.
- B. A CORE participating in a leadership development program will be required to sign a three-year CSA.
- C. A CORE must fulfill the terms of the CSA, including when the appointment is renewed for another appointment period.

### **15-2. Terminations of a CSA**

- A. If a CORE voluntarily separates from FEMA prior to completing the service obligation period, to begin employment with DHS Headquarters or another DHS Component, the CORE must give his or her supervisor of record at least 30 days advance notice in writing, during which time the supervisor shall notify OCCHCO to transfer the remaining service obligation to the gaining agency. If the CORE separates from the Federal service or begins employment with another Federal agency, the CORE will be indebted to FEMA for the remaining service period.
- B. A CORE who is demoted, removed from Federal service for misconduct or poor performance, or receives a rating of record lower than Achieved Expectations or equivalent, before fulfilling the terms of a CSA will be indebted to the Federal Government for the remaining service period.
- C. Repayment is not required when a CORE is involuntarily separated for reasons other than misconduct or poor performance, or when the circumstances are otherwise beyond the CORE's control.
- D. A CSA may be unilaterally terminated by the head of an Office or Directorate based solely on management needs. Examples of discretionary removals include, but are not limited to, rightsizings or insufficient funds to continue planned payments. When a removal is based on management needs, the employee is entitled to all payments attributable to completed service and to retain any portion of a payment received that is attributable to uncompleted service.

### **15-3. Debt Recovery**

- A. When reimbursement is required, the repayment amount will be reduced on a pro rata basis for the percentage of completion of the obligated service period.
- B. If a CORE's appointment is not renewed, and the CORE is not appointed to a different position within FEMA, recovery is waived.

C. An indebted CORE may request a waiver of any debt relating to a CSA to his or her Office or Directorate head. The Officer or Directorate head must send the request along with his or her recommendation through OCCHCO to the Administrator, who will render a written decision. Waivers in whole or in part will be rare and will be based on a determination that the recovery would be against equity and good conscience, or against the public interest.

## I. BACKGROUND

"Telework" is a workplace arrangement that provides employees the opportunity to perform his/her duties at alternate work sites (e.g., satellite locations, other FEMA locations, and employee's residences) during an agreed-upon portion of his/her workweek. Telework, also known as telecommuting, flexible workplace, flexiplace, and work-at-home, refers to paid employment away from an employee's official duty station.

The flexible workplace environment provides a means of responding to rapidly changing factors that are impacting today's workforce—demographic, societal and technological—and has proven effective in increasing worker productivity, reducing employee turnover and absenteeism, and responding to sociological and environmental issues. Telework programs already exist in both the public and private sectors and show positive results.

In his memorandum on *Expanding Family-Friendly Work Arrangements in the Executive Branch* dated July 11, 1994, President Clinton directed all Federal agencies " . . . to establish a program to encourage and support the expansion of flexible family friendly work arrangements, . . . telecommuting and satellite work conditions including telecommuting . . . ". The National Partnership for Reinventing Government encourages greater use of Telework to make the Federal workplace more efficient.

The innovative scheduling of work locations and scheduling of work hours can measurably improve the conduct of the public's business and Agency's mission. Telework leads to improved employee morale, reduced commuting costs, and increased employee productivity. This, in turn, improves recruiting and retention of valued employees while shortening, or even eliminating, commuter trips, and thus traffic congestion and pollution. Remember employers cannot attract, retain, and motivate an effective work force if they are not responsive to quality of life work issues.

This guidance is the foundation for a Telework Program that will benefit FEMA and its employees.

## II. DEFINITIONS

"What is Telework?" Telework is a workplace arrangement that provides employees the opportunity to perform his/her duties at alternate work sites. Telework is not a full-time arrangement and it does not involve sending people home and never seeing them. Teleworkers communicate with supervisors, co-workers, clients, and vendors via phone, fax, or e-mail on days when they are not in the office.

Telework is **not** an employee right or entitlement, but an alternative work arrangement or work option mutually agreed upon by the employee, the supervisor and the Agency for the primary purpose of increasing productivity. The arrangement can be terminated at any time for any reason by any of the parties involved.

A. *Episodic:*

Recognizing that certain projects may be amenable to being performed at alternate work sites rather than in an office setting, the Telework Program is available on an ad hoc or episodic basis for short periods of time to complete all or discrete portions of projects. Episodic work agreements are of a temporary, project-based nature and therefore, should not be in place for extended periods of time. Generally, Episodic work agreements should be for a period of one to two weeks at the most, the time period should be determined at the discretion of the supervisor. The supervisor may also require periodic returns to the regular duty station on a regular basis during the period of this form of Telework.

B. *Medical:*

FEMA has permitted certain employees with a debilitating illness or health condition to work at an alternate work site on a full or part-time basis, where supported by documentation from the employee's physician. FEMA management will continue to provide teleworking options to enable employees to remain active and productive while faced with a medical situation or condition.

This alternative has also been extended to severely disabled employees and employees who for a limited time, may be required to care for an ill child or relative where no other reasonable alternative is available. All requests must be supported by medical documentation.

C. *Regular (The Regular System of Telework will continue to be tested in a pilot format. Any reference to Regular Telework in this document refers to the continuing FEMA Pilot Program.):*

Employees will volunteer to be regularly scheduled to work up to three non-consecutive days per week at an alternate work site, generally at another FEMA facility or at the employee's home. It is at the manager's discretion whether an employee on a Telework schedule may participate in other workplace scheduling alternatives. Managers should consider all scheduling aspects of the respective office (e.g. Flexitour, and compressed work schedule [CWS]). Sufficient staffing of the office is of primary importance. In making a regular Telework decision, supervisors must consider the following:

- Workflow;
- Historical frequency of unanticipated actions and demands in the work unit;
- Impact on non-regular Telework employees at the official duty station; and,

- The most efficient ways to achieve work unit effectiveness.

*D. Teleworker:*

An employee found eligible for participation in one of the forms of Telework; works at an alternate work site; and has developed an approved Telework agreement by the supervisory chain.

*E. Eligible Employees:*

An employee in a job with tasks identified by the employee's supervisor as being suitable for telework. Employees must meet program eligibility requirements.

*F. Official Duty Station:*

The employee's official duty station of record.

*G. Alternate Work Site:*

A work site other than the employee's official duty station. The alternate site may include the employee's home, a satellite office or a Telework center.

*H. Telework Center:*

A facility that offers office-like workstations and electronic equipment that may house Telework employees.

### **III. SCOPE**

This Telework policy applies only to permanent full-time, CORE, and part-time FEMA employees. Other disaster employees are not eligible for Telework. Senior Executive Service (SES) employees, Office and Division Directors, Branch Chiefs, and Team Leaders may be eligible for episodic or medical Telework only.

### **IV. GUIDELINES**

*A. Employee Participation*

Telework is targeted to eligible employees whose positions have tasks that lend themselves to being performed away from the official duty station for at least a portion of the time. Generally, any occupation/job involving portable work can be considered for inclusion in the program as long as the work does not present a security risk to the agency.

Participation is voluntary and requires supervisor approval. Supervisors and/or employees participating in the program may withdraw from the program after providing sufficient advance notice (24 hours is generally expected; every effort should be made to provide the teleworker with sufficient notice) to afford management and employees adequate time to plan for reversions back to a regular work environment (official duty station) and schedule. Eligible employees, those approved for a Telework arrangement, may be recalled by his/her supervisor to the official duty station when warranted by work requirements, disaster activity, or failure to comply with Telework program requirements. Employees may also be called back due to office staffing needs, such as in times of large-scale absences due to holidays, flu epidemics and office overload. The absence of a Teleworker from their official duty station should not affect the business of that office or the amount of work others are called upon to perform. Employees considering application should seriously consider the program requirements and his/her commitment to make the teleworking arrangement successful.

#### B. *Position Criteria*

The nature of the work must be suitable for teleworking. Whether work is suitable for Telework depends generally on whether all aspects of producing the finished product or outcome can be efficiently and effectively carried out at the alternate work site. Work suitability does not depend on an employee's position, title, type of appointment, or work schedule.

When determining whether a position, function, or project may be suitable for Telework, consideration should be given to the following factors:

1. Work activities should be portable and can be performed effectively outside the office. Examples of this would be thinking, writing, data analysis, and project or case review.
2. Job tasks should be easily quantifiable or primarily project oriented. Examples might be writing decisions or reports.
3. An employee's participation in the Telework Program should not adversely affect the performance of other employees and should not place a burden on the staff remaining in the office.
4. Contact with other employees and customers can be scheduled in advance. If the job requires extensive face-to-face contact with the supervisor, other employees, customers, or the general public, the job may not be suitable for Telework.
5. Materials and data needed to carry out Telework tasks must not present a security risk or breach of confidentiality to the agency (e.g. personnel or national security documents). The integrity and confidentiality of any

document removed from the agency must be assured. If the tasks require frequent access to materials that cannot be removed from the regular office, those tasks are not suitable for Telework.

6. The technology needed to perform the job off-site must be available at the off-site location. The employee's sponsoring organization cannot provide any specific facilities or equipment that are necessary to perform the job. This includes Internet Service Provider (ISP) fees and telephone service costs. The Agency will, however, provide a computer, if one is available, for work-at-home. Expenses for any modifications to FEMA-owned equipment must be borne by the employee or his/her sponsoring organization (e.g. addition of a modem for e-mail/Internet access).

### C. *Eligibility Requirements*

Approval to participate in a Regular Telework Pilot arrangement will (under the pilot guidelines) be granted on a case-by-case basis, using the selection process. Eligible employees must have received his/her supervisor's approval prior to any program participation at any level. Supervisors will accept applications from all interested candidates who meet the basic eligibility requirements listed below:

#### Eligibility Requirements for the Regular Telework Pilot Program

The following criteria must be met before an employee can participate in the Regular Telework Pilot:

1. Employee performance rating of record must be at least proficient at the last rating cycle and at the two most recent quarterly reviews, no element was marked as less than expected.
2. Employee must have at least one year of experience in the position of record.
3. Employee can clearly define specific tasks appropriate for Telework and the supervisor concurs with that definition. Employee and supervisor must clearly define performance expectations.
4. The employee has the ability to work autonomously while still meeting deadlines.
5. The employee has exhibited self-starter characteristics, good organizational skills, and can function independently.
6. The employee must have appropriate and clearly defined job duties that are teleworkable. Appropriate Telework duties have the following characteristics: work is portable and can be performed effectively outside the office; tasks are easily quantifiable or primarily project-oriented; tasks

can be scheduled as single blocks of time; and tasks don't require frequent interaction with a formal/informal work-team or necessitate frequent ad hoc meetings.

7. Employee safety at both the office and alternate work sites is of utmost importance to FEMA (and should be taken into consideration in all three modes of Telework – Episodic, Medical and the Regular Telework Pilot). Employees must have a safe alternate worksite identified, e.g. home or Telework center with adequate space, telephone and without undue interruption. If an employee's home is the alternate work site, then a FEMA Form 14-10, Employee Self-Certification Safety and Health Checklist (Appendix A), must be completed and submitted along with an attached photograph of the office site. The supervisor must sign the Checklist. See the Home-Office Self Inspection Guidelines for additional information.
8. If applicable, appropriate arrangements must be in place for childcare, elder care, other dependent care, home repair or other non-work related activities during Telework hours. Telework is not an alternative for these basic arrangements. Based on experience in both the private and public sector, such activity is likely to disrupt work.

#### Eligibility Requirements for Episodic Telework

Eligibility requirements are the same as for the Regular Telework Pilot Program above, except that employees on Episodic Telework will be allowed to work consecutive days at a Telework site until project completion or a pre-determined time period, that is suitable to the supervisor. Employees with extensive public or internal client contact will be eligible only for Episodic Telework participation. To be eligible for Episodic Telework, the nature of the work must be:

1. A project, or discrete portion of a project, which is of *short duration*, with *measurable* work products;
2. Of an irregular or occasional nature (as opposed to regular and recurring); and,
3. Agreed upon in advance.

If Episodic Telework is desired by/for an employee, a pre-approved application and safety checklist should be on file. Once work is approved for Telework, a Telework agreement will be established and work schedules updated for each episodic work cycle.

### Eligibility Requirements for Medical Telework

To be eligible for Medical Telework, one of the following must apply:

1. The employee has a debilitating illness or health condition, which limits his/her mobility or prevents him/her from working at his/her official duty station on a regular basis;
2. The employee must be severely disabled and it would be difficult to regularly commute to the official duty station; or,
3. The employee may, for a specific period of time, be required to care for an ill child or relative, where no other reasonable alternative arrangement can be made.
4. Medical documentation will be required to support all Medical Telework requests. At a minimum, the medical documentation will include a written statement from a certified medical practitioner, which includes:
  - A description of the medical condition;
  - The approximate expected duration of the medical condition;
  - Any restrictions which may limit the employee's ability to work at their official duty station on a regular basis; and
  - Any restrictions that may limit the employee's ability to work at an alternate work site.
5. Employees approved for medical Telework may work at their alternate work site full-time. However, there must be a realistic expectation of returning to at least part-time work in the office within a reasonable period of time as supported by medical documentation; and,
6. The employee should have job responsibilities with measurable work tasks, which can be accomplished at the alternative work site.

#### D. *Application Process for Telework*

All employees wishing to participate in any of the Telework Programs must complete a FEMA Form 14-9, Telework Application Form (Appendix B). This is a two part form that is to be completed by the employee and the employee's supervisor. The supervisor will determine if the employee's job tasks are suitable

for Telework. If the decision is no, the employee may appeal to their second-line supervisor. The decision of the second-line supervisor is final. If an employee and his/her supervisor agree to participate in the Regular Telework Pilot Program, the application is then forwarded to the second-line supervisor for final review. Final applications should be directed to the Directorate/Region/Office Telework Coordinator for final processing. Regular Telework Pilot participants are forwarded to the Agency Telework coordinator for approval into the program (this is for the Regular Telework Pilot Program only).

Upon acceptance, all employees must complete a FEMA Form 14-11, Telework Agreement (Appendix C). A signed copy of this agreement must be on file with the Directorate/Region/Office Telework Coordinator. A determination of the alternate work site should be made at this time. Employees choosing to work at home must complete a Self-Certification Safety and Health Checklist. The Telework Application and Self-Certification Safety and Health Checklist can be completed in advance for Episodic Telework assignments.

All participants in the FEMA Telework Program are required to attend a brief training session prior to participation.

#### E. Responsibilities

1. The Director, Associate Directors, Regional Directors, Executive Associate Directors, Office Directors and Administrators will: (1) support the Telework Program; (2) designate a Telework Coordinator for each Directorate/Office/Region;
2. Division Directors, Branch Chiefs, Regional Division Directors will: (1) fairly assess each employee's application for Telework; (2) make the final participant decisions for Regular Teleworker participation in the Regular Telework Pilot in each Region/Division/Office; and, (3) in cases where an employee disputes a disapproval by their first-line supervisor, the second-line supervisor shall review that application, the decision at this level is not appealable, as Telework is not an employee right.
3. First Line Supervisor will: (1) complete the appropriate portion of the Telework Agreement; and (2) approve or disapprove the Employee Telework Application (*supervisors must discuss and complete the items listed on the Telework Agreement and provide a signed copy of the Agreement to the Telework Coordinator*); (3) assign or approve appropriate work to be performed at the alternate work site; and, (4) maintain work activity records and information to evaluate employee participation in the program;
4. Employees participating will: (1) complete work agreements; (2) adhere to agreed-upon hours of work in accordance with established agency policies;

(3) adhere to agency policies for requesting leave; (4) adhere to Telework program guidance regarding work products; (5) use agency equipment only for official purposes; and, (6) participate in program monitoring activities.

**Employees must complete the FEMA Form 14-12 Employee Self-Certification Time and Attendance Report (Appendix D) and return it to their supervisor on a biweekly basis.** Employees must also complete the Employee Self-Certification Safety and Health Checklist, which identifies significant safety standards that must be met and return it to their supervisor prior to entering into a Telework Agreement if the alternate work site is at home.

5. **Organizations participating in the FEMA Telework Program:** Employees and supervisors and all co-workers of participating employees should attend the FEMA Telework training program. Co-workers/non-participants are encouraged to attend. This will enable all staff members to understand the program and know what is expected of the participating Telework employees in areas of communication, scheduling, and performance.
6. **Directorate/Office/Regional Telework Coordinators** will: (1) conduct the training program; (2) monitor the selection process; (3) act as a focal point within each Region/Directorate/Office for all telework related matters and will coordinate with the Telework Program Manager in Human Resources; and, (4) maintain copies of all Telework Agreements.
7. **Telework Program Manager** will be the clearinghouse and contact person for all Telework issues/matters. This includes: (1) leading the Telework Project Team and Telework coordinators; (2) ensuring that all participating supervisors and employees have been notified of their responsibilities; (3) overseeing training for all participating employees; (4) providing advice and assistance on Telework issues; and, (5) monitoring and evaluating the program.

## V. PROGRAM IMPLEMENTATION

### A. *Training*

A training program has been specifically developed for the FEMA Telework Program. All employees selected for the FEMA Telework Program, and their immediate supervisors must attend training prior to their initial Telework participation; co-workers are encouraged to attend. Training will cover Telework policies and guidelines; program elements and requirements; personal and occupational aspects of Telework agreements; and, computers and telephones. It is recommended that employees and their supervisors and co-workers attend training together, if possible.

The training program will address some of the following topics:

1. Employee topics include – expectations about personal responsibility, accountability, time management and self-discipline; forms to be completed, communicating with supervisors and co-workers; progress reporting; deadlines; ways to avoid isolation; and, family issues.
2. Supervisor topics include – managing for results/managing by objectives; planning; scheduling and tracking assignments and milestones; administration of work schedules; time and attendance and leave; supervisory expectations; and, communicating with the Telework employees and their co-workers.
3. Organization topics include – Telework Program background focusing on communication between the Teleworkers and office personnel; performance expectations; and, Telework scheduling and contact information.

#### B. *Work Agreements*

Each employee must sign a Telework Agreement that covers the terms and conditions of the Telework Program. The work agreement constitutes an agreement by the employee and his/her supervisor to adhere to the applicable guidelines and policies. The work agreement covers items such as: the voluntary nature of the arrangement; length of Telework assignment; responsibilities for timekeeping and leave approval; performance requirements; arrangements for child and elder care; proper use and safeguards of government property and records; standards of conduct, etc. Employees participating in any form of Telework (Episodic, Medical, or the Regular Telework Pilot) must sign a work agreement prior to him/her teleworking. In addition to completing the Telework agreement, employees approved for Episodic Telework must complete the FEMA Form 14-11A, Telework Agreement Continuation Form (Appendix E), for each additional episodic Telework period. If a work agreement is not signed, the Telework arrangement is not authorized under the FEMA Telework Program.

#### C. *Work Schedules*

Please note that the Telework employee is responsible for communicating their Telework schedule – when they are absent from the official duty station – to their Supervisor and all co-workers. Thus, the Telework employee should communicate a ready means for contact when on the Telework schedule (phone numbers, pager numbers, etc.). This can be accomplished by doing the following: (1) creating a concise “out of office” voicemail message with the Telework phone number noted; (2) utilizing the “Out of Office Assistant” in the Microsoft Outlook e-mail system to note their phone number, e-mail address, and/or location during Telework rotation; and, (3) prominently posting a written schedule at the normal work station at their official duty station. Employees may also wish to use the

Electronic Calendar System in Microsoft Outlook, especially if the system is used and understood throughout their office.

Work scheduled away from the office will vary depending upon the individual arrangements between employees and his/her supervisors. Regular Telework Pilot Program participants will be limited to non-consecutive days per week at the alternate work site. This will ensure the employee is available in the office during the week for face-to-face meetings, access to resources, and facilities etc. Telework employees should make contact with their supervisor, or a designee, at the beginning of each Telework day. Employees should prearrange any and all changes to their schedule with their supervisor in advance. Failure to do so may result in the termination of the Telework Agreement. In the event of an emergency, contact your supervisor as soon as possible following your notice of that emergency.

Telework schedules must identify the days and times the employee will work in each work setting. Work schedules can parallel those in the office or may be structured to meet the needs of the participating employee and his/her supervisor. Flexitour and Compressed Work Schedules (5-4-9) may be available to Telework employees within established FEMA policy. However, whether an employee may participate in both the Compressed Work Schedule (CWS) and the FEMA Telework Program at the same time is at the discretion of the supervisor. Supervisors are encouraged to consider retaining an adequate staffing contingent, vacations, travel schedules, etc.

The supervisor may establish 'core' hours that the employee is to be available during the Telework day(s). Typically, the core time is from 9:30 a.m. to 3:30 p.m. (with a half-hour for a non-paid lunch period). Within this schedule the employee, with the supervisor's approval, could vary both starting and ending times, as long as the employee is available during the core hours. Please note that regularly scheduled work arrangements cannot go past 6:00 p.m. or begin before 7:00 a.m. Employees may not accumulate credit hours while working at an alternate work site.

Telework assignments do not eliminate office/job participation. In the event of specific attendance needs, the employee should be prepared to conference in to meetings at Headquarters and other locales. If telephone conferencing is not available, not possible or will not have the appropriate effect, the employee should report to their official duty station or other location on those days when their presence is necessary.

Management reserves the right to alter the employee's established work schedule to accommodate peak workload office demands, holiday staffing needs, or for any other official purpose with advance notification of at least 24 hours (24 hours is generally expected, every effort should be made to provide the

teleworker with sufficient notice). This may include requiring a teleworking employee to come to the official duty station on a Telework day.

In the event of disaster or other emergency operations, all employees with disaster responsibility or on emergency team assignment, must return to his/her official duty station and/or act in accordance with plans, procedures, and guidance currently in place (e.g. FEMA Headquarters, Regional Office, and Disaster Field Offices (DFO)). If the Agency is involved in an emergency response any employee may be suspended from Telework at the discretion of the supervisor. Telework employees may return to an approved Telework schedule only upon approval of his/her supervisor.

As always, a supervisor is responsible for ensuring a quality core staff at the office site at all times, including holidays, disaster and other times.

#### D. *Time and Attendance*

All time and attendance actions should comply with established Agency and government policies. Specific items are summarized below:

1. Hours of Duty. Employees may work standard schedules (e.g. 8 hours per day, 5 days a week) or follow alternative work schedules (e.g. the 5-4-9 Compressed Schedule) depending upon the agreement between the employee and the supervisor. See Section V., C. Work Schedules, for a discussion of supervisory considerations in this decision.

Please note that for the Regular Telework Pilot Program, only non-consecutive Telework days can be approved per week. All employees taking advantage of the FEMA Telework Program are expected to report all scheduling needs to his/her supervisor in advance, and to cooperate with his/her supervisor in all circumstances.

*Fair Labor Standards Act (FLSA).* The existing rules in Title 5, United States Code and in the Fair Labor Standards Act governing overtime also apply to Telework arrangements. Overtime is time worked at official duties in excess of the scheduled tour of duty that is ordered and approved. It is the responsibility of the supervisor to regulate and control the use of overtime. Employees are not authorized to work overtime without prior supervisory approval. Employees are responsible for requesting, in advance, approval to work in excess of his/her normal hours of duty. An employee who works overtime without advance supervisory approval may be removed from the Telework Program and is not entitled to compensation for any unauthorized overtime worked.

2. Leave. The policies for requesting annual leave, sick leave, or other absences from duty remain unchanged. Employees are responsible for

obtaining approval for leave in advance from the supervisor. The supervisor must inform the timekeeper of the employee's leave usage.

3. Certification and Control of Time and Attendance (T&A). Proper monitoring and certification of employee work time is critical to the success of the program. Supervisors must report time and attendance to ensure that employees are paid only for work performed and to ensure that absences from scheduled tours of duty are accounted for. GAO guidelines governing certification of time and attendance require agencies with employees working at remote sites to provide reasonable assurance that they are working when scheduled. Reasonable assurance may include occasional supervisor telephone calls, and determining reasonableness of work output versus the time spent. Telework participants and supervisors are encouraged to develop regular times to contact each other on Telework days. Telework employees must complete the Employee Self-Certification Time and Attendance Report and return it to his/her supervisor by 9:00 a.m. on the Monday after the close of the pay period. Agency policies and regulations regarding compensatory time apply.
4. Administrative Leave, Dismissals, Emergency Closings. Although a variety of circumstances may affect individual situations, the principles governing administrative leave, dismissals, and agency closing remain unchanged. The ability to conduct work (and the nature of the impediments), whether at home, at a Telework center, or at the office, determines when an employee may be placed on excused absence. For example, if a Regular Telework Pilot employee is working at home on a day where the office location (e.g. Federal FEMA Headquarters or responsible Regional office), is dismissed early due to unforeseen circumstances, the Telework employee is not excused since they are not prevented from performing his/her duties. On the other hand, if a teleworker is working at the alternate work site and there is an unforeseen event (e.g., a power outage in the neighborhood), the Telework employee may be impeded from performing his/her duties and may possibly be excused for the period of the event. The Telework employee should contact the first level supervisor immediately. When an employee knows in advance of a situation that would preclude working at the alternate work site, either time in the office or leave should be scheduled.

#### E. Pay Issues

Existing Agency regulations and guidance on pay administration apply to individuals participating in Telework.

1. Duty Station. For pay purposes, the official duty station is the employee's regular duty station, not the alternate work site.

2. Special Salary Rates. For pay purposes, the official duty station serves as the basis for determining special salary rates.
3. Overtime. The existing rules on overtime under Title 5, United States Code, and the Fair Labor Standards Act apply to Telework employees. Advance approval from the supervisor is required for overtime for any Telework employee.

#### F. Facilities

1. Home Office (Alternate Work Site) Space. Employees participating in Telework must have a designated workspace or workstation for performance of his/her work-at-home duties. Requirements will vary depending upon the nature of the work and the equipment needed to perform the work. At a minimum, an employee and supervisor should be able to easily communicate by telephone with his/her supervisor and organization during the Telework day. Employees are required to maintain this workspace in a safe condition, free from hazards and other dangers and to complete the Self-Certification Checklist as part of the Telework Agreement (See Section IV. C., Eligibility Requirements for Regular Telework (7.); and Section V. J, Worker's Compensation; and the FEMA Telework Safety Brochure). Provided the employee is given 24 hours advance written notice, the employee agrees to permit periodic inspections by the Agency of the alternate work site during the employee's normal working hours to ensure proper maintenance of Agency-owned equipment and/or work site conformance with safety standards. The supervisor and/or the appropriately qualified personnel will conduct these inspections when necessary.
2. Home Utility or Insurance Expense. Incremental costs associated with working at home will not be paid by the Agency. Potential savings to the employee resulting from reduced commuting, meals, etc., may offset any incidental increase in utility expenses. Modifications to personal telephone lines or service will not be provided or paid for by the Agency.
3. Miscellaneous Expenses. Costs associated with copying work-related materials, fax charges, express mail, etc. will *not* be reimbursed by the Agency. Employees participating in Telework should complete duties that require these support activities at the official duty station, using Agency equipment, services, and materials.
4. Other Facilities. There are other work sites available to employees to facilitate Telework , such as, alternate FEMA locations, other government buildings, and GSA approved Telework centers. These facilities may require payments for space. If the alternate work site requested by an employee and agreed to by the supervisor is other than home, any costs become the responsibility of the employee's sponsoring organization.

## G. *Telecommunications, Equipment and Supplies*

Once selected for the FEMA Telework Program, including all Regular Telework Pilot Participants, who will be working from home will be asked to complete an equipment questionnaire. Some participants may already be equipped to perform his/her assignments at home with his/her own equipment or do not require equipment to conduct the tasks (e.g. telephone work). Based on the individual needs of participants, following are guidelines for what the Agency may provide:

1. Telephone Services. To the extent possible, long-distance telephone calls should be placed on scheduled days in the office. If work related long distance calls are necessary on Telework days, FEMA may, on a case-by-case basis, provide telephone credit cards to Telework Pilot participants. However, these must be preapproved in accordance with FEMA procedures. Employees may use "800" numbers to communicate with FEMA Headquarters, Regional Offices, and other FEMA work locations where "800" service has been established for the Agency, Region, and/or Office.
2. Communications. Telephone lines with touch-tone dialing are necessary in order to access voicemail. If an employee's work requires use of the internet or other communications related tasks, then the employee should install a second telephone line for computer use. This will allow the employee to utilize his/her telephone line while using a modem to connect with the Headquarters/Regional LAN. FEMA will *not* install or pay for additional telephone lines or service into an employee's home.

Telework employees working out of their home office should check their e-mail consistently if required by their job duties. They should not keep the FEMA e-mail system open all day, but should enter the system on a periodic basis.

Telework employees requiring access to his/her e-mail will be required to have a Terminal Access Controller Access Control System (TACACS) account. If you are selected to participate, and e-mail is a necessity, your Telework coordinator will provide information regarding telecommunications access. Access to the FEMA network through TACACS is limited and teleworkers may only remain online for the short duration necessary to retrieve e-mail. Abuse of TACACS access could result in a teleworker losing his/her account privileges.

3. Computers, Agency-owned Equipment, etc. Personal ownership of a computer is not a prerequisite for participation in the Telework Program.

If needed, the sponsoring organization may supply the following equipment and software for home use by approved employees as available:

- Stand-alone 486 (minimum level) computers (CPU, monitor, mouse and keyboard). Computers must be compliant with "Y2K" requirements. Printers and modems will not be provided by the Agency for home use.
- Agency standard software packages (Microsoft Windows, Norton Anti-Virus, and Office 97 Professional Suite)

Employees may not remove desk top computer equipment from the official duty station for purposes of Telework . Prior approval must be obtained before any property is removed from the Agency or Telework location and property passes issued for each piece of equipment must be obtained.

Agency-owned property such as computers and other telecommunications equipment are to be used by the teleworker in accordance with FEMA policy on limited personal use of government equipment. Strict adherence to regulations concerning the safeguarding and removal of all equipment is essential. All Agency-owned property must be returned to the Agency upon request. Employees are responsible for ensuring the return of that property in the same condition as when it left the Agency property. If Agency-owned property is damaged or destroyed the employee must immediately report this to their supervisor for determination.

In the event Agency-owned equipment or software requires service, the equipment must be returned to the official duty station by the employee for such work.

4. Supplies. If needed, the Agency will provide necessary office supplies (paper, pens, diskettes, etc.). Employees should obtain these items from the official duty station supply room or through the regular procedure at their official duty station. The Agency will not reimburse employees for any supplies purchased independently, nor will the Agency provide office furniture.
5. Termination of Participation. Upon termination of the Telework Agreement all equipment and property must be returned to the agency.
6. Help Desk Services. Telework employees will be allowed to contact his/her respective Help Desk for consultation while at his/her alternate worksite. Help Desk services will be limited to advice. No remote servicing will be provided. When a teleworker calls the Help Desk, he/she must identify him/herself as such so the Help Desk can track the impact of Telework on his/her operations. If the problem cannot be resolved over the telephone, the computer must be returned to the official duty station for servicing.

All equipment, software, data, and supplies furnished by the Agency shall remain the sole property of the Agency. Employees must agree to complete Option Form 7, Property Pass/Equipment Inventory Form and to return these items upon request of the Agency or upon termination of the Telework Agreement.

Employees are responsible for the safety and security of all equipment and data provided by or generated for the Agency, including maintaining security and confidentiality. Agency-owned software shall not be duplicated. Employees are responsible for maintaining his/her personally owned equipment.

#### *H. Position and Performance*

1. Position Descriptions. Changes to position descriptions are not required as the Telework arrangement should not change the actual position duties.
2. Performance Standards. Performance standards or workplans must have clearly defined performance requirements. Explicit and objective "norms" for work output should be based on experience with those required and sustained in the office and monitored through scheduled and required progress reports.

#### *I. Monitoring and Evaluation*

As mentioned in the eligibility criteria, all selected Regular Telework Pilot participants must agree to participate in program evaluation activities. These may include, but are not limited to:

- any pre-program baseline survey;
- participation in focus group discussions;
- a mid-year follow-up assessment (survey/interview);
- a full program review; and
- site visits by supervisors and/or a Health and Safety representative.

The final assessment will include a review of the Telework arrangements and any changes that may be needed, due to reorganization or reassignment of teleworker's assigned duties.

After the first year of participation, and each subsequent year, a brief recertification process will be necessary to continue in the Telework Program for the following year. This will consist of the employee and supervisor discussing and reviewing the Telework arrangement to see that it is still effective and desirable, and renewing the Telework Agreement. A copy of the annual

recertification form must be forwarded to the Telework Coordinator for the employee's official duty station.

*J. Workers' Compensation*

Teleworking employees are covered by the Federal Employees Compensation Act (FECA) and may qualify for workers' compensation benefits if an on-the-job injury or occupational illness is sustained while the employee is performing official duties at the official or alternate work site. Any accident or injury occurring at the alternate work site must be brought to the immediate attention of the supervisor. Because an employment-related accident sustained by an employee participating in the Telework program would occur outside of the premises of the official duty station, supervisors must ensure that claims of this type are immediately brought to the attention of the FEMA OHRM Employee and Labor Relations Division. (Reminder: employees must complete the Employee Self-Certification Safety Checklist, which identifies significant safety standards that should be met and return it to his/her supervisor prior to entering into a Telework Agreement.)

If there are any changes in the work environment that could affect safety, the employee is required to immediately submit a new "Employee Self-Certification Safety Checklist" and photograph of the office space.

*K. Records Management*

All FEMA employees, including those participating in the Telework Program, are required to comply with the following guidelines on record or duplicate record use when working at other locations. Compliance with these policies will protect the agency and the employee in the event of litigation or government investigation. During an investigation, all relevant records must be made available to investigators and auditors. Title 18, USC, Section 1516 makes it a criminal violation punishable by a fine or imprisonment to obstruct an audit.

1. An "official record" is defined by the Federal Records Act as ". . . all books, papers, maps, photographs, machine readable materials or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal Law or in connection with the transaction of public business and preserved or appropriate for preservation by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government...."
2. Employees may not take official records home. If official records are needed for telework, duplicates must be made at the official duty station. Those duplicates remain the property of FEMA. Duplicates should be treated as original records and returned to the office, even in the event

destruction is necessary. The use of duplicate official records will be for a stated period of time and may be noted in the Telework Agreement, such as the project demands.

3. When duplicate copies/records used at Telework locations are no longer needed by the employee, they must be returned to the office to be recycled or destroyed. In the event that any information should be added to or changed in this duplicate record, it must be added to or changed in the official record.
4. Confidential information or national security classified information may **not** be removed from its secure location even in duplicate. Document rules for the teleworker's organization must be followed.
5. Care must be taken to ensure that records subject to the Privacy Act and sensitive non-classified data are not disclosed to anyone except to those who are authorized access to such information in order to perform his/her duties. Organizations allowing employees to access records subject to the Privacy Act from a remote work site must maintain appropriate administrative, technical and administrative safeguards to secure the security and confidentiality of the records. When records subject to the Privacy Act are maintained or used by employees working at home or at alternate work sites, the office in charge of that information should revise the appropriate record system notices to indicate that the off-site systems location is authorized.

#### L. *Other Issues*

1. Liability. Advice and assistance regarding official matters involving legal claims and liability should be referred to the Office of General Counsel, General Law Division, located at FEMA Headquarters in Washington, DC. Generally, teleworking employees are covered and may file claims under the Federal Employees Compensation Act, the Military Personnel and Civilian Employees Claims Act, and the Federal Tort Claims Act for personal injury, property loss/damage, or Federal employee negligence issues.
2. Tax Benefits. Generally, no expenses are allowed for home offices or work space unless used exclusively on a regular basis as a principal place of business. Employees who believe they may be entitled to tax deductions based on home office or work space, depreciation of employee-owned personal computers and related equipment, etc., should consult his/her tax advisor or the Internal Revenue Service for information on tax laws and interpretations.

## VI. TERMINATING OR CHANGING A TELEWORK ARRANGEMENT

The Telework Coordinator must be notified if:

- an issue or concern arises with the Telework arrangement;
- a change in the Telework Agreement is needed; or,
- a Telework Agreement is terminated or suspended.

### A. *Termination*

1. An employee participating in the program may withdraw from the program after providing sufficient advance notice (24 hours is generally expected, every effort should be made to provide the teleworker with sufficient notice).
2. An annual performance rating below proficient automatically terminates an employee's teleworking arrangement.
3. Management retains the right to suspend or terminate an employee's Telework participation at any time, generally with 24 hours notice (24 hours is generally expected; every effort should be made to provide the teleworker with sufficient notice), if:
  - Emergency operations and/or assignments are activated;
  - The employee's performance declines or the employee receives a less than expected on any critical element during a quarterly performance review;
  - The employee fails to fully comply with the agreed-upon program requirements;
  - If the employee is involved in misconduct which is actionable under FEMA Manual 3310.1, Disciplinary/Adverse Actions Procedures; or,
  - If it no longer benefits the Agency to have the employee work at an alternate work site.
4. A Telework arrangement may be terminated if the employee fails to provide requested information, or fails to participate in requested program monitoring and evaluation activities (including surveys, focus groups, etc.).
5. Upon termination of the Telework Agreement, the employee must return all equipment provided for that employee to assist in Telework by the Agency. Accountability will be maintained. Failure by the employee to return all

Government equipment may result in disciplinary or adverse actions being taken against the employee.

#### B. *Change Issues*

Whenever any element of the Telework Agreement changes (job position, work assignment, home office, or personnel changes, etc.), the Telework arrangement must be reevaluated and/or a new agreement put in place if participation is still approved. Examples of such changes are:

- The Telework employee transfers to a different job and/or organizational unit, or the work of the position changes; or
- The supervisor of a Telework employee changes.

Whenever changes occur, the following actions must be taken:

1. If the change results in a new supervisor for the Telework employee and the employee would like to continue teleworking: (1) the Telework Coordinator must be notified; (2) the new supervisor will be provided orientation/training, given any relevant information/materials associated with progress of the project; and, (3) the employee and supervisor will assess suitability for Telework and if approved, a new Telework Agreement must be put in place.
2. If the job task/assignment changes, the employee and supervisor must reassess the employee's suitability for teleworking and, if appropriate, complete a new Telework Agreement.

Teleworkers may continue his/her teleworking arrangement until the reassessments are complete. Exceptions to this policy may be made on a case-by-case basis. All exception requests and supporting documentation should be submitted to the Telework Program Coordinator for the employee's Region/Office/Division.

#### C. *Suspension of Telework Participation*

It may be necessary, under extenuating circumstances, to temporarily suspend a Telework Agreement (e.g., extensive out-of-town travel or disaster duty). In these cases, the supervisor and/or employee must notify the Telework Coordinator of the duration and reason for the suspension.



# U.S. Department of Homeland Security MANAGEMENT DIRECTIVE 715

## Equal Employment Opportunity Program Status Report

Fiscal Year 2014



**Homeland  
Security**

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For period covering October 1, 2013, to September 30, 2014.

<b>PART A</b>  Department or Agency Identifying Information	1. Agency		1. Department of Homeland Security		
	1.a. 2 <sup>nd</sup> level reporting component				
	1.b. 3 <sup>rd</sup> level reporting component				
	1.c. 4 <sup>th</sup> level reporting component				
	2. Address		2. 245 Murray Lane, SW, Bldg. 410, MS 0191		
	3. City, State, Zip Code		3. Washington, D.C. 20528		
	4. CPDF Code	5. FIPS code(s)	4. HS	5. 7000	
<b>PART B</b>  Total Employment	1. Enter total number of permanent full-time and part-time employees			1. 179,256	
	2. Enter total number of temporary employees			2. 10,810	
	3. Enter total number employees paid from non-appropriated funds			3. 1,405	
	4. <b>TOTAL EMPLOYMENT [add lines B 1 through 3]</b>			4. 191,471	
<b>PART C</b>  Agency Official(s) Responsible for Oversight of EEO Program(s)	1. Head of Agency Official Title		1. Jeh Charles Johnson, Secretary		
	2. Agency Head Designee		2. Megan H. Mack, Officer for Civil Rights and Civil Liberties (CRCL)		
	3. Principal EEO Director/Official		3. Veronica Venture, Deputy Officer for CRCL and Director for Equal Employment Opportunity and Diversity Programs, GS/SES		
	4. Title VII Affirmative EEO Program Official		4. Elaine McKinney, Director, Diversity Management Section, CRCL		
	5. Section 501 Affirmative Action Program Official		5. Tanya Cantrell, Equal Employment Manager		
	6. Complaint Processing Program Manager		6. Chrystal Young, Director, Complaints Management and Adjudication Section, CRCL		
	7. EEO Staff Statistician		7. Michael LePore, Statistician, Diversity Management Section, CRCL		
	8. Special Emphasis Program Manager (SEPM)		8. Dennis Oden, Equal Employment Manager, Diversity Management Section, CRCL		
	9. Special Emphasis Program Manager (SEPM)		9. Conchetta Belgrave, Equal Employment Manager, Diversity Management Section, CRCL		

PART D  List of Subordinate Components Covered in This Report	Subordinate Component and Location (City/State)	CPDF and FIPS codes	
	<b>U.S. Customs and Border Protection</b> Washington, DC	TR 93	15
	<b>U.S. Citizenship and Immigration Services</b> Washington, DC	TR 93	89
	<b>U.S. Coast Guard</b> Washington, DC	TR 93	17
	<b>Federal Emergency Management Agency</b> Washington, DC	TR 93	22
	<b>Federal Law Enforcement Training Center</b> Glynco, GA	TR 93	23
	<b>U.S. Immigration and Customs Enforcement</b> Washington, DC	TR 93	16
	<b>U.S. Secret Service</b> Washington, DC	TR 93	60
	<b>Transportation Security Administration</b> Arlington, VA	TR 93	35
	<b>Headquarters - Office of the Secretary</b> Washington, DC	TR 93	11
	<b>Headquarters - Office of the Inspector General</b> Washington, DC	TR 93	20
	<b>Headquarters – Management Directorate</b> Washington, DC	TR 93	50 & 51
	<b>Headquarters - Science &amp; Technology Directorate</b> Washington, DC	TR 93	30

## EEOC FORMS and Documents Included With This Report

### ■Executive Summary [FORM 715-01 PART E], that includes:

- Brief paragraph describing the agency's mission and mission-related functions
- Summary of results of agency's annual self-assessment against MD-715 "Essential Elements"
- Summary of EEO Plan objectives planned to eliminate identified barriers or correct program deficiencies

### ■Copies of relevant EEO Policy Statement(s) and/or excerpts from revisions made to EEO Policy Statements

### ■EEO Plan To Eliminate Identified Barrier [FORM 715-01 PART I] for each identified barrier

### ■Summary of EEO Plan action items implemented or accomplished

### ■Statement of Establishment of Continuing Equal Employment Opportunity Programs [FORM 715-01 PART F]

### ■EEO Plan To Attain the Essential Elements of a Model EEO Program [FORM 715-01PART H] for each programmatic essential element requiring improvement

- Summary of Analysis of Work Force Profiles including net change analysis and comparison to RCLF

- Optional Annual Self-Assessment Checklist Against Essential Elements [FORM 715-01PART G]

### ■Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals With Targeted Disabilities for agencies with 1,000 or more employees [FORM 715-01 PART J]

### ■Copy of Workforce Data Tables as necessary to support Executive Summary and/or EEO Plans

### ■Organizational Chart

### ■Copy of Facility Accessability Survey results as necessary to support EEO Action Plan for building renovation projects

### ■Copy of data from 462 Report as necessary to support action items related to Complaint Processing Program deficiencies, ADR effectiveness, or other compliance issues

## Part E - Executive Summary

### Introduction

This Equal Employment Opportunity Program Status Report for Fiscal Year 2014 (FY14) outlines the U.S. Department of Homeland Security's (DHS) Equal Employment Opportunity Program activities, as required by the U.S. Equal Employment Opportunity Commission's (EEOC) Management Directive 715. This report highlights DHS's accomplishments in establishing and maintaining a model program by promoting equal employment opportunity and identifying areas for improvement for all of its employees and applicants. The report also provides the FY15 plan to address any programmatic deficiencies. In addition to this Departmental Management Directive 715 report, each DHS Component submits its own report to the EEOC. Directorates and headquarters programs reports are accumulated and included in this report.

### The U.S. Department of Homeland Security

DHS's mission is to make the nation safe, secure, and resilient against terrorism and other hazards, where the American way of life can thrive. DHS's mission is comprised of five major areas of responsibility: 1) Preventing Terrorism and Enhancing Security; 2) Securing and Managing Our Borders; 3) Enforcing and Administering Our Immigration Laws; 4) Safeguarding and Securing Cyberspace; and 5) Ensuring Resilience to Disasters. In addition, DHS specifically focuses on maturing the homeland security enterprise. Over its eleven years, DHS has coordinated the transition of multiple agencies and programs into a single, integrated agency focused on protecting the American people and the homeland.

### The Office for Civil Rights and Civil Liberties

The Office for Civil Rights and Civil Liberties (CRCL) supports the Department's mission to secure the nation while preserving individual liberty, fairness, and equality under the law. CRCL is responsible for overseeing the integration of civil rights and civil liberties into all of the Department's activities. CRCL accomplishes this by: directing, overseeing, and coordinating activities for the protection and promotion of civil rights and civil liberties for members of the public; advising Department leadership and state and local partners of ways to promote respect for civil rights and civil liberties in policy creation and implementation; informing individuals and communities whose civil rights and civil liberties may be affected by DHS policies and activities; promoting appropriate attention within the Department to concerns and experiences of these individuals or communities; investigating and resolving civil rights and civil liberties complaints filed by the public regarding Department policies or activities, or actions taken by Department personnel; and leading the Department's equal employment opportunity programs and promoting workforce diversity and merit system principles. CRCL's Equal Employment Opportunity and Diversity Division includes the following organizational units: DHS-Headquarters Equal Employment Opportunity Office (DHS HQ Equal Employment Opportunity); Diversity Management Section; and Equal Employment Opportunity Complaints Management Adjudication Section. Another part of CRCL, the Programs and Compliance Division, falls outside the scope of the Management Directive 715.

## **Program Elements**

In Management Directive 715, six elements serve as the foundation for a model equal employment opportunity program:

- Demonstrated commitment from agency leadership;
- Integration of equal employment opportunity into the agency's strategic mission;
- Management and program accountability;
- Proactive prevention of unlawful discrimination;
- Efficiency; and
- Responsiveness and legal compliance.

### ***Essential Element A – Demonstrated Commitment from Agency Leadership***

- In the spring of 2014, the Deputy Secretary established the Employee Engagement Steering Committee, a representative body of employees from across the Department to address the issues of greatest importance to DHS employees.
- Megan H. Mack, Officer, CRCL, continues to represent DHS on the White House Council on Women and Girls. The Council on Women and Girls includes two subgroups: Science, Technology, Engineering, and Mathematics (STEM); and Women Veterans.
- Due to both the volume and significance of law enforcement positions within the Department, the CRCL Diversity Management Section coordinated a Department-wide study on Women in Law Enforcement that will be completed with findings and associated recommendations during FY15. Focus groups were conducted during FY14, soliciting direct feedback from women in a variety of law enforcement occupations throughout five DHS Components. The study will offer benchmarks from other federal law enforcement agencies, identify perceived barriers to EEO and diversity, and provide recommendations and strategies to achieve a model workplace that values diversity and provides equality of opportunity.
- TSA's Deputy Supervisory Federal Air Marshal in Charge from its Washington Field Office was appointed as the National President of Women in Federal Law Enforcement (WIFLE).
- In early FY14, CRCL's Diversity Management Section conducted two remaining Component site visits on FY12 Equal Employment Opportunity and Diversity Reports, one with the Federal Emergency Management Agency (FEMA) and the second with DHS Headquarters (DHS HQ). The Component site visits were a follow-up to a briefing on Equal Employment Opportunity and Diversity Reports that focused on DHS trends.

### ***Essential Element B – Integration of EEO into the Agency's Strategic Mission***

- DHS continues implementing the U.S. Department of Homeland Security Workforce Strategy, Fiscal Years 2011-2016, signed by the (former) DHS Secretary on December 21, 2010. It sets specific goals, objectives,

and performance measures to ensure that DHS attracts, develops, and retains a talented and diverse workforce to secure America.

- In 2014, OPM launched a new training program, fulfilling a requirement under Executive Order 13548 to provide comprehensive training on disability employment. Modeled after the DHS CRCL's Employment of People with Disabilities: A Roadmap to Success, the OPM online course explores the recruitment, interviewing, providing reasonable accommodations, and hiring of individuals with disabilities. Both courses are available on the DHS learning management system. CRCL's course is also available to the public at: [http://www.dhs.gov/xlibrary/assets/training/xus/crcl/employmentdisabilities/Employment\\_Disabilities/index.htm](http://www.dhs.gov/xlibrary/assets/training/xus/crcl/employmentdisabilities/Employment_Disabilities/index.htm). OPM's new mandatory program is available at [A Roadmap to Success: Hiring, Retaining and Including People with Disabilities](#). The OPM course is mandatory for all employees that recommend, initiate, take, or approve any personnel actions. Employees are required to complete this course every other year.
- DHS continues to implement the U.S. Department of Homeland Security Diversity and Inclusion Plan, Fiscal Years 2012-2015. The Plan sets specific goals, objectives, and performance measures, which ensure that DHS secures a high-performing workforce drawn from all segments of society, cultivates a culture that encourages collaboration, flexibility, and fairness, and institutionalizes diversity and inclusion as a key strategic priority across all of DHS' programs.
- During FY14, CRCL continued its participation in recurring high-level strategic activities, including: The Secretary's Bi-Weekly Component Heads' meetings; DHS Management Council meetings (chaired by the Under Secretary for Management and composed of all DHS Component management heads); Human Capital Leadership meetings (chaired by the Chief Human Capital Officer and composed of all DHS Component Human Resources Directors); and the Workforce Planning Council, which shapes the workforce planning and workforce measurement programs for the Department. In FY14, the DHS Equal Employment Opportunity and Diversity Council led by CRCL commenced development of an Equal Employment Opportunity Council Strategic Plan. The Plan will articulate both a strategic vision for the Equal Employment Opportunity Council and the tactics necessary to carry out that vision. In FY14, two strategic planning sessions were held. The Plan will be finalized during FY15.

#### ***Essential Element C – Management and Program Accountability***

- CRCL provided training on reasonable accommodations and employment of Individuals with Disabilities and Targeted Disabilities through periodic meetings of the Disability Employment & Accessibility Council. This council is comprised of DHS Component disability program and reasonable accommodations program managers.
- CRCL continues to collaborate with OCHCO on many initiatives and programs, including the strategic goals identified in the Human Capital Operational Plan and the Diversity and Inclusion Plan.

- CRCL conducted two technical assistance and training sessions at FEMA and HQ.
- CRCL provided training on how to better collaborate with Tribal Colleges and Universities through periodic meetings of the DHS Tribal Colleges and Universities Program Council. This Council is comprised of DHS Component Tribal Colleges and Universities Program Managers.
- The DHS Corporate Recruitment Council developed the Coordinated Recruiting and Outreach Strategy FY 12-17 to increase outreach to diverse groups and enhance efficiencies in recruiting across the department. As a result, the Corporate Recruitment Council:
  - Developed a Top 25 list of recruiting and outreach events targeting diverse populations and events focused on law enforcement, DHS's largest mission critical occupation;
  - Established national and regional recruitment initiatives to increase the effectiveness of cross-functional recruiting activities. Specifically, the Corporate Recruitment Council coordinated a DHS presence at eight recruiting events focused on law enforcement, women, and diverse populations: WIFLE; National Asian Peace Officers Association (NAPOA); National Organization of Black Law Enforcement Executives (NOBLE); National Native American Law Enforcement Association (NNALEA); Congressional Black Caucus Foundation (CBC); League of United Latin American Citizens (LULAC); Hispanic Associations of Colleges and Universities (HACU); Hispanic American Police Command Officer Association (HAPCOA);
  - Revised Component Recruitment and Outreach Plans (CROP) to enhance recruiting efforts to meet current and long-term needs. The CROP is used to assess and evaluate components outreach efforts to underrepresented groups with a focus on mission-critical occupations. Components completed the revised templates for FY14 to include long-term staffing gap projections and planned strategies to fill those gaps. This process required Component recruiters to collaborate with workforce planners to identify staffing gaps for two out-years. The FY15 CROPs were issued to components and are scheduled to be finalized and evaluated in preparation for the new fiscal year. Additionally, an Accountability Checklist was developed and implemented to assess the CROP submissions for accuracy and completion; and
  - Reformatted the DHS Recruiter Training to reduce costs and enhance collaboration into a virtual format and piloted via webcast to three locations; the Pacific Northwest, the Southern Border, and Southeast area. This training enabled DHS to send local recruiters with general knowledge about employment opportunities in all nine DHS components to recruit across the department.
- Overall results of FY14 exit survey indicated the following top three reasons employees separated: personal or family related, advancement opportunities, supervisor/management. Similar to prior years, respondents

were most dissatisfied with their second level managers, attributed to lack of management skills and poor communications.

***Essential Element D – Proactive Prevention***

- DHS continues to conduct an annual self-assessment to monitor progress, identify areas where barriers may operate to exclude racial, national origin, gender groups, or qualified Individuals with Disabilities, and to develop strategic plans to mitigate or eliminate these identified barriers.
- CRCL provided diversity training to employees within the DHS Office of the Chief Information Officer. The training examined diversity and inclusion within the DHS culture, addressed unconscious bias, and explored workforce generational differences. In addition, CRCL provided anti-harassment training to staff from the Office for Bombing Prevention, National Protection and Programs Directorate. CRCL also provided two anti-harassment training sessions to the Miami and Atlanta offices of the Federal Protective Services. CRCL trained Equal Employment Opportunity staff from ICE on the Acceptance/Dismissal Process, with an emphasis on hostile work environment claims.
- CRCL’s Complaints Management and Adjudication Section (CMAS):
  - Led a number of collaborative initiatives in FY14 and continued to strengthen partnerships between CRCL and other DHS Components. Several CMAS employees were recruited to serve in a newly formed EEOD training cadre and conducted EEO anti-harassment and diversity training for managers, supervisors, and non-supervisory employees within DHS Headquarters. This training was often provided at the invitation of DHS Headquarters Component heads and was instrumental in increasing awareness of EEO laws, individuals’ rights, and managers’ responsibilities to maintain a workplace free from discriminatory actions and conduct;
  - Refined and issued guidance to EEO offices at all DHS Components regarding best practices for conducting effective EEO investigations;
  - Led Component EEO Complaint Managers quarterly meetings during which Department-wide guidance was shared, training on iComplaints—the enterprise EEO database and document management system—was offered, and best practices were identified, and;
  - Hosted iComplaints user update trainings for EEO personnel across the Department. These sessions created an opportunity for Component personnel to enhance their knowledge and effective use of this comprehensive tracking and reporting system. Participants also received individualized coaching from the DHS database administrator and Senior Complaints Manager, resulting in more accurate data input and also enabling Component personnel to better utilize the system’s advanced reporting features.

- DHS Components provided training on disability awareness, hiring, and reasonable accommodation to 7,072 DHS managers and Supervisors, a decline from 10,371 trained in FY13.
- DHS provided 2,981 reasonable accommodations to applicants, employees, and contractors department-wide in FY14. DHS Components granted 2,200 or 73.8%, denied 119 or 4%, and categorized 666 or 22.3% as “other”, i.e., closed, remanded, pending, no assistance required, and withdrawn. This is lower than the reported 3,295 in FY13 due to a change in counting convention within FEMA’s accommodation case management system. Of the total accommodations provided in FY14, TSA’s 810 and USCIS’s 1,149 accounted for 69.0% of all DHS accommodations.
- DHS hired one permanent employee and 13 temporary employees from the Workforce Recruitment Program for College Students with Disabilities. Of note, four of the 13 students hired in FY14 were from the prior year’s Workforce Recruitment Program database. The Workforce Recruitment Program database is available on-line at [www.wrp.gov](http://www.wrp.gov) for federal agencies to recruit qualified students with disabilities into either temporary or permanent positions.
- In FY14, using Schedule A Hiring Authority under 5 CFR 213.3102, DHS hired 56 Individuals with Disabilities Department-wide, an increase from 55 in FY13, yet below the 100 Schedule A hires made in FY12.
- Since June 30, 2003, when DHS became a U.S. Department of Defense, Computer/Electronic Accommodation Program Partner, to FY13, DHS received 2,870 accommodation solutions from the Computer/Electronic Accommodation Program, saving DHS \$1,292,280. During FY13, DHS experienced a 25% increase in the number of accommodation solutions from the program. DHS employees received 432 accommodation solutions from the program, saving DHS \$165,238. [2]

#### ***Essential Element E - Efficiency***

- DHS timely submitted the annual Federal Equal Employment Opportunity Statistical Report of Discrimination Complaints (EEOC Form 462) to EEOC (see more details in Element F, below) and the Annual Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (NO FEAR) Report to Congress and others.
- The Complaints Management and Adjudication Section (CMAS) developed and deployed an initiative to benchmark Component investigations and identify best practices for conducting effective equal employment opportunity investigations. As a result, CMAS refined and issued guidance to EEO offices at all DHS Components regarding best practices for conducting effective EEO investigations.
- The CMAS remained active in FY14 by leading the Component Complaint Managers in quarterly meetings, during which Department-wide guidance was shared. Training on iComplaints was offered, and best practices were identified. The Complaints Management and Adjudication Section hosted two iComplaints

(EEO database) user update trainings for EEO personnel across the Department. These sessions created an opportunity for Component personnel to enhance their knowledge and effective use of this comprehensive tracking and reporting system and to receive individualized coaching from the DHS database administrator and Senior Complaints Manager, resulting in more accurate data input and also enabling Component personnel to better utilize the system's advanced reporting features.

- During FY14, CRCL continued to collaborate with the Office of the Chief Human Capital Officer (OCHCO) and the Components to address skill gaps that were identified in an OPM report concerning the competencies of DHS employees who work in the 0260 occupational series. CRCL conducted a root cause analysis to determine why the gaps exist and developed an operational plan to address the skill of critical thinking.
- In FY14, DHS completed 940 Equal Employment Opportunity investigations, an increase from 871 in FY13. The percentage of timely investigated complaints remained steady at 70% in FY14 and FY13.
- With respect to adjudication, in FY14, the overall percentage of timely merit Final Agency Decision (FAD) issuances increased between FY13 (41 percent) and FY14 (53 percent), while overall numbers dropped both in terms of total FADs issued and total FADs timely issued when comparing those two years. Interestingly, during FY14, CRCL received only 377 requests for merit FAD (301 issued), compared with 512 incoming requests during FY13 (455 issued). CRCL has no direct control over the number of cases received because this is determined by the volume of complaint filings across the Department in the fiscal year along with Complainants' decisions to elect agency merit FADs. CRCL routinely monitors formal complaint activity and anticipates the likely influx of merit FAD requests.
- CRCL received comments and concurrence from Components on a white paper that is expected to lead to the implementation of a DHS-wide Alternative Dispute Resolution program. The white paper will be presented to the Deputy Secretary in FY15. The proposal includes hiring a program manager at the Headquarters level, who will be responsible for promoting the program and managing a cadre of internal mediators. The program is expected to result in a decrease in formal filings of Equal Employment Opportunity complaints. In FY14, CRCL received authorization to hire an ADR Program Manager and expects to make a hire in FY15.

#### ***Essential Element F - Responsiveness and Legal Compliance***

DHS's goal is full compliance with equal employment opportunity statutes, regulations, policy guidance, and other written instructions. Agency personnel are accountable for timely compliance with orders issued by EEOC Administrative Judges, and it has implemented procedures in place to ensure timely completion of ordered corrective actions and timely submission of compliance reports.

### ***Section 508 of the Rehabilitation Act***

The Office of Accessible Systems & Technologies (OAST) implements Section 508 of the Rehabilitation Act of 1973, as amended. Accomplishments during FY14 included:

- Processed 2,108 DHS Accessibility Helpdesk requests across DHS and several federal agencies and public entities using its Accessibility Compliance Management System a Web-based program to track accessibility related assistance.
- Remediated 28,878 pages (632 document files) of content consisting of forms, policy documents, newsletters, Frequently Asked Questions, memoranda, schedules, budget files, handbooks, flyers, schedules, and reports across DHS and its Components. The Accessibility Helpdesk serves as a single point of contact for all electronic and information technology accessibility and accommodation needs.
- Completed the final phase of deployment of the online trusted tester training course. Federal Acquisition Certification (FAC) 049 was adopted as the federal-wide introductory course for Section 508 compliance and is open to all federal employees. The course is also included as a continuing learning model for Federal Acquisition Certification of Contracting Officer's Representatives (CORs).
- Trained 1,542 personnel across DHS and its Components and other government agencies through the Section 508 Awareness Training Program. To date, the Office has graduated 229 testers through the DHS Trusted Tester Certification Program.
- Performed Section 508 compliance reviews for four change control boards and for major information technology procurements. Total reviews performed exceeded 5,184 and modifications made as a result of Office of Accessible Systems & Technology governance totaled 177.
- Conducted 52 initial accessibility reviews for IT programs on the DHS Major Acquisition Oversight List (MAOL). These reviews allowed the Accessibility Compliance Center of Excellence (ACCOE) to introduce Section 508 accessibility standards and proven best practices as well as successfully inventoried 89 of 90 IT programs to determine their accessibility status and needs.
- Tested 114 IT and web-based applications that were submitted through the DHS Accessibility Helpdesk.
- Processed 85 reasonable accommodation requests. These requests were for technology- related accommodations only. HQ - EEO Disability Program Manager processed all other accommodation requests.
- Began the internal pilot of a draft mobile test process for IOS and Android.

## Workforce Profile and Trend Analysis

With 179,256 permanent civilian employees, DHS is the third-largest Executive Branch agency. The total permanent workforce decreased by 4,404 employees, or 2.4%, during FY14.

The DHS workforce trend analysis discussed below was conducted on the permanent employee workforce, as this is the only segment that can be meaningfully tracked over time. Temporary employees are hired for temporary needs, their separation is pre-destined, and their makeup can change significantly from year to year, which makes discussing temporary trends in Ethnicity/Race Indicator, Sex, and disability less relevant to our analysis of employees as they move through the human capital lifecycle.

Interpreting the tables below is done with parity, as the idealized outcome. In a world of parity, all groups are expected to move through the human capital lifecycle in proportion to their size. In the tables below, parity would result if each row in the table contained essentially the same number all the way across the board. For example, if Black males are 7.2% of the permanent DHS workforce in FY14, they should be 7.2% of each of the following: attrition, promotions, low pay grades, middle pay grades, and high pay grades. If this is not occurring, it constitutes a trigger and is suggestive of a possible equal employment barrier. Multiple years of data are provided to give a glimpse into the trends for each particular group. Successful human capital strategies can minimally affect the workforce in a particular year. Therefore, analysis of several years of data is often useful in these types of assessments.

Additionally, both National Civilian Labor Force and Relevant Civilian Labor Force statistics are provided as benchmarks. The National Civilian Labor Force consists of all persons over 16 years of age, who are not institutionalized or on active duty in the armed forces, and who either have a job or want a job. The Relevant Civilian Labor Force is a weighted average of demographic statistics pertaining only to occupations seen within DHS.

**Black Males – 7.2% of DHS, 5.5% of National Civilian Labor Force, 4.9% of Relevant Civilian Labor Force**

Year	Pay level								
	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	7.1%	7.6%	9.7%	8.1%	11.7%	8.7%	4.8%	5.2%	4.3%
FY08	6.8%	6.6%	8.6%	6.2%	10.0%	8.1%	4.8%	5.4%	4.7%
FY09	6.7%	6.4%	7.4%	5.8%	9.9%	8.1%	4.8%	5.6%	5.2%
FY10	7.0%	8.2%	7.8%	5.1%	10.7%	8.6%	5.3%	5.7%	6.2%
FY11	7.1%	8.7%	8.0%	5.4%	10.3%	9.0%	5.4%	5.8%	6.8%
FY12	7.1%	7.2%	8.3%	5.6%	9.4%	9.3%	5.4%	5.9%	6.6%
FY13	7.2%	9.1%	8.0%	6.2%	10.5%	9.4%	4.9%	5.7%	6.7%
FY14	7.2%	9.2%	8.1%	6.8%	10.4%	9.6%	5.2%	6.5%	6.4%

The workforce participation rate of Black males has been relatively stable over the past seven Fiscal Years, and remains well above the participation rate seen in the National Civilian Labor Force.

Although Black males are increasing their presence in higher grade levels over time, the lower than expected promotion rate suggests a possible barrier to upward mobility for this group.

**Black Females – 7.9% of DHS, 6.5% of National Civilian Labor Force, 6.3% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	7.7%	9.9%	10.1%	8.4%	14.5%	9.5%	4.8%	6.1%	1.7%
FY08	7.6%	8.5%	9.9%	6.4%	13.7%	8.9%	4.7%	6.4%	1.4%
FY09	7.4%	6.5%	8.4%	6.9%	14.3%	8.8%	4.7%	6.5%	2.4%
FY10	7.5%	8.5%	9.9%	4.8%	12.9%	9.9%	5.0%	6.5%	3.3%
FY11	7.7%	9.7%	8.8%	6.0%	12.1%	10.6%	4.9%	6.6%	3.5%
FY12	7.7%	9.8%	9.4%	6.1%	12.9%	11.1%	4.8%	6.7%	3.8%
FY13	7.8%	10.7%	9.5%	7.1%	12.8%	10.3%	4.7%	6.8%	3.6%
FY14	7.9%	11.0%	9.2%	8.2%	15.3%	11.5%	4.6%	6.6%	2.8%

The workforce participation rate of Black females has been relatively stable over the past seven Fiscal Years, and remains well above the participation rate seen in the National Civilian Labor Force.

While Black Females are being hired at a rate that is higher than their onboard workforce participation rate, they are separating at a higher than expected rate as well. This is the case for each year in the time period provided.

**Hispanic Males – 15.7% of DHS, 5.2% of National Civilian Labor Force, 5.0% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	14.4%	16.4%	10.3%	14.1%	8.4%	13.7%	21.3%	7.9%	5.0%
FY08	14.5%	15.5%	12.3%	18.5%	10.1%	14.2%	21.1%	7.9%	5.1%
FY09	14.6%	16.6%	13.5%	19.8%	10.0%	14.1%	21.3%	7.9%	4.3%
FY10	15.5%	11.3%	10.2%	25.7%	11.3%	13.1%	22.8%	10.9%	4.1%
FY11	15.6%	13.3%	10.8%	20.7%	15.8%	11.7%	23.1%	11.3%	4.5%
FY12	15.5%	10.1%	10.4%	18.6%	14.9%	10.9%	23.4%	11.4%	5.1%
FY13	15.6%	11.0%	10.4%	15.8%	13.1%	10.8%	24.9%	11.8%	4.5%
FY14	15.7%	11.1%	10.8%	12.6%	11.7%	7.2%	24.7%	11.4%	4.0%

The workforce participation rate for Hispanic males is significantly above the rate seen in the National Civilian Labor Force.

This is largely due to DHS's law enforcement presence in southern border states. Hispanics constitute 30% of CBP Officers, almost half of Border Patrol Agents, and a quarter of Immigration Enforcement Agents. CBP Officers and Border Patrol Agents are required to be fluent in Spanish for initial placements along the southern border, Florida, and in Puerto Rico, a requirement that is not present in the standard relevant civilian labor force comparison. This job requirement greatly increases Hispanic representation in these occupations.

The hiring of Hispanic males has fallen off in recent years, largely due to recent hires being concentrated in the Washington, D.C. area, while hires on the southern border have declined. The attrition rate continues to remain well below the workforce representation rate.

Hispanic males' promotion rates began to fall into balance with their workforce representation rate after years of disproportionately high promotions, and movement from the GS 10-12 grades into the GS 13-15 grades is occurring. For example, as the above chart indicates, in FY14, Hispanic males comprised 11.4% of grades 13-15, much higher than in FY07, when Hispanic males comprised 14.4% of the permanent workforce, yet only 7.9% were in grades 13-15.

**Hispanic Females – 5.5% of DHS, 4.8% of National Civilian Labor Force, 4.0% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	4.8%	5.2%	4.4%	5.4%	6.4%	5.7%	4.8%	2.8%	0.9%
FY08	4.9%	6.2%	5.1%	5.0%	8.3%	5.4%	4.7%	2.9%	0.6%
FY09	4.8%	4.5%	4.8%	5.4%	8.3%	5.6%	4.6%	2.9%	1.2%
FY10	5.2%	4.0%	4.1%	5.6%	6.8%	6.6%	5.2%	3.2%	1.0%
FY11	5.2%	5.2%	4.5%	5.1%	8.1%	6.6%	5.1%	3.2%	1.2%
FY12	5.3%	6.1%	5.4%	5.0%	9.6%	6.6%	5.1%	3.2%	1.2%
FY13	5.5%	7.6%	5.4%	5.5%	9.9%	6.3%	5.2%	3.5%	1.5%
FY14	5.5%	7.8%	6.1%	6.0%	11.6%	7.2%	5.2%	3.3%	1.9%

The workforce participation rate for Hispanic females is slightly above the rate in the National Civilian Labor Force.

The workforce participation rate has increased in each of the last seven fiscal years as hires tended to outpace attrition, although attrition has increased in FY14. Hispanic females are being promoted at a rate that is at or above what would be expected given their workforce participation rate.

Hispanic females are significantly overrepresented at the lowest grade levels. For instance, almost 40% of Hispanic Females are in pay bands that are at the GS-8 equivalent level or lower.

Representation at the highest grade levels has, however, been trending towards parity over the past four years.

**Asian Males – 3.4% of DHS, 2.0% of National Civilian Labor Force, 2.7% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	3.0%	2.4%	2.5%	3.5%	2.3%	3.2%	3.3%	2.2%	1.3%
FY08	2.9%	2.3%	2.3%	3.0%	2.1%	3.2%	3.3%	2.2%	1.2%
FY09	2.8%	2.6%	2.1%	2.9%	2.2%	3.1%	3.1%	2.2%	1.4%
FY10	3.2%	2.8%	2.5%	3.6%	2.9%	3.3%	3.7%	2.5%	1.5%
FY11	3.2%	3.3%	2.8%	3.2%	3.5%	3.2%	3.7%	2.6%	1.1%
FY12	3.3%	3.2%	2.6%	3.3%	3.5%	3.2%	3.8%	2.7%	1.4%
FY13	3.3%	3.8%	2.7%	3.3%	3.6%	3.2%	3.8%	2.8%	1.5%
FY14	3.4%	4.1%	2.7%	3.3%	4.1%	3.5%	3.8%	2.8%	1.2%

Asian males are represented in the DHS permanent workforce at a rate well above that seen in the National Civilian Labor Force. Their workforce participation rate has increased over the past seven fiscal years, which is due to lower than expected attrition rates.

Asian males have been promoted at rates consistent with their workforce size, are most concentrated in the middle pay levels, and their presence at the GS 13-15 levels has been increasing in recent years.

Nearly 50% of all Asian males are either in the Transportation Security Officers position at TSA or the CBP Officer position at CBP.

**Asian Females – 1.7% of DHS, 1.9% of National Civilian Labor Force, 2.0% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	1.5%	1.1%	1.1%	1.6%	1.2%	1.7%	1.4%	1.3%	0.6%
FY08	1.5%	1.3%	1.0%	1.4%	1.2%	1.7%	1.5%	1.4%	0.9%
FY09	1.5%	1.3%	1.1%	1.5%	1.2%	1.6%	1.4%	1.4%	1.2%
FY10	1.6%	1.5%	1.4%	1.2%	1.2%	1.7%	1.6%	1.5%	1.3%
FY11	1.6%	1.6%	1.2%	1.4%	1.4%	1.7%	1.5%	1.6%	1.2%
FY12	1.6%	1.9%	1.5%	1.6%	1.6%	1.8%	1.5%	1.7%	1.2%
FY13	1.7%	1.8%	1.6%	1.7%	1.7%	1.6%	1.6%	1.8%	1.2%
FY14	1.7%	2.3%	1.4%	1.8%	2.4%	1.9%	1.5%	1.7%	1.1%

Asian females comprise the only major minority group whose onboard participation rate is lower than the National Civilian Labor Force. Its participation rate continues to slowly increase.

Hiring rates in FY13 and FY14, which have exceeded attrition rates, are responsible for the gradual increase in Asian female representation over time.

Asian females are being promoted at rates roughly consistent with their workforce size, and they are spread fairly proportionately throughout the GS pay grades. Their executive representation, while still low, has doubled since FY07.

**Native American Males – 0.64% of DHS, 0.6% of National Civilian Labor Force, 0.6% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	0.52%	0.57%	0.62%	0.53%	0.84%	0.49%	0.49%	0.49%	0.37%
FY08	0.49%	0.50%	0.61%	0.57%	0.73%	0.48%	0.45%	0.47%	0.16%
FY09	0.62%	0.89%	0.65%	0.57%	0.77%	0.66%	0.55%	0.55%	0.15%
FY10	0.70%	0.56%	0.66%	0.72%	0.75%	0.64%	0.70%	0.75%	0.30%
FY11	0.68%	0.52%	0.88%	0.64%	0.51%	0.62%	0.70%	0.73%	0.41%
FY12	0.66%	0.44%	0.70%	0.65%	0.46%	0.59%	0.69%	0.71%	0.52%
FY13	0.66%	0.51%	0.70%	0.55%	0.46%	0.61%	0.74%	0.66%	0.64%
FY14	0.64%	0.44%	0.89%	0.49%	0.28%	0.54%	0.72%	0.68%	0.74%

Native American males have approximately the same workforce participation rate as that seen in the National Civilian Labor Force.

Hires, attrition, and promotions for Native American males vary in ways that are not statistically significant, which is to be expected when dealing with such a small population.

Native American males are spread roughly, as expected, throughout the middle range of pay grades, and are underrepresented at the extremes.

Caution should be used when drawing inferences from the data, due to the extremely small size of the population, which can produce large swings, may not be statistically significant.

**Native American Females – 0.30% of DHS, 0.5% of National Civilian Labor Force, 0.6% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	0.31%	0.52%	0.50%	0.36%	0.85%	0.38%	0.17%	0.18%	0.00%
FY08	0.32%	0.48%	0.54%	0.25%	0.77%	0.38%	0.17%	0.19%	0.00%
FY09	0.35%	0.28%	0.45%	0.33%	0.86%	0.45%	0.19%	0.21%	0.00%
FY10	0.34%	0.27%	0.50%	0.25%	0.64%	0.49%	0.23%	0.23%	0.00%
FY11	0.32%	0.26%	0.43%	0.30%	0.33%	0.52%	0.21%	0.23%	0.00%
FY12	0.32%	0.40%	0.47%	0.22%	0.39%	0.52%	0.21%	0.22%	0.00%
FY13	0.31%	0.37%	0.47%	0.28%	0.29%	0.47%	0.19%	0.22%	0.00%
FY14	0.30%	0.33%	0.55%	0.28%	0.24%	0.48%	0.18%	0.23%	0.12%

Native American females have a lower workforce representation rate than that seen in the National Civilian Labor Force. Their attrition rate is higher than expected, given their workforce representation rate.

Native American females are disproportionately concentrated at lower pay levels. This, along with lower-than-expected promotion rates, could indicate a lack of upward mobility and explain the higher-than-expected separation rate. Caution should be used when drawing inferences from the data, due to the extremely small size of the population, which can produce large swings that may not be statistically significant.

**Pacific Islander Males – 0.31% of DHS, 0.1% of National Civilian Labor Force and Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	0.12%	0.19%	0.17%	0.22%	0.1%	0.2%	0.1%	0.0%	0.0%
FY08	0.10%	0.06%	0.11%	0.18%	0.1%	0.2%	0.1%	0.0%	0.0%
FY09	0.17%	0.16%	0.06%	0.16%	0.1%	0.2%	0.2%	0.1%	0.0%
FY10	0.21%	0.39%	0.08%	0.23%	0.3%	0.2%	0.2%	0.1%	0.1%
FY11	0.25%	0.44%	0.17%	0.20%	0.7%	0.2%	0.2%	0.1%	0.4%
FY12	0.27%	0.47%	0.32%	0.26%	0.7%	0.3%	0.2%	0.1%	0.4%
FY13	0.29%	0.55%	0.26%	0.36%	0.7%	0.3%	0.3%	0.1%	0.4%
FY14	0.31%	0.77%	0.34%	0.27%	0.9%	0.4%	0.3%	0.2%	0.4%

As of FY13, Native Hawaiian/Pacific Islander males have three times the representation seen in the National Civilian Labor Force. The recent increase in representation is due to hiring; additionally, the attrition rate has remained relatively low in most fiscal years.

Native Hawaiian/Pacific Islander males are overrepresented in the lowest pay grades and the Executive grades promotion rates fluctuate, which is common with very small populations.

Caution should be used when drawing inferences from the data, due to the extremely small size of the population, which can produce large swings that may not be statistically significant.

**Pac. Islander Females – 0.18% of DHS, 0.1% of National Civilian Labor Force and Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	0.11%	0.11%	0.14%	0.15%	0.2%	0.2%	0.1%	0.0%	0.0%
FY08	0.10%	0.03%	0.05%	0.12%	0.1%	0.2%	0.0%	0.0%	0.0%
FY09	0.12%	0.06%	0.05%	0.09%	0.1%	0.2%	0.1%	0.0%	0.0%
FY10	0.12%	0.13%	0.08%	0.08%	0.2%	0.2%	0.1%	0.0%	0.0%
FY11	0.15%	0.30%	0.12%	0.11%	0.4%	0.2%	0.1%	0.1%	0.0%
FY12	0.17%	0.39%	0.17%	0.12%	0.6%	0.3%	0.1%	0.1%	0.0%
FY13	0.18%	0.52%	0.30%	0.15%	0.7%	0.3%	0.1%	0.1%	0.0%
FY14	0.18%	0.23%	0.16%	0.15%	0.4%	0.4%	0.1%	0.1%	0.0%

As of FY13, Native Hawaiian/Pacific Islander females' representation rate exceeded that in the National Civilian Labor Force. The recent increase in representation is due to hiring; moreover, the attrition rate stayed relatively low in most fiscal years.

Native Hawaiian/Pacific Islander females are overrepresented in the lowest pay grades and promotion rates have been lower than expected for the past five years.

Caution should be used when drawing inferences from the data, due to the extremely small size of the population, which can produce large swings that may not be statistically significant.

**White Males – 40.6% of DHS, 38.3% of National Civilian Labor Force, 43.3% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	43.0%	37.6%	40.5%	39.5%	31.8%	36.8%	45.1%	55.1%	65.6%
FY08	43.0%	39.1%	39.9%	41.5%	31.0%	37.8%	45.3%	54.0%	65.8%
FY09	42.9%	42.4%	41.8%	40.1%	29.4%	37.7%	44.8%	53.0%	62.7%
FY10	41.5%	44.7%	41.5%	39.9%	32.2%	35.4%	41.4%	51.0%	59.9%
FY11	41.2%	40.0%	41.3%	41.9%	30.7%	34.9%	41.6%	50.3%	58.6%
FY12	41.0%	38.6%	40.0%	43.2%	26.9%	34.3%	41.9%	49.9%	58.7%
FY13	40.7%	35.3%	39.3%	42.3%	28.1%	37.2%	41.1%	48.8%	58.1%
FY14	40.6%	35.3%	38.7%	41.4%	22.9%	32.9%	41.5%	49.7%	59.5%

Currently, the White male representation rate at DHS has been declining consistently across time, slightly exceeding that seen in the National Civilian Labor Force, and is below the Relevant Civilian Labor Force. The hiring, attrition, and promotion rates are roughly in-line with the overall workforce representation rate and are not otherwise remarkable.

White males are overly concentrated at higher pay levels and under-concentrated at lower pay levels. However, efforts to enhance recruiting of a diverse population have reduced the pay grade disparity for White males. It is also true that as White males retire, it is common for their replacement to come from a more diverse feeder pool.

**White females – 16.2% of DHS, 34.0% of National Civilian Labor Force, 30.1% of Relevant Civilian Labor Force**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leader
FY07	17.5%	18.4%	19.8%	18.0%	21.7%	19.5%	13.7%	18.7%	20.3%
FY08	17.8%	19.2%	19.7%	16.7%	21.8%	19.5%	13.9%	19.1%	20.1%
FY09	17.7%	17.2%	19.6%	16.1%	22.4%	19.2%	14.1%	19.2%	21.4%
FY10	16.9%	17.1%	20.8%	12.4%	19.3%	19.5%	13.4%	17.4%	22.2%
FY11	16.6%	16.0%	20.7%	14.7%	15.2%	20.4%	12.9%	17.1%	22.2%
FY12	16.6%	20.6%	20.2%	14.9%	18.0%	20.7%	12.5%	17.1%	21.1%
FY13	16.4%	17.9%	20.9%	16.3%	17.0%	19.2%	12.0%	17.4%	21.5%
FY14	16.2%	16.5%	20.5%	18.4%	15.2%	20.2%	11.8%	16.5%	21.6%

The White females' participation rate is significantly less at DHS, relative to the rate in the National Civilian Labor Force. The representation of White females decreased as a percentage of the overall workforce for the past six years, due to a higher-than-expected attrition rate, which reached an all-time high in FY13. FY14 marks the first year that White females' promotion rate is not below their participation rate. Lower-than-expected promotion rates could reflect a possible barrier to upward mobility.

White females tend to be concentrated at both ends of the pay spectrum, with few White females in the middle GS 10-12 grades. Their concentration is highest at the Executive/Senior Leader pay grades.

<b>Individuals With Disabilities – 5.4% of DHS, 8.6% of Federal Government</b>									
Year	Pay level								
	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leaders
FY07	4.0%	3.0%	4.2%	4.7%	3.1%	5.5%	2.9%	3.1%	3.9%
FY08	3.9%	3.8%	4.5%	3.1%	3.6%	5.0%	2.9%	3.3%	3.7%
FY09	4.0%	4.0%	4.9%	3.1%	4.0%	4.8%	3.2%	3.7%	3.7%
FY10	4.1%	4.7%	6.1%	2.6%	3.4%	4.9%	3.3%	3.7%	4.1%
FY11	4.3%	4.7%	6.3%	2.8%	2.6%	5.3%	3.5%	4.1%	4.5%
FY12	4.6%	5.9%	6.1%	3.2%	2.5%	5.8%	3.7%	4.6%	4.6%
FY13	4.7%	5.6%	6.0%	3.8%	2.4%	5.6%	4.0%	4.9%	4.3%
FY14	5.4%	5.0%	6.8%	4.2%	2.8%	5.8%	4.3%	4.8%	4.6%

The percentage of the DHS workforce that self-identifies as having a disability is lower than the average seen in the entire federal workforce. Within non-Law Enforcement positions, the percentage of the workforce with a disability goes up by roughly one full percentage point, but this is still below the federal average of 8.6%.

Employees with disabilities separated at higher rates than their workforce representation rate—common throughout both federal and private sectors.

Promotion rates in each of the past six years were lower than expected given the size of the onboard disabled workforce. Employees with disabilities are fairly evenly dispersed across the pay grade levels.

**Individuals With Targeted Disabilities – 0.42% of DHS, 1.02% of Federal Government**

Year	% of Permanent DHS Workforce	% of Hires	% of Attrition	% of Promotions	Pay level				
					% of Grades 1-4	% of Grades 5-9	% of Grades 10-12	% of Grades 13-15	% of Executive and Senior Leaders
FY07	0.39%	0.23%	0.34%	0.38%	0.43%	0.56%	0.26%	0.20%	0.18%
FY08	0.37%	0.32%	0.50%	0.25%	0.45%	0.50%	0.26%	0.21%	0.16%
FY09	0.37%	0.32%	0.41%	0.25%	0.54%	0.48%	0.28%	0.24%	0.00%
FY10	0.38%	0.33%	0.50%	0.22%	0.47%	0.53%	0.30%	0.23%	0.00%
FY11	0.38%	0.30%	0.42%	0.25%	0.35%	0.58%	0.28%	0.26%	0.14%
FY12	0.37%	0.36%	0.55%	0.24%	0.29%	0.60%	0.29%	0.23%	0.26%
FY13	0.37%	0.45%	0.57%	0.29%	0.26%	0.53%	0.30%	0.25%	0.26%
FY14	0.42%	0.23%	0.56%	0.32%	0.48%	0.55%	0.33%	0.26%	0.25%

The percentage of the DHS workforce that self-identifies as having a targeted disability<sup>1</sup> is lower than the average seen in the entire Federal workforce. Within non-Law Enforcement positions, the percentage of workers with targeted disabilities increases by roughly a tenth of a percentage point. This is still less than the 1.02% across the federal government, and well below the federal government goal of 2%.

High rates of separation, concentration at lower pay levels, and low rates of promotions characterize this population. In FY14, a resurvey of the workforce was conducted at the U.S. Coast Guard, during which many Coast Guard employees' status changed to targeted disabled. This resurvey is responsible for the overall increase in the workforce participation rate in FY14.

The tables above provide a high-level overview of the DHS workforce. Similar tables were created for the DHS Components, each of which received an individually tailored briefing on their workforce and data triggers after last year's reporting season.

<sup>1</sup> Targeted Disabilities, a subset of reportable disabilities, are considered the most severe disabilities. As a matter of policy, the federal government has initiated a special emphasis on recruiting, hiring and retaining people with targeted disabilities. Categories on OPM's Standard Form 256 which make up targeted disabilities include: deafness, blindness, missing extremities, partial or complete paralysis, epilepsy, severe intellectual disability, psychiatric disability, and dwarfism. See <http://www.opm.gov/policy-data-oversight/disability-employment/reference-materials/sf256.pdf> for the form itself.

### ***The Best Places to Work in the Federal Government***

DHS administered the U.S. Office of Personnel Management Survey between 2005 and 2014. DHS ranked last among all large Departments and Agencies in 2013, and the 2014 results were even less positive for DHS than its 2013 results.

The overall DHS score is largely driven by TSA and CBP Components, which make up roughly 60 percent of all DHS respondents. There are other DHS Components that show higher employee satisfaction, and it is clear that satisfaction within Components can vary greatly depending on occupation, location, job tenure, and other factors. Race and gender are not found to be great predictors of satisfaction. Disability status, however, is a strong predictor, with DHS employees with disabilities providing more negative responses to almost all items in the survey.

### ***New Area of Focus – Women in Law Enforcement***

Women occupy approximately 8.4% of Law Enforcement positions at DHS. This female participation rate is substantially less than what is seen in law enforcement positions across the Federal government, and even less than that seen in the Civilian Labor Force's benchmark for criminal investigators. In the spring of 2014, DHS commenced a study to better understand the causes of the low female representation rate within law enforcement positions. A blended approach was used, which incorporated personnel data, focus groups, and one-on-one interviews. The report is expected to be completed for the Secretary of DHS during 2015.

### ***Data Sources***

The workforce numbers used in this report were generated by the DHS' new Oracle-based AXIS database, and were based on an extraction from the National Finance Center's data for Pay Period 19, which ended on October 4, 2014. DHS employees voluntarily submitted all race, national origin, gender, and disability data relied upon in this report. Statistics on Individuals with Disabilities/Individuals with Targeted Disabilities in the federal government were obtained within the U.S. Office of Personnel Management's 2013 Report on the Employment of Individuals with Disabilities in the Federal Executive Branch, found at: <http://www.Office of Personnel Management.gov/policy-data-oversight/diversity-and-inclusion/reports/disability-report-fy2012.pdf>.

National Civilian Labor Force statistics were compiled using the Census Bureau's American Community Survey data. Relevant Civilian Labor Force statistics were compiled using the American Community Survey data, along with the distribution of DHS personnel across occupations.

Equal Employment Opportunity complaint numbers were obtained via complaint data collected by DHS and its Components and stored in iComplaints, the Departmental case management software program. Equal Employment Opportunity Specialists at the DHS Components enter information into the program, and the program has the ability to process *ad hoc* queries for evaluating all aspects of the Equal Employment Opportunity case management process.

Federal Employee Viewpoint Survey data pertaining to DHS employees were obtained by the U.S. Office of Personnel Management and made available to CRCL for analysis purposes.

***Conclusion***

DHS is proud of its accomplishments in the areas of attracting, developing, and retaining an increasingly diverse workforce. This report identified several challenges: establishing an effective career development program; establishing a retention strategy; correcting substantial low participation rates of White women in the DHS workforce; and increasing the participation of Individuals with Disabilities and Individuals with Targeted Disabilities. The plan in Part I addresses these issues.

## CERTIFICATION of ESTABLISHMENT of CONTINUING EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

### CERTIFICATION of ESTABLISHMENT of CONTINUING EQUAL EMPLOYMENT OPPORTUNITY PROGRAMS

I, Veronica Venture, Deputy Officer for Civil Rights and Civil Liberties/Director, for Equal Employment Opportunity and Diversity Programs, GS-0260-SES, am the principal Equal Employment Opportunity Director/Official for the U.S. Department of Homeland Security.

The agency has conducted an annual self-assessment of Section 717 and Section 501 programs against the essential elements as prescribed by Management Directive 715. If an essential element was not fully compliant with the standards of Management Directive 715, a further evaluation was conducted and, as appropriate, Equal Employment Opportunity Plans for Attaining the Essential Elements of a Model Equal Employment Opportunity Program, are included with this Federal Agency Annual Equal Employment Opportunity Program Status Report.

The agency has also analyzed its workforce profiles and conducted barrier analyses aimed at detecting whether any management or personnel policy, procedure or practice is operating to disadvantage any group based on race, national origin, gender, or disability. Equal Employment Opportunity Plans to Eliminate Identified Barriers, as appropriate, are included with this Federal Agency Annual Equal Employment Opportunity Program Status Report.

I certify that proper documentation of this assessment is in place and is being maintained for EEOC review upon request.



3/15/2015

Signature of Principal Equal Employment Opportunity Director/Official  
Veronica Venture  
Deputy Officer, Office for Civil Rights and Civil Liberties  
Director, Equal Employment Opportunity and Diversity Programs  
U.S. Department of Homeland Security  
Certificates that this Federal Agency Annual Equal Employment Opportunity Program Status Report is in compliance with Management Directive 715

Date



3/15/2015

Signature of Agency Head or Agency Head Designee  
Alejandro Mayorkas  
Deputy Secretary  
U.S. Department of Homeland Security

Date

## Self-Assessment towards a Model EEO Program Checklist

### Essential Element A: Demonstrated Commitment from Agency Leadership

Requires the agency head to issue written policy statements ensuring a workplace free of discriminatory harassment and a commitment to equal employment opportunity.

#### PART G, Essential Element A, Section 1 - Issuance of EEO Policy Statement

Measures	Measure Met?	Comments
A.1.a. Was EEO policy statement issued within 6 - 9 months of installation of Agency Head? (Please list date of agency head installation and date of issuance in the comments column).	YES	The Secretary was installed <u>12/16/2013</u> . The EEO policy statement was issued <u>6/12/2014</u> .
A.1.b. During current Agency Head's tenure, has EEO policy statement been re-issued annually?	YES	
A.1.c. Are new employees provided a copy of the EEO policy statement during orientation?	YES	
A.1.d. When an employee is promoted into the supervisory ranks, is s/he provided a copy of the EEO policy statement?	YES	

#### PART G, Essential Element A, Section 2 - Communication of EEO Policy Statements

Measures	Measure Met?	Comments
A.2.a. Have the Heads of subordinate reporting components communicated support of all agency EEO policies through the ranks?	NO	FEMA has not met this measure.
A.2.b. Has the agency made written materials available to all employees and applicants, informing them of the variety of EEO programs and administrative and judicial remedial procedures available to them?	YES	
A.2.c. Has the agency prominently posted such written materials in all personnel and EEO offices, and on the agency's internal website? [29 CFR 1614.102(b)(5)]	YES	

*PART G, Essential Element A, Section 3 - Evaluation of Managers and Supervisors on Their Commitment to EEO Principles*

Measures	Measure Met?	Comments
A.3.a. Are managers and supervisors evaluated on their commitment to agency EEO policies and principles?	YES	
A.3.b. Are managers and supervisors evaluated on their commitment to resolve problems/disagreements and other conflicts in their respective work environments as they arise?	YES	
A.3.c. Are managers and supervisors evaluated on their commitment to address concerns, whether perceived or real, raised by employees and following up with appropriate action to correct or eliminate tension in the workplace?	YES	
A.3.d. Are managers and supervisors evaluated on their commitment to support the agency's EEO program through allocation of mission personnel to participate in community out-reach and recruitment programs with private employers, public schools and universities?	YES	
A.3.e. Are managers and supervisors evaluated on their commitment to ensure full cooperation of employees under his/her supervision with EEO office officials such as EEO counselors, EEO investigators, etc.?	YES	
A.3.f. Are managers and supervisors evaluated on their commitment to ensure a workplace that is free from all forms of discrimination, harassment and retaliation?	YES	
A.3.g. Are managers and supervisors evaluated on their commitment to ensure that subordinate supervisors have effective managerial communication and interpersonal skills in order to supervise most effectively in a workplace with diverse employees and avoid disputes arising from ineffective communications?	YES	
A.3.h. Are managers and supervisors evaluated on their commitment to ensure the provision of requested religious accommodations when such accommodations do not cause an undue hardship?	YES	
A.3.i. Are managers and supervisors evaluated on their commitment to ensure the provision of requested disability accommodations to qualified individuals with disabilities when such accommodations do not cause an undue hardship?	YES	
A.3.j. Have all employees been informed about what behaviors are inappropriate in the workplace and that this behavior may result in disciplinary actions? If yes, describe what means were utilized by the agency to inform its workforce about penalties for unacceptable behavior in the comments column.	YES	

Measures	Measure Met?	Comments
A.3.k. Have the procedures for reasonable accommodation for individuals with disabilities been made readily available/accessible to all employees by disseminating such procedures during orientation of new employees and by making such procedure available on the World Wide Web or Internet?	YES	
A.3.l. Have managers and supervisors been trained on their responsibilities under the procedures for reasonable accommodation?	YES	

## Essential Element B: Integration of EEO into the Agency's Strategic Mission

Element B requires that the agency's EEO programs be organized and structured to maintain a workplace that is free from discrimination in any of the agency's policies, procedures or practices and supports the agency's strategic mission.

### PART G, Essential Element B, Section 1 - Reporting Structure for EEO Program

Measures		
B.1.a. Is the EEO Director under the direct supervision of the Agency Head? [See 29 CFR 1614.102(b)(4)] For subordinate level reporting components, is the EEO Director/Officer under the immediate supervision of the lower level component's head official? (For example, does the Regional EEO Officer report to the Regional Administrator?)	NO	EEO Directors at CBP, CIS, and FLETC do not report to their respective agency heads.
B.1.b. Are the duties and responsibilities of the EEO officials clearly defined?	YES	
B.1.c. Do the EEO officials have the knowledge, skills, and abilities to carry out the duties and responsibilities of their positions?	YES	
B.1.d. If the agency has 2nd level reporting components, are there organizational charts that clearly define the reporting structure for EEO programs?	NO	CBP and FEMA have not met this measure.
B.1.e. If the agency has 2nd level reporting components, does the agency-wide EEO Director have authority for EEO programs within the subordinate reporting components?	NO	CBP and FEMA have not met this measure.
B.1.f. If no, please describe how EEO program authority is delegated to subordinate reporting components, in Part H.	NO	CBP and FEMA have not met this measure.

### PART G, Essential Element B, Section 2 - EEO Communication with Senior Leaders

Measures	Measure Met?	Comments
B.2.a. Does the EEO Director/Officer have a regular, effective means of informing the Agency Head and other top management of the effectiveness, efficiency, and legal compliance of the agency's EEO program?	YES	
B.2.b. After submission of the previous Form 715, did the EEO Director/Officer present a State of the Agency; briefing to the Agency Head and other senior officials, including a performance assessment in each of the 6 elements of the Model EEO program, and report agency progress in completing its barrier analysis - including barriers identified, eliminated, or impact reduced?	YES	

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
B.2.c. Are EEO officials present during agency pre-decisional deliberations regarding recruitment strategies, vacancy projections, succession planning, selections for training/career development opportunities, and other workforce changes?	<b>NO</b>	USCIS did not meet this measure.
B.2.d. Does the agency consider whether any group of employees or applicants might be negatively impacted prior to making human resource decisions such as re-organizations and re-alignments?	<b>NO</b>	USCIS did not meet this measure.
B.2.e. Are management/personnel policies, procedures and practices examined at regular intervals to assess whether there are any hidden impediments to the realization of equality of opportunity for any group(s) of employees or applicants? [See 29 C.F.R. 1614.102(b)(3)]	<b>NO</b>	ICE did not meet this measure.
B.2.f. Is the EEO Director included in the agency's strategic planning, especially the agency's human capital plan, regarding succession planning, training, etc., to ensure that EEO concerns are integrated into the agency's strategic mission?	<b>NO</b>	USCIS did not meet this measure.

**PART G, Essential Element B, Section 3 - Sufficient EEO Program Staffing**

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
B.3.a. Does the EEO Director have the authority and funding to ensure implementation of agency EEO action plans to improve EEO program efficiency and/or eliminate identified barriers to the realization of equality of opportunity?	<b>YES</b>	
B.3.b. Are sufficient personnel resources allocated to the EEO Program to ensure that agency self-assessments and self-analyses prescribed by EEO MD-715 are conducted annually and to maintain an effective complaint processing system?	<b>YES</b>	
B.3.c. Are statutory/regulatory EEO related Special Emphasis Programs sufficiently staffed?	<b>NO</b>	USCIS did not meet this measure.
B.3.d. Is the Federal Women's Program sufficiently staffed - 5 U.S.C. 7201; 38 U.S.C. 4214; Title 5 CFR, Subpart B, 720.204?	<b>YES</b>	
B.3.e. Is the Hispanic Employment Program sufficiently staffed - Title 5 CFR, Subpart B, 720.204?	<b>YES</b>	
B.3.f. Is the People With Disabilities Program Manager; Selective Placement Program for Individuals With Disabilities sufficiently staffed - Section 501 of the Rehabilitation Act; Title 5 U.S.C. Subpart B, Chapter 31, Subchapter I-3102: 5 CFR 213.3102(u); 5 CFR 315.709?	<b>YES</b>	

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
B.3.g. Are other agency Special Emphasis Programs monitored by the EEO Office for coordination and compliance with EEO guidelines and principles, such as: FEORP - 5 CFR 720; Veterans Employment Programs; Black or African American; American Indian or Alaska Native; Asian; and Native Hawaiian or Pacific Islander Programs?	<b>YES</b>	

**PART G, Essential Element B, Section 4 - Sufficient EEO Program Funding**

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
B.4.a. Are there sufficient resources to enable the agency to conduct a thorough barrier analysis of its workforce, including the provision of adequate data collection and tracking systems?	<b>NO</b>	CBP did not meet this measure.
B.4.b. Is there sufficient budget allocated to all employees to utilize, when desired, all EEO programs, including the complaint processing program and ADR, and to make a request for reasonable accommodation? (Including subordinate level reporting components?)	<b>YES</b>	
B.4.c. Has funding been secured for publication and distribution of EEO materials (e.g. harassment policies, EEO posters, reasonable accommodations procedures, etc.)?	<b>YES</b>	
B.4.d. Is there a central funding or other mechanism for funding supplies, equipment and services necessary to provide disability accommodations?	<b>NO</b>	ICE did not meet this measure.
B.4.e. Does the agency fund major renovation projects to ensure timely compliance with Uniform Federal Accessibility Standards?	<b>NO</b>	U.S. Coast Guard did not meet this measure.
B.4.f. Is the EEO Program allocated sufficient resources to train all employees on EEO Programs, including administrative and judicial remedial procedures available to employees?	<b>YES</b>	
B.4.g. Is there sufficient funding to ensure the prominent posting of written materials in all personnel and EEO offices? [See 29 CFR 1614.102(b)(5)]	<b>YES</b>	
B.4.h. Is there sufficient funding to ensure that all employees have access to this training and information?	<b>YES</b>	
B.4.i. Is there sufficient funding to provide all managers/supervisors with training and periodic up-dates on their EEO responsibilities for ensuring a workplace that is free from all forms of discrimination, including harassment and retaliation?	<b>YES</b>	
B.4.j. Is there sufficient funding to provide all managers/supervisors with training and periodic up-dates on their EEO responsibilities to provide religious accommodations?	<b>YES</b>	

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
B.4.k. Is there sufficient funding to provide all managers/supervisors with training and periodic up-dates on their EEO responsibilities to provide disability accommodations in accordance with the agency's written procedures?	<b>YES</b>	
B.4.l. Is there sufficient funding to provide all managers/supervisors with training and periodic up-dates on their EEO responsibilities in the EEO discrimination complaint process?	<b>YES</b>	
B.4.m. Is there sufficient funding to provide all managers/supervisors with training and periodic up-dates on their EEO responsibilities to participate in ADR?	<b>YES</b>	

## Essential Element C: Management and Program Accountability

Element C requires the Agency Head to hold all managers, supervisors, and EEO Officials responsible for the effective implementation of the agency's EEO Program and Plan.

### *PART G, Essential Element C, Section 1 - EEO Communication with Managers and Supervisors*

Measures	Measure Met?	Comments
C.1.a. Are regular (monthly/quarterly/semi-annually) EEO updates provided to management/supervisory officials by EEO program officials?	NO	USCIS did not meet this measure.
C.1.b. Do EEO program officials coordinate the development and implementation of EEO Plans with all appropriate agency managers to include Agency Counsel, Human Resource Officials, Finance, and the Chief Information Officer?	YES	

### *PART G, Essential Element C, Section 2 - EEO & Human Resources Collaboration & Coordination*

Measures	Measure Met?	Comments
C.2.a. Have time-tables or schedules been established for the agency to review its Merit Promotion Program Policy and Procedures for systemic barriers that may be impeding full participation in promotion opportunities by all groups?	NO	ICE has not met this measure.
C.2.b. Have time-tables or schedules been established for the agency to review its Employee Recognition Awards Program and Procedures for systemic barriers that may be impeding full participation in promotion opportunities by all groups?	NO	CBP and ICE have not met this measure.
C.2.c. Have time-tables or schedules been established for the agency to review its Employee Development/Training Programs for systemic barriers that may be impeding full participation in training opportunities by all groups?	NO	ICE has not met this measure.

### *PART G, Essential Element C, Section 3 - Disciplinary Action Taken*

Measures	Measures Met?	Comments
C.3.a. Does the agency have a disciplinary policy and/or a table of penalties that covers employees found to have committed discrimination?	YES	
C.3.b. Have all employees, supervisors, and managers been informed as to the penalties for being found to perpetrate discriminatory behavior or for taking personnel actions based upon a prohibited basis?	YES	

<b>Measures</b>	<b>Measures Met?</b>	<b>Comments</b>
C.3.c. Has the agency, when appropriate, disciplined or sanctioned managers/supervisors or employees found to have discriminated over the past two years? If yes, in the Comments column, cite the number found to have discriminated and list penalty/disciplinary action for each type violation.  If yes, cite the number found to have discriminated and list penalty/disciplinary action for each type violation.	<b>YES</b>	
C.3.d. Does the agency promptly (within the established time frame) comply with EEOC, Merit Systems Protection Board, Federal Labor Relations Authority, labor arbitrators, and District Court orders?	<b>YES</b>	
C.3.e. Does the agency review disability accommodation decisions/actions to ensure compliance with its written procedures and analyze the information tracked for trends, problem, etc.?	<b>YES</b>	

## Essential Element D, Proactive Prevention of Unlawful Discrimination

Element D requires that the Agency Head makes early efforts to prevent discriminatory actions and eliminate barriers to Equal Employment Opportunity in the workplace.

### PART G, Essential Element D, Section 1 - Barrier Analysis Process

Measures	Measure Met?	Comments
D.1.a. Do senior managers meet with and assist the EEO Director and/or other EEO Program Officials in the identification of barriers that may be impeding the realization of equal employment opportunity?	YES	
D.1.b. When barriers are identified, do senior managers develop and implement, with the assistance of the agency EEO office, agency EEO Action Plans to eliminate said barriers?	YES	
D.1.c. Do senior managers successfully implement EEO Action Plans and incorporate the EEO Action Plan Objectives into agency strategic plans?	YES	
D.1.d. Are trend analyses of workforce profiles conducted by race, national origin, sex, and disability?	YES	
D.1.e. Are trend analyses of the workforce's major occupations conducted by race, national origin, sex, and disability?	YES	
D.1.f. Are trend analyses of the workforce's grade level distribution conducted by race, national origin, sex, and disability?	YES	
D.1.g. Are trend analyses of the workforce's compensation and reward system conducted by race, national origin, sex, and disability?	YES	
D.1.h. Are trend analyses of the effects of management/personnel policies, procedures and practices conducted by race, national origin, sex, and disability?	YES	

### PART G, Essential Element D, Section 2 - Alternative Dispute Resolution (ADR) is Encouraged

Measures	Measures Met?	Comments
D.2.a. Are all employees encouraged to use ADR?	YES	
D.2.b. Is the participation of supervisors and managers in the ADR process required?	NO	FLETC, ICE, and TSA have not met this measure.

## Essential Element E, Efficiency

Element E requires that the Agency Head ensure that there are effective systems in place for evaluating the impact and effectiveness of the agency's EEO programs as well as an efficient and fair dispute resolution process.

### PART G, Essential Element E, Section 1 - Sufficient Resources to Evaluation EEO Program

Measures	Measure Met?	Comments
E.1.a. Does the EEO office employ personnel with adequate training and experience to conduct the analyses required by MD-715 and these instructions?	NO	CBP, ICE, and TSA have not met this measure.
E.1.b. Has the agency implemented an adequate data collection and analysis systems that permit tracking of the information required by MD-715 and these instructions?	NO	USCIS has not met this measure.
E.1.c. Have sufficient resources been provided to conduct effective audits of field facilities' efforts to achieve a model EEO program and eliminate discrimination under Title VII and the Rehabilitation Act?	NO	USCIS has not met this measure.
E.1.d. Is there a designated agency official or other mechanism in place to coordinate or assist with processing requests for disability accommodations in all major components of the agency?	YES	
E.1.e. Are 90% of accommodation requests processed within the time frame set forth in the agency's procedures for reasonable accommodation?	NO	TSA has not met this measure.

### PART G, Essential Element E, Section 2 - Effective Complaint Tracking and Monitoring System

Measures	Measure Met?	Comments
E.2.a. Does the agency use a complaint tracking and monitoring system that allows identification of the location and status of complaints and length of time elapsed at each stage of the agency's complaint resolution process?	YES	
E.2.b. Does the agency's tracking system identify the issues and bases of the complaints, the aggrieved individuals/complainants, the involved management officials and other information to analyze complaint activity and trends?	YES	
E.2.c. Does the agency hold contractors accountable for delay in counseling and investigation processing times? If yes, in the comments column, briefly describe how.	YES	
E.2.d. Does the agency monitor and ensure that new investigators, counselors, including contract and collateral duty investigators, receive the 32 hours of training required in accordance with EEO Management Directive MD-110?	YES	

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
E.2.e. Does the agency monitor and ensure that experienced counselors, investigators, including contract and collateral duty investigators, receive the 8 hours of refresher training required on an annual basis in accordance with EEO Management Directive MD-110?	<b>YES</b>	

**PART G, Essential Element E, Section 3 - Timeliness in EEO Complaint Process**

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
E.3.a. Are benchmarks in place that compare the agency's discrimination complaint processes with 29 CFR Part 1614?	<b>YES</b>	
E.3.b. Does the agency provide timely EEO counseling within 30 days of the initial request or within an agreed upon extension in writing, up to 60 days?	<b>NO</b>	FEMA and ICE have not met this measure.
E.3.c. Does the agency provide an aggrieved person with written notification of his/her rights and responsibilities in the EEO process in a timely fashion?	<b>YES</b>	
E.3.d. Does the agency complete the investigations within the applicable prescribed time frame?	<b>NO</b>	FEMA and ICE have not met this measure.
E.3.e. When a complainant requests a final agency decision, does the agency issue the decision within 60 days of the request?	<b>NO</b>	
E.3.f. When a complainant requests a hearing, does the agency immediately upon receipt of the request from the EEOC AJ forward the investigative file to the EEOC Hearing Office?	<b>YES</b>	
E.3.g. When a settlement agreement is entered into, does the agency timely complete any obligations provided for in such agreements?	<b>YES</b>	
E.3.h. Does the agency ensure timely compliance with EEOC AJ decisions which are not the subject of an appeal by the agency?	<b>YES</b>	

**PART G, Essential Element E, Section 4 - Efficient and Fair ADR Process**

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
E.4.a. In accordance with 29 CFR 1614.102(b), has the agency established an ADR Program during the pre-complaint and formal complaint stages of the EEO process?	<b>YES</b>	
E.4.b. Does the agency require all managers and supervisors to receive ADR training in accordance with EEOC (29 CFR Part 1614) regulations, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR?	<b>NO</b>	ICE has not met this measure.
E.4.c. After the agency has offered ADR and the complainant has elected to participate in ADR, are the managers required to participate?	<b>NO</b>	FLETC and ICE have not met this measure.

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
E.5.c. Does the responsible management official directly involved in the dispute have settlement authority?	<b>NO</b>	USCIS has not met this measure.

**PART G, Essential Element E, Section 5 - Effectiveness of EEO Data Collection Systems**

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
E.5.a. Does the agency have a system of management controls in place to ensure the timely, accurate, complete and consistent reporting of EEO complaint data to the EEOC?	<b>NO</b>	ICE has not met this measure.
E.5.b. Does the agency provide reasonable resources for the EEO complaint process to ensure efficient and successful operation in accordance with 29 CFR 1614.102(a)(1)?	<b>YES</b>	
E.5.c. Does the agency EEO office have management controls in place to monitor and ensure that the data received from Human Resources is accurate, timely received, and contains all of the required data elements for submitting annual reports to the EEOC?	<b>NO</b>	FEMA has not met this measure.
E.5.d. Do the agency's EEO programs address all of the laws enforced by the EEOC?	<b>YES</b>	
E.5.e. Does the agency identify and monitor significant trends in complaint processing to determine whether the agency is meeting its obligations under Title VII and the Rehabilitation Act?	<b>YES</b>	
E.5.f. Does the agency track recruitment efforts and analyze efforts to identify potential barriers in accordance with MD-715 standards?	<b>NO</b>	FEMA has not met this measure.
E.5.g. Does the agency consult with other agencies of similar size on the effectiveness of their EEO programs to identify best practices and share ideas?	<b>YES</b>	

**PART G, Essential Element E, Section 6 - Elimination of Conflict of Interest with Legal Defense Function**

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
E.6.a. Are legal sufficiency reviews of EEO matters handled by a functional unit that is separate and apart from the unit which handles agency representation in EEO complaints?	<b>YES</b>	
E.6.b. Does the agency discrimination complaint process ensure a neutral adjudication function?	<b>YES</b>	
E.6.c. If applicable, are processing time frames incorporated for the legal counsel's sufficiency review for timely processing of complaints?	<b>YES</b>	

## Essential Element F, Responsiveness and Legal Compliance

Element F requires that federal Agencies are in full compliance with EEO statutes and EEOC regulations, policy guidance, and other written instructions.

### PART G, Essential Element F, Section 1 - Timely Compliance with Administrative Judge Orders

Measure	Measure Met?	Comments
F.1.a. Does the agency have a system of management control to ensure that the agency officials timely comply with any orders or directives issued by EEOC Administrative Judges?	YES	

### PART G, Essential Element F, Section 2 - Timely Completion of Ordered Corrective Action

Measures	Measure Met?	Comments
F.2.a. Does the agency have control over the payroll processing function of the agency? If yes, answer the two questions below.	YES	
F.2.b. Are there steps in place to guarantee responsive, timely, and predictable processing of ordered monetary relief?	YES	
F.2.c. Are procedures in place to promptly process other forms of ordered relief?	YES	

### PART G, Essential Element F, Section 3 - Staff Accountability for Legal Compliance

Measures	Measure Met?	Comments
F.3.a. Is compliance with EEOC orders encompassed in the performance standards of any agency employees? If yes, please identify the employees by title in the comments column, and state how performance is measured.	YES	
F.3.b. Is the unit charged with the responsibility for compliance with EEOC orders located in the EEO office? If no, please identify the unit in which it is located in the comments column.	YES	
F.3.c. Have the involved employees received any formal training in EEO compliance?	YES	
F.3.d. Does the agency promptly provide the EEOC Attorney Fee documentation for completing compliance, such as a copy of the check issued for attorney fees and/or a narrative statement by an appropriate agency official, or agency payment order dating the dollar amount of attorney fees paid?	YES	
F.3.e. Does the agency promptly provide the EEOC awards documentation for completing compliance, such as a narrative statement by an appropriate agency official stating the dollar amount and the criteria used to calculate the award?	YES	

<b>Measures</b>	<b>Measure Met?</b>	<b>Comments</b>
F.3.f. Does the agency promptly provide the EEOC documentation of back pay and interest for completing compliance, such as computer print-outs or payroll documents outlining gross back pay and interest, copy of any checks issued, or narrative statement by an appropriate agency official of total monies paid?	<b>YES</b>	
F.3.g. Does the agency promptly provide the EEOC documentation regarding compensatory damages for completing compliance, such as the final agency decision and evidence of payment, if made?	<b>YES</b>	
F.3.h. Does the agency promptly provide the EEOC training documentation for completing compliance, such as the attendance roster at training session(s), or a narrative statement by an appropriate agency official confirming that specific persons or groups of persons attended training on a certain date?	<b>YES</b>	
F.3.i. Does the agency promptly provide the EEOC personnel action documentation for completing compliance (e.g., reinstatement, promotion, hiring, reassignment), such as copies of SF-50s?	<b>YES</b>	
F.3.j. Does the agency promptly provide the EEOC documentation of the posting of Notice of Violation for completing compliance, such as the original, signed and dated notice, reflecting the dates of posting? (A copy will suffice if original is not available.)	<b>YES</b>	
F.3.k. Does the agency promptly provide the EEOC documentation of supplemental investigation, such as: (1) a copy of the letter to complainant acknowledging receipt from EEOC of remanded case; (2) a copy of the letter to complainant transmitting the Report of Investigation (not the ROI itself, unless specified); and (3) a copy of the request for a hearing (complainant's request or agency's transmittal letter)?	<b>YES</b>	
F.3.l. Does the agency promptly provide the EEOC the Final Agency Decision (FAD), such as the FAD or a copy of the complainant's request for a hearing?	<b>YES</b>	
F.3.m. Does the agency promptly provide the EEOC documentation of restoration of leave, such as a print-out or statement identifying the amount of leave restored, if applicable? If no, provide an explanation or statement in the comments column.	<b>YES</b>	
F.3.n. Does the agency promptly provide the EEOC documentation of civil actions, such as a complete copy of the civil action complaint demonstrating same issues raised as in compliance matter?	<b>YES</b>	
F.3.o. Does the agency promptly provide the EEOC settlement agreements, such as the signed and dated agreement with specific dollar amounts, and appropriate documentation of relief provided?	<b>YES</b>	

## EEO Plans for Attaining the Essential Elements of a Model EEO Program

### Part H.1– Embrace Best Practices in Equal Employment Opportunity Leadership

Statement of Model Program Essential	Brief Description of Program Deficiency
Element A – Demonstrated Commitment from Agency Leadership	Specific deficiencies identified by Components: 1-Was the Equal Employment Opportunity Policy statement issued within 6-9 months of Agency Head installation? 3-Is an Equal Employment Opportunity Policy re-issued annually? 5-When employee is promoted into supervisor, is he/she provided a copy of the Equal Employment Opportunity Policy statement? 6-Have the heads of subordinate reporting Components communicated support of all agency EEO policies through the ranks? 9c-Are managers and superiors evaluated on their commitment to agency EEO policies and principles, including efforts to: support the agency's EEO program through allocation of mission personnel to participate in community out-reach and recruitment programs with private employers, public schools, and universities? 9g- Are managers and superiors evaluated on their commitment to ensure the provision of requested religious accommodations when such accommodations do not cause an undue hardship?
<b>Program Deficiency Analysis:</b>	Lack of consistent communication regarding the Equal Employment Opportunity policies and program procedures for processing and requesting religious accommodations.
<b>Objective:</b>	Clarify and revise communications and actions from the senior leadership to ensure that knowledge of their commitment to Equal Employment Opportunity is spread throughout the Department.
<b>Responsible Officials:</b>	OCHCO; CRCL; DHS Components
<b>Date Objective Initiated:</b>	March 30, 2008
<b>Target Date for Completion of Objective</b>	September 30, 2015 - revised to correspond with Part I Multi-Year Plan

**Planned Activities Toward Completion of Objective**

<b>Planned Activities</b>	<b>Target Date</b>	<b>Completed?</b>	<b>Completion Date</b>
1) OCHCO and CRCL will work jointly with DHS Components to develop a communication, marketing, and education strategy for senior leadership that consistently articulates the link between equal employment opportunity and DHS's mission.	09/30/2011 Revised to 09/30/2012	Yes	09/21/2012
2) Components will develop and provide executives and managers with necessary training, tools, and resources to leverage diversity.	Annually, starting: 09/30/2012	Yes	09/30/2012
3) DHS EEO offices will provide updates to EEO policies and will communicate these updates to managers, supervisors, and employees. This communication includes distribution to new employees during orientation.	09/30/2015	No	
4) Human Capital Officials will establish protocol to provide EEO offices with names of employees promoted to supervisory positions in support of the requirement to communicate current EEO policies to newly appointed supervisors within 45 days of appointment.	12/30/2015	No	
5) Ensure that DHS Leadership communicates EEO policies throughout DHS Components that will be cascaded throughout the organization.	09/30/2015	No	
6) Make the procedures for requesting reasonable accommodation and religious accommodations available/accessible to all employees by disseminating during orientation and during staff meetings.	09/30/2015	No	

**Report of Accomplishments and Modifications to Objective**

**Activities #1 and 3:**

Through the creation of the DHS Diversity and Inclusion Strategic Plan in FY12, the Department has planned objectives and goals towards promoting the principles of EEO, diversity, and inclusion throughout the Components.

**Activity #2:**

- The Diversity and Inclusion Sustainability Subcommittee developed a diversity training similar in content to the training conducted by Laura Liswood, Senior Advisor for Goldman Sachs, and author of *The Loudest Duck: Moving beyond Diversity while Embracing Differences to Achieve Success at Work*, in FY14 and incorporated material from OPM's New IQ training program. This training will be presented to the remaining career senior executives in the National capital Region who did not attend Liswood's training (20%). The training is expected to be conducted in FY 2015, at which time all career senior executives in the National Capital Region would have received diversity and inclusion training. DHS is currently assessing options to train the executives in the field.

- In FY14, DHS analyzed DHS-wide Leadership Development Programs. Of the 52 individuals that participated in the DHS-wide Leadership Development Programs, 47 were in the SES CDP and 5 in the HQ Federal Executive Institute. Due to program restructuring, a DHS Fellows Program did not convene in FY14; however a new Fellows Program is scheduled to commence in FY15. Women participation rates increased from the Leadership Development Program (34.1%) to HQ Federal Executive Institute (36.2%), Hispanic/Latino participation rates significantly increased from the Leadership Development Program (2.3%) to the Fellows Program (8.5%), and participation rates for Blacks/African Americans also increased (from 13.7% to 17.0%). This cohort included 19.1% Veterans and 4.3% Veterans with Disabilities.
- The DHS Diversity Management Section provided training and informational sessions on the Equal Employment Opportunity Management Directive 715, the Executive Agency Action Report to Assist Minority Serving Institutions, Providing Reasonable Accommodations, and Working with Tribal Colleges and Universities, and Effective Consultation with Tribal Members.
- As part of CRCL's Diversity Management Section Forum Series "Ask the Expert," a Senior EEOC Attorney provided a program for Human Capital, Equal Employment Opportunity Specialists, Managers, and Policy Advisors, Disability Program Managers, Reasonable Accommodation Program Managers, Selective Placement Program Managers, and Complaints Manager and Attorneys, on the topic of providing reasonable accommodations.
- U.S. Office of Personnel Management's National Disability Employment Program Manager discussed DHS progress in hiring Individuals with Disabilities, as required in Executive Order 13548.
- Former Acting Director, Division of Outreach and Retention Office of Diversity and Inclusion at the U.S. Department of Veterans Affairs discussed best practices in implementing the U.S. Department of Veterans Affairs' Disability Program, which the U.S. Government Accounting Office listed as among the best in federal government.
- The Reasonable Accommodations Program Manager, Environmental Protection Agency, discussed best practices in implementing Environmental Protection Agency's Reasonable Accommodations Program, which also included a proactive workplace ergonomic program.
- CRCL's Attorney-Advisor coordinated with Components and provided guidance to senior leadership on recruitment, hiring, and reasonable accommodations, Individuals with Disabilities/Individuals with Targeted Disabilities representation, accessibility, internships, training, policy, Schedule A, Workforce Recruitment program, and the Operation Warfighter Program.
- DHS Components reported the following diversity and inclusion training provided to senior executives, managers, and supervisors throughout their organizations, including field facilities:
  - Annual Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 Report to Congress /Whistleblower Protection Act
  - Americans With Disabilities Act
  - Providing Reasonable Accommodations
  - Diversity Awareness
  - Workplace Violence Awareness Training
  - Managing a Diverse Workforce, Including Generational Differences
  - Inclusive Workplace for Gay and Lesbian, Gay, Bi-sexual and Transgender Employees
  - Deaf Awareness
  - Disability Etiquette

- Equal Employment Opportunity Training Development
- Executive Coaching Programs
- Instructor/Facilitator Qualifications Workshop
- Leadership Development Programs
- Human Capital Responsibilities and Diversity Management
- FEMA provided Emergency Management Training to 4 Tribal Colleges and Universities and 8 Historically Black Colleges and Universities and 16 Hispanic Serving Institutions.
- FEMA updated their Tribal Plan Review Guide and Handbook and developed The Tribal Mitigation Improvement Process FAQ, and posted on the FEMA website. Over 100 tribes received an article regarding the process via newsletter and email. FLETC senior level managers participated in a Women’s History Month Panel Discussion, where the event was video teleconferenced to FLETC’s field sites. In addition to the panel discussion and in commemoration of Women’s History Month, four FLETC females participated in the panel, entitled: “The Best and Brightest at DHS Leading the Way in STEM Fields” on DHSCovery. Five FLETC females’ profiles were highlighted on the FLETCnet. FLETC senior level managers also participated in a Black History Month Lunch and Learn event and a Video Series. Approximately 140 FLETC staff members, Partner Organization staff members and students attended the programs
- TSA provided onsite Equal Employment Opportunity/Civil Rights training at 34 locations nationwide to nearly 3,901 managers, supervisors and front-line employees on their rights and responsibilities in maintaining and working in an environment that is free of discrimination, harassment, and retaliation. The trainings ensured compliance of the mandated training resulting from findings of discrimination and negotiated agency settlement agreements.
- USCG demonstrated assistive technology devices as part of their National Disability Employment and Awareness Month program.
- USCIS facilitated a wide variety of training opportunities for employees to sustain a diverse and high-performing workforce, including anti-harassment and posttraumatic stress disorder webinars along with other training presentations like Fostering a Diverse and Respectful Workforce, Sensitivity, Generational Differences, Creating an Inclusive Workplace for Lesbian, Gay, Bisexual and Transgender Employees and Deaf Awareness which resulted in 869 employee participants.
- CBP required all new managers and supervisors to complete EEO training, which includes modules on: diversity and inclusion; the EEO complaint process, preventing and addressing discriminatory harassment; and alternative dispute resolution (mediation).
- ICE continued to promote the “Human Exploitation Rescue Operative (HERO) Child Rescue Corps” program for wounded, ill or injured special operations forces. This innovative program focuses on recruiting disabled veterans to serve as computer forensic interns. Selective participants are trained, equipped, and embedded into computer forensic intern positions within Homeland Security Investigation Field Offices around the country. This program has allowed ICE the ability to promote diversity in hiring by creating a unique way to identify, train, and potentially hire individuals with targeted disabilities, and contribute toward eliminating attitudinal barriers towards hiring individuals with disabilities.
- ICE provided EEO and Diversity training updates to 83 percent of its managers and supervisors.
- ICE established its first Executive Diversity Council, and published its first Diversity Best Practices list of its Directorates and Program Offices.

- USSS's Human Resources & Training/Recruiting Division (REC) Disability Recruitment Working Group designed a training video for hiring managers. This video is entitled, "Disability Hiring Awareness and You: Your Roadmap to Effectively Hiring Individuals with Disabilities." This 4-hour training session covers: Executive Order 13548; benefits of hiring individuals with disabilities; creating internships within the Secret Service for this target group; special hiring authorities; interview etiquette; reasonable accommodations; and agency points of contact.

## Part H.2– Ensure Management and Program Accountability

Statement of Model Program Essential	Brief Description of Program Deficiency
Element C – Management and Program Accountability	Specific Deficiencies Identified by Components:  36-Are regular (monthly, quarterly, semi-annually) Equal Employment Opportunity program updates provided to management/supervisory officials by Equal Employment Opportunity program officials?  38 – 40 Have time tables or schedules been established for the agency to review its Merit Promotion Policy and Procedures, Employee Recognition Awards Program and Procedures, Employee Development/Training Programs for systematic barriers that may be impeding full participation in the program for all groups?  43-Has the agency, when appropriate, disciplined or sanctioned managers/supervisors, or employees found to have discriminated over the past two years?  45-Does the agency review disability accommodation decisions/actions to ensure compliance with its written procedures and analyze the information tracked for trends, problems, etc.?
<hr/>	
Program Deficiency Analysis:	Many standard human resources policies were outdated or had never been issued; there was no cost-benefit analysis of recruitment efforts; there was no systematic implementation of reasonable accommodations; and human resources and Equal Employment Opportunity offices were often not coordinating closely.
Objective:	Create accountability for all managers, supervisors, and Equal Employment Opportunity officials and personnel officers for the effective implementation and management of the DHS Equal Employment Opportunity program.
Responsible Officials:	OCHCO; CRCL;DHS Components
Date Objective Initiated:	March 30, 2008
Target Date for Completion of Objective	September 30, 2011 Revised to September 30, 2015

**Planned Activities Toward Completion of Objective**

<b>Planned Activities</b>	<b>Target</b>	<b>Completed?</b>	<b>Completion Date</b>
1) Develop DHS-wide guidance to ensure that job announcements provide information about the kinds of assessments that will be used to evaluate candidates. Ensure that all assessment tools used for any purpose have been reviewed for cultural barriers. This does not mean that the assessment tools should not be used, but that they should be sufficiently robust in content and measurement to not penalize groups for cultural reasons.	09/30/2011 Revised to 09/30/2013	Yes	09/30/2013
2) Revise and update Reasonable Accommodation Procedures.	09/30/2011	Yes	09/30/2013
3) Follow up with the Components on the status of their Reasonable Accommodation Procedures.	09/30/2011	Yes	09/30/2012
4) Establish time tables to review the Merit Promotion Program and Procedures for systematic barriers.	03/31/2015	No	
5) Establish time tables to review its Employee Recognition Awards Program and Procedures for systematic barriers that may be impeding full participation in the program for all groups.	06/30/2015	No	
6) Establish time tables to review applicant process for systematic barriers that may impede any group from obtaining equal opportunity for employment.	09/30/2015	No	
7) Equal Employment Opportunity practitioners will assess the work climate to ensure that employees who have been found to have caused discrimination be held accountable. Discussions around the topic will be incorporated with the Equal Employment Opportunity 2014 Diversity Management Section Diversity Briefings and Updates.	12/30/2014	No	
8) The Disability Program Managers will meet with managers and supervisors to discuss the Reasonable Accommodations Policy and the processing of accommodation requests.	12/30/2015	No	
9) EEO practitioners/staff members will meet with managers and supervisors to emphasize the importance of hiring, developing, retaining, and effectively communicating with employees. Discussions will include review of workforce demographics, complaint activity and use of alternative dispute resolution.	06/30/2015	No	

**REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE**

**Activity #3**

A revised management directive on the topic of disability accommodations has been vetted and reviewed by the USCIS Director, DHS and EEOC in FY13. Currently, the revised MD is scheduled to be reviewed with the agency's union in FY15, and will make numerous changes to the USCIS process, including:

- Requires management to contact the Disability Accommodation Program upon receipt of all disability accommodation requests, for recordkeeping purposes.
- Extends the agency's allotted processing time by five (5) business days.
- Decision-maker must consult with Disability Accommodation Program before making determination to provide assistive technology or equipment.
- Decision-maker will use a standard form to make an initial request for medical documentation, if such information is deemed necessary to make a determination on a request, and if other medical documentation was offered in conjunction with the request.
- Following the closure of a request, Disability Accommodation Program will be custodian of medical documentation.
- Decisions to approve alternative accommodations must be reviewed by Disability Accommodation Program Manager, in addition to denials.
- Time period for making a decision on a request to reconsider a denial is increased to 14 calendar days.
- To obtain compliance with Federal Accessibility Standards, USCG plans to renovate field locations: Seattle, Washington. Bathroom accessibility renovations were funded in FY14. The bathroom renovation project was awarded in March 2014, with construction completion scheduled for November 2014 (first quarter FY15); and Sector Charleston, SC. The project addressing first floor renovations to the MSO Building is under construction. The project is scheduled to be completed by FY15 (First quarter).
- FEMA completed its revisions to the Agency's reasonable accommodation procedures and anticipated a release date of December 2014. This update will include additional process guidance on the use of Service Animals, particularly (Emotional Support Animals, Therapy Animals and Comfort Animals), Telework, Facility Accessibility and many other Disaster Workforce-related accommodations.

#### **Activity #4**

- ICE will convene a second meeting to discuss team members' observations regarding the Awards, Merit Promotion and Training Policies, related external barrier analyses, and EEOC barrier analysis checklists.
- On February 14, 2014, ICE identified three policies and programs for review. On June 24, 2014,
- ODCR drafted the EEO Barrier Identification & Elimination procedural training document to assist the Barrier Analysis Workgroup in understanding what barriers are, their causes and how to properly eliminate barriers as it pertains to merit promotion, training and development, and awards.

- TSA established two barrier analysis assessment teams composed of key agency stakeholders to identify the root-cause underlying two triggers: the under-representation of females (Team A) and individuals with targeted disabilities (Team B) in the total workforce. The two teams conducted a series of focus groups. Fourteen airports and Federal Air Marshal Field offices were identified to support development of recommendations.

#### **Activity # 5**

FEMA plans to develop, establish, and implement a process for regular evaluations of Agency awards, and to develop a reporting format that links demographic information to award recipients. A new awards policy will be implemented across FEMA effective January 2015. FEMA's Office of Equal Rights reviews and evaluates Agency awards during each award review period. A report is sent directly to EEO from OCCHCO that details the information.

#### **Activity #6**

- ICE allocated funds to the EEO Program to ensure agency self-assessments and self-analyses per MD 715 are conducted annually and to maintain an effective complaint processing system. To this end, ICE will hire three full-time positions and seek funding for a fourth position to achieve full operational capability. ICE is currently in the process of reviewing resumes and conducting interviews.
- ICE's newly established Barrier Analysis Workgroup will review the Merit Promotion Program Policy and Procedures for barriers during the second and fourth quarters of every fiscal year. In FY15, ICE will conduct the first meeting of the barrier analysis workgroup and assign related tasks.
- In FY14, USCIS completed the following activities:
  - Reviewed at least one personnel program, policy, or procedure to determine if systemic barriers exist which may be impeding full participation by a particular group and develop plan to eliminate identified barriers, as appropriate.
  - Established a schedule for Office of Equal Opportunity & Inclusion/Human Capital & Training Cross-functional Team review of Employee Recognition Awards Program and Procedures and Employee Development/Training Programs for systemic barriers.
  - The Cross-functional Team's Merit Promotion Program Subcommittee reviewed and provided feedback and recommendations to the revised Merit Promotion Program policy on March 18, 2014, in an effort to focus revisions on strengthening diversity efforts. The revised Merit Promotion Program Management Directive is currently pending union negotiations. In addition, the Subcommittee performed an in-depth review of all Merit Promotion selections during FY 2013. Following meetings held on November 27, January 7, 9, 13, March 10, and 27, this comprehensive review included:

- Selections Summary
- Selections by Grade
- Selections of Individuals with Disabilities and Individuals with Targeted Disabilities
- Highlights and Opportunities for Improvement
- Recommendations
- The Subcommittee's initial briefing to the Chiefs of the Office of Equal Opportunity & Inclusion/Human Capital & Training (HCT) was held on April 3, 2014. During the briefing, the Chiefs requested some additional analysis. The Subcommittee's final results and recommendations, incorporating the additional analysis and revising the comparator of the CLF to the Federal Workforce were provided on September 17, 2014.

#### **Activity #9**

- Coordination and data collection for the USCIS Professional Development Program (PDP) was initiated in September 2014 as a first step in reviewing USCIS's Employee and Development/Training Programs. On September 29, 2014, direct access to the PDP reporting system was acquired by OEOI. Efforts are underway to review FY14 participation and the current policy for possible systemic barriers. HCT collects SF-181 forms on a voluntary basis from all PDP applicants, and will forward all forms to OEOI beginning in FY15 as required by USCIS policy. The Awards/Recognition Subcommittee is scheduled to meet for the first time in November 2015.
- USCIS also plans in FY15 to:
  - Develop and implement a plan that will ensure senior managers are involved in the barrier identification and elimination process.
  - As barriers are identified, solicit input and feedback from senior leadership on the means to eliminate barriers and enlist their support in implementing plans devised to address these impediments to equality of opportunity.
- USCIS completed plans to distribute MD-715 report to senior leadership and encourage them to submit suggestions and ideas for identifying and eliminating possible barriers for triggers identified in the report.
- USCIS also delivered the state of EEO briefing to senior leaders and solicit their input into barrier identification and enlist their assistance in identifying other triggers of which they may be aware.
- As a first step towards developing and implementing a plan to involve senior managers in the barrier identification and elimination process, USCIS developed a standardized demographic snapshot report template (Diversity Dashboard) that was approved by the Chief, Office for Equal Opportunity and Inclusion in August 2014. OEOI also hired a full time Management and Program Analyst effective September 22,

2014, who will have primary responsibility for working with senior leaders to obtain their support and more closely involve them in the barrier identification and elimination process.

- On April 2, 2014, the FY13 MD-715 report was distributed to all USCIS managers via a Leadership Guidance message. Additionally, on April 4, 2014, the report was distributed to all USCIS employees via the USCIS Today publication and posted on OEOI's intranet site which is accessible to all employees.
- Due to the OEOI/HCT Cross-functional Team's Merit Promotion Program Subcommittee's efforts, USCIS developed the ability to obtain merit promotion selection data by ERI/G using both the internal human resources system and NFC systems effective March 31, 2014. Efforts to capture career development data by ERI/G are ongoing.
- As a result of the Deputy Secretary, Alejandro Mayorkas' initiative "The Department You Deserve," HCT was tasked with providing DHS OCHCO with summaries of USCIS's hiring transparency activities/accomplishments. The weekly report provides a status of completed and planned activities related to the hiring and promotion process, which is one of the five areas of focus. HCT anticipates future tasking on the remaining four focus areas (Training and Professional Development, Rewards and Recognition, Performance Management, and Communication). The weekly reports are prepared in partnership with OEOI and other stakeholders.
- In direct support of the QWI's Hiring Transparency goal, HCT has developed a SharePoint database to track all efforts relative to hiring and promotion. In addition to the Hiring Transparency database, HCT reports and coordinates recruitment efforts to support the DHS Coordinated Recruiting and Outreach Strategy.
- At USSS, The Secret Service Uniformed Division, Office of the Chief, conducts a 2-day leadership/management training session for all new first-line supervisors. Representatives from the Secret Service EEOD explain to new Uniformed Division Officer supervisors their roles and responsibilities for successful EEO program implementation. The new Uniformed Division Officer supervisors also get an introduction to resolving workplace conflicts, providing reasonable accommodations, participating in community outreach, recruitment activities, and participating in diversity initiatives.
- The USSS Office of Professional Responsibility, Inspection Division, regularly conducts office inspections and EEOD provides information for inclusion in the resulting compliance inspection reports.

## Part H.4– Ensure Sufficiency of Data/Document Collection or Analysis

Statement of Model Program Essential Element Deficiency	Brief Description of Program Deficiency
Element E – Efficiency	Specific Deficiencies Identified by Components:
	56-Does the Equal Employment Opportunity Office provide its employee personnel with adequate training and experience to conduct the analyses required by Management Directive 715 instructions?
	57-Has the agency implemented an adequate data collection and analysis system that permits tracking of the information required by Management Directive 715 instructions?
	58-Have sufficient resources been provided to conduct effective audits of field facilities efforts to achieve a model EEO program and eliminate discrimination under Title VII and the Rehabilitation Act?
	60-Are 90% of accommodation requests processed within the time frame set forth in the agency procedures for reasonable accommodation?
	66a-Are benchmarks in place that compare the agency's discrimination complaint processes with 29CFR Part 1614?
	66c-Does the agency complete the investigations within the applicable prescribed time frame?
	66d-When a complainant requests a final agency decision, does the agency issue the decision within 60days of the request?
	68-Does the agency require all managers and supervisors to receive ADR training in accordance with EEOC (29 Code of Federal Regulations Part 1614) regulations, with emphasis on the federal government's interest in encouraging mutual resolution of disputes and the benefits associated with utilizing ADR?
	69-After the agency has offered ADR and the complainant has elected to participate in ADR, are the managers required to participate?
	70-Does the responsible management official directly involved in the dispute have settlement authority?
	73-Does the agency EEO office have management controls in place to monitor and ensure that the data received from Human Resources

**Statement of Model Program Essential Element Deficiency**

**Brief Description of Program Deficiency**

is received accurate, timely, and contains all the required data elements for submitting annual reports to the EEOC?

75-Does the agency identify and monitor significant trends in complaint processing to determine whether the agency is meeting its obligations under Title VII and the Rehabilitation Act?

76-Does the agency track recruitment efforts and analyze efforts to identify potential barriers in accordance with the Management Directive 815 standards.

**Program Deficiency Analysis:**

Lack of resources and trend analyses of workforce conducted by race, national origin, sex, and disability. Lack of resources to timely investigate Equal Employment Opportunity complaints.

**Objective:**

Expand and clarify the data collection process in order to allow DHS to perform accurate and comprehensive analyses in the future.

**Responsible Officials:**

Deputy Officer for Equal Employment Opportunity Programs; Chief Human Capital Officer

**Date Objective Initiated:**

March 30, 2008

**Target Date for Completion of Objective**

September 30, 2011  
Revised to September 30, 2015

**Planned Activities Toward Completion of Objective**

<b>Planned Activities</b>	<b>Target Date</b>	<b>Completed?</b>	<b>Completion Date</b>
1) Develop Department-wide automated system to capture career development programs. (Table A/B12 - Participation in Career Development).	09/30/2013 Revised to 12/30/2015	No	
2) Coordinate with DHS Components to develop supplemental internal controls regarding timeliness of investigations	09/30/2013	Yes	09/30/2013
3) Coordinate with DHS Components to develop streamlined review processes to expedite issuance of Report of Investigations	09/30/2013	Yes	09/30/2013
4) Coordinate barrier analyses across Components through the use of the pending DHS Special Emphasis Program framework.	06/31/2015	No	
5) Provide Management Directive 715 Training to ensure compliance and to ensure the document serves as a useful resource for managers/ supervisors.	10/31/2015	No	
6) Develop a brochure to promote the use of alternative resolutions to address workplace disputes and issues.	12/31/2015	No	

**REPORT OF ACCOMPLISHMENTS and MODIFICATIONS TO OBJECTIVE**

**Activity #1:**

DHS is preparing to assemble a selection panel to select a Department-wide Enterprise Talent Management System. Once this system is operational, a Department-wide automated system will be available to capture employee participation in career development programs. Participation in specific programs can currently be reviewed manually at each DHS Component, but there is no mechanism in place to aggregate the results.

**Activities #2 & 3:**

DHS coordinated with Components to revise the Equal Employment Opportunity complaint processing procedures. This coordination effort allowed DHS and Components to review and revise procedures regarding Equal Employment Opportunity investigations focusing on the timeliness of conducting investigations, reviewing and issuing equal employment opportunity reports of investigations. The revised complaint procedures were issued in October 2012.

**Activity #4:**

In FY14, DHS CRCL initiated the creation of a Department-wide Special Emphasis Program framework, which includes several Components that will directly aid in the broad completion of barrier analyses across the Components. To facilitate this, additional staff was authorized and hired within CRCL. Full implementation is expected in FY15.

**Activity # 6:**

CBP will complete development of an Alternative Dispute Resolution (ADR) training module which emphasizes the Federal government's interest in encouraging mutual resolution of disputes and the benefits associated with ADR.

USCG surpassed the EEOC recommended ADR pre-complaint resolution rate of 34 percent, achieving a 41 percent rate.

The USSS has an ADR program; however, the program is underutilized in the EEO Complaint Process. The Agency's Pre-complaint ADR program participation continues to be far below EEOC's target participation rate of 50 percent. To address this deficiency, the USSS will:

1. Continue to encourage participation in the ADR program by Secret Service employees,
2. Develop an ADR informational handout to be presented to the complainant during the intake process, and,
3. Design an ADR poster and place in the headquarters building and field offices.

## Part I: EEO Plans To Eliminate Identified Barriers

### Part I-1: Underrepresentation

**STATEMENT OF CONDITION THAT WAS A TRIGGER FOR A POTENTIAL BARRIER:**

Provide a brief narrative describing the condition at issue.

How was the condition recognized as a potential barrier?

Women and several ethnic and racial groups have low participation rates in the overall workforce, and low hiring rates for certain major occupations, when compared to the Relevant Civilian Labor Force.

A review of workforce data indicates various groups are below the Relevant Civilian Labor Force percentage, and the Federal average and DHS hiring goals, respectively.

**BARRIER ANALYSIS:**

Provide a description of the steps taken and data analyzed to determine cause of the condition.

Workforce data are analyzed at the DHS level, at the Component level, and by major occupations. Applicant flow data became available for all DHS Components in FY14, and is also being used to assess the cause of the observed disparities.

**STATEMENT OF IDENTIFIED BARRIER:**

Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.

Representation is driven by past hires, current recruitment, current staffing, retirement, and resignations.

It appears that many of the racial disparities between the DHS workforce and the National Civilian Labor Force or National Relevant Civilian Labor Force are due to the geographic location of the jobs.

The gender disparity has not yet been fully identified, although a study on Women in Law Enforcement positions at DHS was conducted in FY14, which has provided some insight into why DHS Law Enforcement positions may differ from Law Enforcement positions elsewhere.

**OBJECTIVE:**

State the alternative or revised agency policy, procedure or practice to be implemented to correct the undesired condition.

For total workforce participation/new hires:

Develop and implement a MD 715 data system and an applicant data tracking system; develop needed data tools; analyze data carefully; develop remediation plans; and monitor closely.

For major occupations:

Increase outreach methods using new media.

**RESPONSIBLE OFFICIAL:**

OCHCO; CRCL; DHS Components

**DATE OBJECTIVE INITIATED:**

February 1, 2011

**TARGET DATE FOR COMPLETION OF OBJECTIVE:**

It is anticipated that this Part I will be closed in FY15. The condition will continue to be monitored, and this Part I will be replaced with one that is less general and more targeted.

<b>PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:</b>	<b>TARGET DATE</b>
1) CRCL will identify Ethnicity Race Indicator/Gender groups underrepresented compared to the Relevant Civilian Labor Force for occupations over 100, including major/mission critical occupations.  Track and report net change quarterly.	Quarterly, beginning 6/30/11  <b>Completed in FY 2012 and continues.</b>
2) DHS Components and facilities will research where to conduct outreach for these groups in occupations with underrepresentation. <ol style="list-style-type: none"><li>Identify community colleges, colleges and universities with substantial populations of underrepresented groups, including: Historically Black Colleges and Universities; American Indian and Alaska Native Education; Hispanic Serving Institutions; and all-female colleges and universities in appropriate majors for underrepresented occupations.</li><li>Identify relevant job fairs in the service area.</li><li>Identify focused media outlets to supplement national recruitment with local outreach.</li><li>Identify relevant local affinity groups and community groups for Special Emphasis Program Managers to visit.</li><li>Conduct focus groups meetings with employees from underrepresented groups to determine how to improve recruitment and retention.</li><li>Establish coordination with other Components regarding recruitment.</li><li>Report Component recruitment needs to OCHCO.</li></ol>	<b>Completed in FY 2012 and continues.</b> a. Annually, beginning 3/31/11  b. Annually, beginning 03/31/11 c. Annually, beginning 06/30/11  d. Annually, beginning 06/30/11  e. Annually, beginning 09/30/11, with six-month progress reviews f. Annually, beginning 06/30/11 g. Annually, beginning 06/30/11
3) OCHCO will implement a multi-year plan (beyond national posting) for targeted recruitment of applicants from the underrepresented groups in these occupations. (DHS Workforce Strategy Objective 2.2: Develop a collaborative, targeted recruitment strategy to promote public service and to ensure outreach to diverse populations.)  As appropriate, update goals annually for: <ul style="list-style-type: none"><li>• Intern programs</li><li>• Job fairs</li><li>• Local advertising</li><li>• Contacts with affinity and community organizations</li><li>• Coordination on recruitment efforts</li></ul>	Annually, beginning 09/30/11  <b>Completed in 2012 and continues.</b>
4) OCHCO will produce a plan to develop an applicant data tracking system, with at least three benchmarks per year. <ol style="list-style-type: none"><li>Conduct pilot with USA Staffing.</li><li>Acquire data from Monster Government Solutions.</li><li>Integrate data analysis into DHS Component barrier analysis.</li></ol>	a. 03/31/14 b. 03/30/14 c. 09/30/14  Data acquired in 2014, analysis is ongoing.

5) OCHCO will continue to use and promote DHS's enterprise-wide solutions to DHS-wide recruitment to:

- Assess Department-wide recruitment activities
- Coordinate Department-wide participation in recruitment events
- Develop Department-wide recruitment strategies and activities for cross-cutting occupations

Quarterly, beginning 06/30/11

**Completed in FY 2011 and continues.**

6) DHS Components will use the following recruitment programs, as applicable, to increase the number of minority and female candidates applying for positions suitable for external recruitment:

- Hispanic Association of Colleges and Universities Internship Program
- Minority Serving Institution Internship Program
- Presidential Management Fellows
- (USCIS) Summer Intern Enrichment Program
- U.S. Office of Personnel Management's Pathway for Students and Recent Graduates Program
- (TSA) Resident Program
- Tuition Assistance Program
- Workforce Recruitment Program for College Students with Disabilities
- American University's Washington Internships for Native Students
- American Association of People with Disabilities Federal Information Technology Internship Program
- Bender Consulting Register

Annually, beginning 03/31/11

**Completed in FY 2012-2014 and continues.**

7) DHS Components will use the following recruitment methods to increase the number of minority and female candidates applying for positions suitable for internal recruitment:

- Post vacancy announcements on USAJOBS
- Use Components' career web pages
- Use Components' email broadcasting/message boards
- Actively engage underrepresented groups in national and regional conferences
- Outreach to relevant diverse professionals and other affinity groups

Annually, beginning 03/31/11

**Completed in FY 2012**

8) DHS Components will conduct an assessment to identify any occupations that may require bilingual or bicultural capabilities and include findings and activities.

Annually, beginning 03/31/11

**Completed in FY 2012 and continues.**

9) DHS Components will conduct an assessment of the following and report any action items:

- Immediate and longer range job openings for each occupational grade-level grouping for which underrepresentation has been determined
- Hiring authorities which may be used to fill such jobs
- The possible impact of its actions on underrepresentation

Annually, beginning 03/31/11

Completed in FY 2012 and continues.

***Report of Accomplishments and Modifications to Objective***

**Activity #1**

- DHS' Office of the Chief Human Capital Office conducted significant research on the new Inclusion Quotient (IQ) research pertaining to the Federal Employee Viewpoint Survey questions, providing a better understanding of which Components of DHS are lacking in the five habits of inclusion (Fair, Open, Cooperative, Supportive, and Empowered).
- CRCL conducted a study on women in law enforcement positions, utilizing personnel data, focus groups, and individual interviews to gain a better understanding of the challenges facing women law enforcement officers at DHS.
- An analysis of the Department's permanent workforce and major mission-critical occupations shows Blacks and Hispanics, both female and male, are more likely to be clustered in positions that do not have a clear career path into the senior pay grades. Targeted recruiting can be utilized to effectively target ethnic and race indicator groups for these feeder positions.
- National Civilian Labor Force and National Relevant Civilian Labor Force percentages were created with updated American Community Survey data for the first time in FY13, and updated this year based on the FY14 DHS workforce.
- CRCL provided briefings to each DHS Component on their FY13 MD 715 report, providing customized advice on what occupational and demographic triggers need the most attention.

**Component-specific accomplishments included:**

**CBP:**

- Completed an analysis of
  - Academy attrition by national origin, race, and sex.
  - Participation rates in CBP's succession management programs by national origin, race, and sex.
  - Applicant flow data of five major occupations at CBP.
  - Workforce grade level distribution by disability, national origin, race, and sex.
  - FY11 and FY12 initial applicant pools for two of CBP's core law enforcement occupations—Border Patrol Agent and CBP Officer—indicating that recruitment efforts during these years attracted a diverse applicant pool, including those from groups currently underrepresented in each occupation.

**FLETC:**

- Continued last year's practice of benchmarking with the proper outside Relevant Civilian Labor Force benchmark for their most common occupation (Law Enforcement Instructors in the 1801 job series).
- Continued to monitor the workplace and employee engagement trends through the efforts of the Office of Organizational Health (OOH). The Chief is also a Senior Staff champion of FLETC's Diversity & Inclusion Council. Quarterly reports are provided to the Senior Executive team on the "State of the Workforce" for corporate awareness of workforce trends.

**ICE:**

On June 24, 2014, the Office of Diversity and Civil Rights drafted the EEO Barrier Identification and Elimination procedural training document to assist the Barrier Analysis Workgroup in understanding the

meaning of barriers, the causes, and how to properly eliminate barriers as it pertains to merit promotion, training, development, and awards.

**TSA:**

TSA established two barrier analysis assessment teams composed of key agency stakeholders to identify the root-cause underlying two triggers: the under-representation of females (Team A) and individuals with targeted disabilities (Team B) in the total workforce. The two teams conducted a series of focus groups. Fourteen airports and Federal Air Marshal Field offices were identified to support development of recommendations.

**USSS:**

USSS has three Working Groups (Special Agent, Uniformed Division Officers, and Administrative, Professional, and Technical) to encourage open dialogue regarding workforce issues and factors that affect employee satisfaction, recruitment, and retention. These groups explore important issues that impact employees and the work environment, develop solutions, and provide valuable input and recommendations to senior management. Immediate action is taken to address deficiencies in various areas

**Activities #2, 6-8**

The DHS Corporate Recruitment Council brings together key recruiting personnel across DHS. The Council develops a “Top 25” list annually of recruiting and outreach events that target diverse populations and events that are focused on law enforcement—our largest mission critical occupation.

DHS entered memoranda of understanding (MOUs) with associations that represent diverse Higher Education Associations including the Hispanic Association of Colleges and Universities (HACU), National Association for Equal Opportunity in Higher Education (NAFEO), American Indian Higher Education Consortium (AIHEC), Asian Pacific Islander American Association of Colleges and Universities (APIACU), and American Association of Community Colleges (AACC)

**Component-Specific accomplishments included:**

**FEMA:**

FEMA met with the National Council of La Raza in August 2014 to identify points of collaboration that will increase engagement with the Hispanic/Latino community at the community level. Discussed ways to collaborate and to help emergency managers understand how to engage more with Hispanic/Latino communities.

**FLETC:**

- FLETC has formally adopted a Diversity and Inclusion (D&I) Council that incorporates its former FLETC Recruitment Council. The D&I Council’s initiatives focus on ways to meet prescribed workforce representation goals and benchmarks. The Council is co-chaired by the FLETC EEO Officer and the Human Capital Officer. Ongoing collaboration among the FLETC’s Human Capital Division (HCD), the EEO Division, and the Council has developed into a viable partnership for participation in numerous community outreach activities, career/job fairs, and conferences at colleges and universities throughout the reporting year.

- FLETC outreach efforts included Minority Serving Institutions, professional organizations, colleges, that service students with disabilities, women's colleges, disability related organizations, and military organizations.
- FLETC senior level managers participated in the National Organization of Black Law Enforcement Executives (NOBLE) Conference and Exhibition. FLETC's involvement was multi-faceted. The team interacted with a host of law enforcement professionals via a conference exhibit, presented the Leadership through Understanding Human Behavior training program and participated in NOBLE Education and Training Committee activities including coordination of workshops.
- FLETC senior level managers participated in a Women's History Month Panel Discussion, where the event was video teleconferenced to FLETC's field sites.

**USSS:**

- The Office of Human Resources and Training, Recruitment Division (REC) developed and implemented a Recruitment and Outreach Plan that outlines strategies to ensure that the Secret Service institutes an effective program to build a highly qualified pool of applicants from diverse backgrounds to include minorities, women, and persons with disabilities.
- USSS Recruitment Division participated in 310 career fairs and conference (110 colleges and universities, 12 Historically Black Colleges and Universities, 2 Hispanic Serving Institutions, 7 African American organizations, 6 Asian Pacific Islander organizations, 21 Diversity organizations, 7 Hispanic organizations, 110 Military organizations, 4 Native American organizations, 12 women organizations, 3 Disability/Veterans organizations and 16 other general organizations).
- The Recruitment Division continued to work closely with the Office of Government and Public Affairs and Forensic Division to maintain a website geared towards women who are interested in a career with the Secret Service.

**Activity #3**

The department continues to actively implement the DHS Coordinated Recruiting and Outreach Strategy (CROS). The strategy has the dual goals of increasing outreach to diverse groups and enhancing efficiencies in recruiting across the department. The implementation has also focused on greater partnership between Component recruiting and workforce planning teams. Currently, the DHS CROS is being updated to better align the goals and objectives with the DHS Human Capital Strategic Plan (FY15-FY19), enhance the performance metrics, and incorporate other updates commensurate to the current fiscal environment. The CROS continues to assist with meeting the department's overall recruiting and outreach objectives, which include increasing the diversity of applicant pools, reducing duplication of effort, decreasing agency outreach and recruiting costs where appropriate, and presenting a unified DHS image. Additionally, data continues to be collected through the DHS Recruiting and Outreach Cost Tracker.

**Activity #4**

The summer of 2014 marked the first time that CRCL acquired access to applicant flow data for all DHS Components. This data is available in summary table format (i.e., Table A7), and also in the record level data for the DHS Components that are USA Staffing clients. Preliminary analysis of the applicant flow data reflects a diverse applicant pool across most occupations, with diversity diminishing slightly at the selection

phase for certain positions. Because hiring slowed considerably in the last few years, it will take time for enough data to accumulate to allow for strong conclusions to be drawn.

#### **Activity #5**

This activity is conducted regularly through the Corporate Recruitment Council. In addition, an Excel spreadsheet was developed in FY13 and approved in early FY14 to better track recruiting costs across DHS and to assist with assessing recruiting activities. The data collected will also identify recruiting activities across DHS.

#### **Activity #9**

- The DHS Corporate Recruiting Council, comprised of recruiting personnel from DHS Components, assists in implementing the Coordinated Recruitment and Outreach Strategy. In FY14, the Council continued to maintain a Top 25 list of recruiting events to attend. Due to budget constraints, focus was confined to attending events that targeted DHS mission critical occupations, notably law enforcement. As a result, participation was coordinated across all DHS Components with the following organizations in FY14: Women in Federal Law Enforcement (WIFLE); National Asian Peace Officers Association (NAPOA); National Organization of Black Law Enforcement Executives (NOBLE); National Native American Law Enforcement Association (NNALEA); Congressional Black Caucus Foundation (CBC); League of United Latin American Citizens (LULAC); Hispanic Associations of Colleges and Universities (HACU); Hispanic American Police Command Officer Association (HAPCOA). Also, the USCG and USSS recruited at Society for American Indian Government Employees.
- In FY14, the Component Recruitment and Outreach Plans (CROP) were revised to enhance recruiting efforts to meet current and long-term needs (see Appendix 8). The CROP is used to assess and evaluate Component outreach efforts for groups with low participation rates with a focus on mission-critical occupations. Components completed the revised templates for FY14 to include long-term staffing gap projections and planned strategies to fill those gaps. This process required Component recruiters to collaborate with workforce planners to identify staffing gaps for two out-years. The FY15 CROPs were issued to Components and are scheduled to be finalized and evaluated in preparation for the new fiscal year. Additionally, an Accountability Checklist was developed and implemented to assess the CROP submissions for accuracy and completion.

## **Part I-2: Underrepresentation of Individuals with Disabilities/Targeted Disabilities**

**STATEMENT OF CONDITION THAT  
WAS A TRIGGER FOR A POTENTIAL  
BARRIER:**

Provide a brief narrative describing the condition at issue.

How was the condition recognized as a potential barrier?

DHS has a permanent workforce representation of Individuals with Disabilities of 5.4%. Individuals with Targeted Disabilities are represented at 0.42%, well below the Federal average of 0.88% and the 2% Federal goal.

**BARRIER ANALYSIS:**

Provide a description of the steps taken and data analyzed to determine cause of the condition.

Low rate of hires of Individuals with Disabilities and Individuals with Targeted Disabilities.

Note: This is a multi-year plan which carries over into future years.

**STATEMENT OF IDENTIFIED  
BARRIER:**

Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.

Access to a more sophisticated data reporting tool has provided better understanding of the causes of low participation for these groups. While Individuals with Disabilities and Individuals with Targeted Disabilities, compared to those without disabilities, are both being hired at rates in rough proportion to their workforce participation rates, they are separating at much higher rates—as much as 50% higher than their workforce participation rate would predict. As hiring flattens out in the face of new budget constraints, this high attrition rate will have more impact on Individuals with Disabilities and Individuals with Targeted Disabilities compared to those without disabilities at DHS. Recruiting and retention efforts, therefore, are both of increasing importance going forward.

**OBJECTIVE:**

State the alternative or revised agency policy, procedure or practice to be implemented to correct the undesired condition.

Increase the representation of Individuals with Disabilities/Individuals with Targeted Disabilities.

**RESPONSIBLE OFFICIAL:**

OCHCO; CRCL; DHS Components

**DATE OBJECTIVE INITIATED:**

February 1, 2011

**TARGET DATE FOR COMPLETION  
OF OBJECTIVE:**

September 30, 2011 and annually thereafter

**PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:**

**TARGET DATE**

1. Implement plan for recruitment and retention of Individuals with Disabilities/Targeted Disabilities (Individuals with Disabilities/Individuals with Targeted Disabilities), in accordance with the President's Executive Order 13548 and U.S. Office of Personnel Management's requirement for Model Strategies for

Recruitment and Hiring of Individuals with Disabilities.

- |  |   |
|--|---|
| a. CRCL and OCHCO will jointly develop DHS's model recruitment and hiring strategies for increasing employment of Individuals with Disabilities/Individuals with Targeted Disabilities. DHS will submit its final plan to the U.S. Office of Personnel Management. This plan will include the following: <ul style="list-style-type: none"><li>• Designate a senior-level agency official to be accountable for enhancing employment opportunities for Individuals with Disabilities/Individuals with Targeted Disabilities.</li><li>• Establish hiring goals for use of Schedule A.</li></ul> | a. March 8, 2011<br><b>Completed</b>  |
| b. Develop strategies to retain Individuals with Disabilities/Individuals with Targeted Disabilities including training, use of centralized funds to provide reasonable accommodations, increasing access to appropriate accessible technologies, and ensuring accessibility of physical and virtual work spaces.  | b. <b>Revised to 6/3/14</b>   |
| c. Develop strategies to increase successful return-to-work outcomes for employees who sustain work-related injuries and illnesses, as defined under the Federal Employees' Compensation Act.  | c. <b>Completed in 2012</b>   |
| d. Develop mandatory training on hiring Individuals with Disabilities/Individuals with Targeted Disabilities.  | d. <b>Revised to 6/30/14</b>  |
| e. Establish performance targets and numerical goals for major areas and occupations.  | e. <b>Completed in 2013</b>   |
| f. Develop employment counseling program to help match career aspirations of Individuals with Disabilities/Individuals with Targeted Disabilities.   | f. <b>Revised to 9/30/15</b>  |
| g. Design a system to report regularly to the President, heads of agencies, and public on DHS's progress on implementing its plans and objectives.   | g. <b>Revised to 9/30/15</b><br>OPM routinely reports to the WH on federal progress in hiring and promoting IWD/TDs.  |
| h. CRCL will review and analyze workforce data regarding Individuals with Disabilities/Individuals with Targeted Disabilities. <ul style="list-style-type: none"><li>• Identify trends regarding Individuals with Disabilities/Individuals with Targeted Disabilities (hires, awards, promotions, separations, etc.).</li><li>• Compare onboard and hires to government averages by occupation.</li><li>• Identify occupations growing without proportionate growth in Individuals with Disabilities/Individuals with Targeted Disabilities.</li></ul>   | h. Every six months, beginning 3/31/11 and reporting by 6/30/11<br>Completed in 2012 and continues<br>New data program unavailable in FY 14. This activity will occur in FY 15. |

- Review Individuals with Disabilities/Individuals with Targeted Disabilities in DHS career development programs.
  - Use data tools being developed by CRCL.
  - Implement quarterly tracking of Individuals with Disabilities/Individuals with Targeted Disabilities hires, onboard and separations.
- i. CRCL will review applicant flow data when they become available to identify trends regarding Individuals with Disabilities/Individuals with Targeted Disabilities.
  - j. CRCL will identify any triggers from the above sources, and develop a plan to address them.
  - k. OCHCO and CRCL will benchmark current outreach for applicants with targeted disabilities to identify stronger efforts that DHS can take to enhance DHS outreach for applicants with disabilities.
  - l. OCHCO will identify career fairs in the service area(s).
  - m. OCHCO and CRCL will establish goals for the WRP.
  - n. OCHCO and CRCL will monitor the management Performance Appraisal System diversity element.
  - o. OCHCO and CRCL will establish relations with local potential sources (e.g., State Rehabilitation Office, affinity groups, professional organizations and associations).
  - p. OCHCO will identify and train Selective Placement Coordinators.
  - q. OCHCO will coordinate Components' recruitment.
  - r. Review DHS process for qualifying and referring Schedule A applications submitted in response to vacancy announcements.

2. Establish an effective program for reasonable accommodations.

- a. Survey Components for current status
  - b. Develop systematic plan
  - c. Implement plan
- a. 9/30/11 **Completed**
  - b. 9/30/12 **Completed**
  - c. 9/30/13 **Revised to 3/30/15**

3. Implement a training plan to be provided to managers regarding Individuals with Disabilities/Individuals with Targeted Disabilities responsibilities, authorities, Computer/Electronic Accommodation Program and reasonable accommodations. (DHS Workforce Strategy Objective 2.4: Use current flexibilities and incentives,

and seek new authorities where needed.)

- |   |  |
|---|--|
| a. Training for new managers/supervisors, within 90 days of entrance on duty. | a. Ongoing, beginning 6/30/11<br>Completed in FY 2012 and continues. |
| b. Refresher training to all managers/supervisors biannually.                 | b. Ongoing, beginning 9/30/11  |
| c. Mandatory training for all managers/supervisors, including toolkits.       | c. Ongoing, beginning 9/30/11  |
| d. Training for HR Specialists regarding special hiring authorities.          | d. Annually, beginning 9/30/11                                       |

4. CRCL will develop data tools for Individuals with Disabilities/Individuals with Targeted Disabilities. **Completed**

- |  |            |
|--|------------|
| a. Hires compared to DHS hiring goals. | a. 3/31/11 |
| b. Promotion rate by occupation.       | b. 6/30/11 |
| c. Separation rate.                    | c. 9/30/11 |

### *Report of Accomplishments*

#### **Activity #1b**

- To remove any financial disincentives to supervisors and managers of hiring or accommodating Individuals with Disabilities, USCIS, USSS, and FEMA used central funds in their reasonable accommodations program. FEMA uses central funding for new employees and managers during their first year, and for sign language interpreter services. ICE received approval to run a pilot in their LA Field Offices. ICE plans to implement it this June and if successful have an agency wide centralized fund in FY16.

#### **Activity #1d**

- The FLETC, USSS, CBP, USCIS, ICE, and USCG provided mandatory training programs to managers and supervisors. The FLETC provided mandatory training to managers and supervisors through three training courses: New Supervisor Training Program, “Employment of People with Disabilities: A Roadmap to Success,” and the FLETC Supervisors’ and Managers’ Training Day. OPM’s new training program modeled after the DHS CRCL’s Employment of People with Disabilities: A Roadmap to Success, mandatory for all employees that recommend, initiate, take, or approve any personnel actions. The OPM online course explores recruitment, interviewing, reasonable accommodation, and hiring individuals with disabilities.
- USSS also provided mandatory training to new supervisors. USSS included discussion of Reasonable Accommodation Policy in all Equal Employment Opportunity training sessions for supervisors and managers. Training included the Emerging Leaders Seminar; the Seminar for First Line Supervisors;

New Employee Orientation; Investigative Issues Focus Group Training; Supervisor and Manager Training on Human Capital Division Services; Special Agent Supervisors' Orientation Training; and Uniforms Division Newly Promoted Sergeants Training.

- As a part of the plan to increase CBP's Employment of Individuals with Disabilities, all hiring managers and human resources professionals are required to take a training module on the employment of Individuals with Disabilities. All new CBP supervisors are required to complete "New Supervisor Orientation" and "Supervisor Leadership Training" (SLT). SLT is a foundational course for all new CBP supervisors. During the SLT, participants are required to complete a module on EEO Awareness. Within the module is a section on the reasonable accommodation process, which includes an overview of the resources available through the Computer/Electronics Accommodation Program (CAP) and the Job Accommodation Network (JAN). During FY14, 589 new supervisors completed the SLT course.
- In FY14, 800 CBP supervisors completed the web-based training, bringing the total to 5,000 CBP supervisors trained since its launch in FY12, nearly half of all 10,485 CBP supervisors onboard.
- USCIS, in partnership with the EEOC, continued providing mandatory disability accommodation training for managers and supervisors, with more than 2,400 supervisors now having received this training since FY11. This training made officially mandatory by the USCIS Director this year, through a memorandum. This webinar was extended to employees this year for the first time. Training sessions were also conducted on Post Traumatic Stress Disorder, Schedule A, and Deaf Awareness. Almost 700 employees received some type of accommodations training in FY14.
- ICE provided training to 2,436 managers and supervisors on disability accommodation and employment. ICE continues to offer its Disability 101 course through Virtual University for all employees.
- USCG issued a standard operating procedure which addressed acceptance of Schedule A applicants from external candidates in February of 2014.

#### **Activity #1e**

DHS established a goal of 1.5% for Individuals with Targeted Disabilities among all new hires in non-law enforcement positions.

#### **Activity #1f**

- In FY15, CRCL and OCHCO will explore developing a counseling program for Individuals with Disabilities.

#### **Activity #1j**

- In FY13, the U.S. Office of Personnel Management rolled out a USA Staffing Applicant Flow Data Pilot to test a new data file design and delivery method to provide more-meaningful information on

race/ethnicity and gender at the individual applicant level, while excluding any identifying information.

#### **Activity #1k**

- California State Northridge will be added to recruitment plans to increase recruiting efforts for Individuals with Targeted Disabilities.

#### **Activity #1l-o**

- DHS maintains strategic partnerships with national disability advocacy groups and provides Components with recruitment resources for Individuals with Disabilities/Individuals with Targeted Disabilities. DHS attended recruiting events at Gallaudet University.
- USSS sponsored a walking tour of Gallaudet University for USSS employees. Additionally, DHS utilized the Workforce Recruitment Program. USCG hired two students and USCIS hired six, and FLETC hired one, into temporary positions, with one USCIS student hired as a permanent. CBP hired four students from the FY12 database, making it a total of 13 WRP individuals placed by DHS in FY14, a substantial improvement over two in FY13. USCIS developed program guidance for supervisors of WRP students. CRCL and OCHCO will establish goals for WRP. In reviewing a benchmark survey of agencies using WRP successfully, it appears that all have central funding for the program. DHS will explore this vehicle to increase participation in the WRP.
- CRCL and OCHCO will continue exploring new forms of outreach for applicants with targeted disabilities.

#### **Activity #1p**

- CRCL and OCHCO will provide training for Selective Placement Coordinators, all of whom are Human Resources Specialists in FY15.

#### **Activity #1q**

- The Corporate Recruitment Council participated in recruiting events at Gallaudet University, and periodic recruiting and outreach events for disabled veterans through Operation War Fighter and Wounded Warriors programs.
- DHS Components participated in various outreach and recruiting events targeting Individuals with Disabilities and disabled veterans. These included:
  - USCIS began an initiative to recruit and hire deaf individuals into positions at its Service Center locations. Three deaf individuals were hired into permanent positions. Of the three, one was a Workforce Recruitment Program (WRP) student.
  - USSS attended a recruitment fair at Equal Opportunity Program (EOP) Disability Job Fair, Washington, DC, and an Operation Warfighter job fair in FL. USSS also served as key

presenters at an Easter Seal Veterans Career Preparation Workshop in Md. Topics included resume writing and special hiring authorities. The relationship developed into a partnership. Further, USSS managed a webpage developed for individuals with disabilities seeking federal positions.

- CBP conducted 91 instances of electronic outreach to institutions of higher learning for students with disabilities. In addition, CBP participated in nine onsite career fairs and 13 electronic recruitment events targeted towards individuals with disabilities. Further, CBP participated in 263 veterans and disabled veterans' recruitment, information, and outreach events located throughout the Nation and abroad.

### **Activity #2c**

- CRCL continued to explore options to implement a single DHS-wide effective tracking mechanism for capturing all Component reasonable accommodations. TSA's prior Reasonable Accommodation Program Manager discussed the new tracking system (built in-house), which is more user-friendly than the current one, being piloted in three Components. In FY14, the new TSA Program Manager offered to share this program with the other Components.
- Reasonable Accommodations Program Managers in second quarter FY15. A decision will then be made to implement either TSA's program, or Accessibility Compliance Management System (ACMS).
- DHS provided 2,981 reasonable accommodations to employees, including for the first time 14 contractors in FY14. DHS policy prohibits contractors from installing software on our systems. Therefore, to accommodate contractors, DHS provides accommodations to the contractors. Of the total number of accommodations provided in FY14, TSA's 810 and USCIS's 1,149 accounted for 66.0% of all DHS accommodations.
- Of the requests for reasonable accommodation, DHS Components granted 2,200 or 73.8%, denied 119 or 4.0 %, and categorized 666 or 22.3% as "other" (i.e., closed, remanded, pending, no assistance required, and those withdrawn). The most common accommodations ergonomic keyboards, telework, software programs for low vision, reassignment, and sign language interpreter services provided in FY13 were the same as those provided in FY14.

### **USCIS:**

- Conducted a five year trend analysis of the hiring, advancement, and retention of Individuals with Targeted Disabilities.
- Of the 1,125 requests for reasonable accommodation, USCIS granted 1,107 or 98%.
- Spent \$1,211,208 on reasonable accommodations using central funding. In addition to central funding, other sources within USCIS included the Office of Training and Career Development, which pays for accommodations for employees who participate in their training programs. Approximately \$895,269 of the total spent on accommodations went toward providing sign language and other services to employees with hearing loss.

- Increased its Disability Accommodations Program staff from three to six, which include a Program Manager, three Equal Employment Opportunity Specialists who advise on accommodation issues, one Equal Employment Opportunity Specialist who is responsible for implementing a multi-year plan to increase the hiring of individuals with targeted disabilities. It also hired a Management and Program Analyst, responsible for processing ergonomic accommodation requests using the agency's central fund to make accommodation purchases. In addition to these six employees, the Analyst also served as the Contracting Officer's Technical Representative for several program office contracts and provides overall management of the central accommodation fund.
- USCIS substantially increased their reasonable accommodation program over the past four years due to demand of services. In FY10, USCIS process 418 requests for reasonable accommodations. Possible explanations for this increase include:
  - 1) Greater awareness of the central accommodation fund managed by USCIS;
  - 2) Managers' improved ability to identify accommodation requests;
  - 3) Management's increased responsiveness to requests for accommodations; and
  - 4) More accurate tracking of accommodation requests.
- In partnership with EEOC, continued providing mandatory disability accommodation training for managers and supervisors, with more than 2,750 supervisors now having received this training since FY11. USCIS Director this year, made this training mandatory. This webinar was extended to employees this year for the first time. Training sessions were also conducted on Post-Traumatic Stress Disorder (PTSD), Schedule A Hiring Authority, and Deaf Awareness and Etiquette.

**CBP:**

- Of the 73 requests received during FY14, 47 were approved, three were denied, and 22 were withdrawn, closed, pending, requested reconsideration, or appeals.

**USCG:**

- The number of number of accommodation requests fell from 90 to 77 with 67 approvals and ten denials.

**FEMA:**

- Received 400 reasonable accommodation requests, with 388 approvals, eight denials, and eight in a pending status. Although the number of accommodation requests decreased during FY14 in comparison to FY13, requests became more complex due to organizational changes. Examples of organizational changes include changes to the Disaster Reserve Workforce, additional disaster employment positions, and an increase in the number of employees with disabilities. The program funding was allocated as follows: Sign Language Interpreter services \$1,297.216, CART \$59,906, and Other \$3,753. FEMA also received \$11,357 for 48 products and services from Computer/Electronic Accommodations Program.

- FEMA continued reinforcing its responsibility in ensuring accessible disaster operations facilities through continued use of the accessibility checklist. The Disability Program Manager developed an innovative checklist, in FY13, using the Americans with Disabilities and Architectural Barriers Act (ADA/ABA) guidelines as a basis to pre-identify any disaster facility barrier and compliance deficiencies. This easy-to-use checklist continues to effectively enhance the Agency's ability to proactively address and resolve disaster facility accessibility issues.
- Budget shortfalls affected the Component's ability to identify additional personnel resources to assist in handling increased accommodation activity in 2014. Funding has been identified to secure personnel resources in FY15.

**FLETC:**

- Received and approved 35 reasonable accommodations requests.
- The FLETC Visitor's Center, Building 1, was renovated in FY14. The interior was redesigned to provide a smoother workflow and provide instant recognition of "where to go" to receive services. The reconstruction also included a station with access for those using wheel chairs. This accessible station displays the new international accessibility symbol.

**HQ:**

- DHS HQ hired a new Disability Program/RA Manager (HQ DPM) to backfill a vacant position. The HQ DPM increased awareness of the HQ reasonable accommodations program. As a result, HQ received 273 requests. Of those requests received, only one was denied one. In FY13, of the 55 requests received, 18 were denied. HQ spent \$109,228 on providing employees with sign language interpreter services.

**ICE:**

- Continued assessing its reasonable accommodation program for increased efficiencies in both program and process improvements. Of the 105 requests received for reasonable accommodations, 65 were granted, none denied, with 23 withdrawn or closed. ICE enhanced its Disability 101 Training. This training is available online in the ICE Virtual University. ICE will launch its Disability 201 (RA Course) as a mandatory course for managers.
- The Computer/Electronic Accommodation Program provided 81 products and services to ICE, a substantial increase above 33 provided in FY12, saving ICE \$26,186.

**TSA:**

- Received 810 requests for accommodations, granted 153, denied 79, leaving the remainder, 578 designating in other categories (i.e., pending, remanded, administratively closed, closed without decision, and withdrawal).
- Continued to provide training to first line managers and supervisors on their roles and responsibilities in the reasonable accommodation process through the U.S. Office of Personnel Management of an On-Line Learning Center Course, teleconferences, and by providing educational material and communications. TSA will continue to explore other methods of training delivery.

**USSS:**

- Received and approved 23 requests for reasonable accommodations. The Office of EEOD has updated the Reasonable Accommodation portion of its training to advise of the Component's policy that a decision to grant or deny must be made within 20 business days of receipt of the request for an accommodation.

**Activity #3a-#3d**

DHS Components continued to provide training to new managers and supervisors within 90 days of entrance on duty.

**CBP:**

- Trained 800 managers and supervisors using the disability employment training program, Road Map to Success: Employment of People with Disabilities. However, this was a significant decrease from 3,735 trained in FY13.

**USCG:**

- Trained 1,049 managers, supervisors, and human resources specialists on disability program areas.

**FEMA:**

- Trained 1,502 supervisors and managers nationwide, on processing and providing timely reasonable accommodations, and recruiting and hiring individuals with disabilities. This training also covered the hiring flexibilities for veterans, such as Veterans Recruitment Appointments; temporary appointments of 30% or more disabled veterans; the Veterans Opportunities Act of 1998; and other non-competitive hiring authorities.

**FLETC:**

- Trained 152 managers and supervisors, a decline from 334 (or -182) in FY13, on hiring, accommodating, and working with individuals with disability. The training sessions were provided via classroom and/or online instruction.
- Provided the following courses for managers and supervisors:
  - Reasonable Accommodations: Change the World by Changing Your Workplace. This workshop provided an understanding of discrimination concepts, how to recognize and respond to requests for reasonable accommodation, and accommodative solutions. The course was presented by the Equal Employment Opportunity Commission, Savannah Regional Office. Attendees included 67 managers, supervisors and employees.
  - Employment of People with Disabilities: A Roadmap to Success: This mandatory course was provided through FLETC's Learning Management System. In FY14, 54 managers and supervisors received this training.
  - Diversity on the Job: The Importance of Diversity and the Changing World: This course was provided through FLETC's Learning Management System. In FY14, 288 managers, supervisors and employees received this training.
- The EEO Division Staff attended an American with Disabilities Act Awareness Seminar on July 31, 2014. The discussion panel included representatives from Vocational Rehabilitation.

**HQ:**

- Trained 30 managers and supervisors on disability awareness, hiring, and accommodating employees with disabilities.

**ICE:**

- Scheduled quarterly tours for managers and supervisors to the Computer/Electronic Accommodation Program Technology Center in the Pentagon.

**USSS:**

- Trained 407 managers on topics related to disability employment.
- While visiting Gallaudet University, our agency's employees participated in a historical walking tour, received an educational briefing on deaf cultures, and gained additional insight about sign language classes, academic programs, and other interesting university-related facts.
- Provided reasonable accommodation and disability awareness training to managers, supervisors, and employees. Below is a list of training courses and seminars:
  - First Line Supervisors
  - Human Capital Division Managers and Supervisors
  - New Employee Orientation
  - First Line Supervisors (Uniformed Division, Special Agents, Administrative, Professional and Technical Supervisors)

- Uniformed Division Supervisor's Orientation
- In these training sessions, the Equal Employment Opportunity office provided information on MD 715, Reasonable Accommodation for Individuals with Disabilities, Religious Reasonable Accommodation in the Workplace, valuing and managing diversity, affirmative employment program initiatives, understanding Equal Employment Opportunity, special emphasis programs, prevention of sexual harassment, hostile work environment, Alternative Dispute Resolution, and the Notification and Federal Employee Anti-Discrimination and Retaliation Act, Assistive Technology Information was also provided on the Computer/Electronic Accommodation Program.
- USSS conducted a review of its Reasonable Accommodations Policy. As a result, a working group was established to revise the reasonable accommodations policy to incorporate recommended changes in support of the Americans with Disabilities Act Amendments Act of 2008. A draft policy will be finalized in FY15.

**TSA:**

- Trained managers and supervisors on reasonable accommodations.

## Part I-3: High Employee Non-Retirement Separations

**STATEMENT OF CONDITION THAT  
WAS A TRIGGER FOR A POTENTIAL  
BARRIER:**

Provide a brief narrative describing the condition at issue.

How was the condition recognized as a potential barrier?

The non-retirement separation rate is high and disproportionately affects certain groups, most notably White women. The high separation rate also erodes efforts to create a workforce reflective of the nation.

Review of separation rates.

**BARRIER ANALYSIS:**

Provide a description of the steps taken and data analyzed to determine cause of the condition.

DHS will perform an analysis by Equal Employment Opportunity protected groups and review the survey data by Equal Employment Opportunity groups.

Note: This is a multi-year plan which carries over into future years.

**STATEMENT OF IDENTIFIED  
BARRIER:**

Provide a succinct statement of the agency policy, procedure or practice that has been determined to be the barrier of the undesired condition.

The Federal Employee Retirement System provides “portable” retirement benefits, meaning employees can take their retirement benefits with them if they move to the private sector. In the last few years, the resignation rate has surpassed the retirement rate across the Federal government. DHS is developing the analytic tools to study resignations more carefully. An exit survey, first implemented in the second quarter of FY11, is providing additional insight into what is driving resignations and what may be done to stem the flow.

**OBJECTIVE:**

State the alternative or revised agency policy, procedure or practice to be implemented to correct the undesired condition.

Identify any trends in resignations and reduce the overall rates by improving employee satisfaction.

**RESPONSIBLE OFFICIAL:**

OCHCO; CRCL; DHS Components

**DATE OBJECTIVE INITIATED:**

February 1, 2011

**TARGET DATE FOR COMPLETION  
OF OBJECTIVE:**

September 30, 2015

**PLANNED ACTIVITIES TOWARD COMPLETION OF OBJECTIVE:**

**TARGET DATE**

1. Develop and Implement Exit Survey. (DHS Workforce Strategy Objectives 3.1 and 3.5: Use employee feedback to influence workplace policies and practices in order to improve employee satisfaction; Enhance employee recognition and work-life balance initiatives to improve employee satisfaction and retention.)

a. OCHCO will implement exit survey DHS-wide

a. 3/31/11 – Completed and continues

- b. OCHCO will conduct preliminary review of results.
- c. OCHCO will conduct first major review of results
- d. OCHCO will update or augment methods as needed
- e. OCHCO and CRCL will identify retention interventions
- f. OCHCO and CRCL will implement these interventions
  - Track interventions through this plan quarterly
  - Evaluate as yearly data become available
  - Make any needed corrections
  - Conduct in-depth analysis every second year

**2. Use Employee Viewpoint Survey to identify changes needed to improve employee satisfaction.**

- a. CRCL will provide FY12 Employee Viewpoint Survey results (and new yearly survey results as they become available) to DHS Components
- b. OCHCO, CRCL and Components will work jointly to develop plan for needed changes
- a. Within two months of results publication  
**Completed in 2013 and continues.**
- b. Within four months of results publication  
**Completed in 2013 and continues.**

**3. Review Promotion Data.**

- a. CRCL will determine if there are areas or occupations with triggers in promotions
- b. CRCL will determine if these correlate with higher resignation rates
- c. If yes, CRCL will work with OCHCO to identify interventions
  - Track interventions through this plan
  - Evaluate as yearly data become available
  - Make any needed corrections
- a. Annually, beginning 6/30/11
- b. Annually, beginning 9/30/11
- c. Annually, beginning 3/30/12

**4. DHS Components will promote participation in their career development programs, academic programs, and learning training programs sponsored by their agency and/or government agencies. In addition, as appropriate, Components will have access to training/career development programs courses through:**

- DHScovery
- Online Courses
- Online Books

Annually, beginning 3/31/11  
**Completed in FY13 and continues.**

- (CBP) Leadership Institute
- (USCIS) Training Academy
- (ICE) Virtual University
- (FEMA) Employment Development Division
- FLETC Learning Management Systems
- (TSA) Online Learning Center
- DHS CRCL Institute
- Naval Post Graduate School

5. DHS will continue to promote/advertise Department-wide the Senior Executive Service Candidate Development and Fellows Program.	Annually, beginning 3/31/11 <b>Completed in FY13 and continues.</b>
6. DHS Components will use their agency's Mentoring Program, if applicable, as another career development tool.	Annually, beginning 3/31/11 <b>Completed in FY13 and continues.</b>
7. DHS Components will conduct an assessment of occupations and grade levels where there is substantial underrepresentation to identify skills, knowledge and abilities by occupation, employees' training needs, and applicable career development programs.	Annually, beginning 3/31/11 <b>Completed in FY13 and continues.</b>

#### *Report of Accomplishments and Modifications to Objective*

##### **Activity #1**

- DHS implemented and deployed a Department-wide web-based exit survey. The top reasons separating employees listed for leaving were similar to reasons given in prior years:
  - Lack of advancement opportunities
  - Problems with supervisor/management, and
  - Family related/personal reasons.
- Furthermore, employees were most likely to have a problem with their second level manager, as opposed to their immediate supervisor or leadership. A lack of management skills and communication skills were the most common problems separating employees had with their managers. This could reflect a need to have more management training when promoting employees who are subject matter experts, even though they have little, if any, management experience.

##### **Activity #2**

- The 2014 Federal Employee Viewpoint Survey continued on a downward trend with respect to DHS employee job satisfaction. Both OCHCO and CRCL are analyzing the Survey data, and the DHS leadership strongly supports measures to increase employee satisfaction at DHS.

- Because the Components within DHS differ greatly in terms of size, mission, and demands they place on their employees, Survey data is best analyzed at the Component level. The larger DHS Components (TSA and CBP) tend to drive the overall results, which can mask feedback seen at the smaller Components.
- The New Inclusion Quotient (New IQ) instructor certification was received by two DHS practitioners; a DHS version of the New IQ training was developed with projected delivery of the pilot training sessions in FY15.
- DHS's Executive Steering Committee continued to review the DHS Survey results and to make recommendations for improvement. The OCHCO chairs this committee, with representatives from all DHS Components.

### **Activity #3**

- Review of separation data showed little variation from prior years. Non-voluntary separation by Black males and Black females was identified as a trigger for further analysis.
- A review of promotion data shows little variation from prior years. One encouraging finding is that for the second consecutive year, White females were promoted at a rate that is in proportion to their workforce participation rate.
- Activity #4
- DHS established the Office of Academic Engagement to leverage relationships with the academic community and the Homeland Security Academic Advisory Council, which will provide advice and recommendations to the Secretary and senior leadership on matters relating to student and recent graduate recruitment; international students; academic research; campus and community resiliency, security and preparedness; and faculty exchanges.
- DHS Components continue to promote participation in their career development programs, academic programs, and learning training programs sponsored by their organization and/or other government agencies. In addition, DHS employees have or will have access to training/career development courses through:
  - DHS's Senior Executive Service Candidate Development Program and the DHS Fellows Program, which are promoted/advertised Department-wide.
  - DHScovery—DHS, in partnership with SkillSoft, offers almost 20,000 online learning resources. These online resources can be used as quick references, as practical job aids to gain in-depth knowledge, or to practice skills. These resources are subject to mapping to support competencies, job roles, or blended learning offerings.
  - Leadership Development Channel is a resource that includes videos with the most current ideas, information, and know-how on business and leadership topics to address the informal learning needs of an organization.
- Eight of nine DHS Components have a formal Career Development Program.

### **Activities #5-#6**

- Advertising for Senior Executive Service Candidate Development Program and DHS Fellows is ongoing via email, the DHS website, and other avenues of communication.
- FY14 marked the first year that all nine DHS Components have formal mentoring programs in place.

- All DHS Components will provide training to mentors, evaluate the program, and provide feedback on its successes and areas of improvement.

#### **Activity #7**

- Analysis was conducted of the Senior Executive Service Candidate Development Program and the DHS Fellows Program as feeder pools.
  - The DHS SES Candidate Development Pool Cohort III commenced August 2014
  - Women participation rates have increased from Cohort I (34.1%) to Cohort III (36.2%)
  - Hispanic/Latino participation rates have significantly increased from Cohort I (2.3%) to Cohort II (8.5%)
  - Participation rates for Blacks/African Americans have also increased (from 13.7% to 17.0%)
  - 19.1% of the participants are Veterans and 4.3% of Veterans with Disabilities are participating in this Cohort
- CRCL conducted a study for the newly established Women Executives (WE) at DHS, an employee advocacy group. The study identified the composition of Executive feeder pools in each of the DHS Components, and how males and females differed in whether they were hired into Executive positions from the outside, or converted internally. The study yielded results that require follow-up analysis. One problem assessing Executive hires pertains to insufficient amount of data points created in any particular year.

## **Part J – Employment of Individuals with Disabilities**

<b>PART I Department or Agency Information</b>	1. Agency	1. U.S. Department of Homeland Security					
	1.a. 2 <sup>nd</sup> Level Component						
<b>PART II Employment Trend and Special Recruitment for Individuals With Targeted Disabilities</b>	Enter actual number at the ...	... beginning of FY.		... end of FY.		Net Change	
		Number	%	Number	%	Number	Rate of Change
	Total Work Force	183,660	100.00	179,256	100.00	-4,404	-2.40%
	Reportable Disability	8,713	4.74	9,372	5.23	659	7.56%
	Targeted Disability*	682	0.37	752	0.42	70	10.26%
* If the rate of change for persons with targeted disabilities is not equal to or greater than the rate of change for the total workforce, a barrier analysis should be conducted (see below).							
1. Total Number of Applications Received From Persons With Targeted Disabilities during the reporting period.						Data Unavailable	
2. Total Number of Selections of Individuals with Targeted Disabilities during the reporting period.						26	

### **PART III Participation Rates In Agency Employment Programs**

Other Employment/ Personnel Programs	TOTAL	Reportable Disability		Targeted Disability		Not Identified		No Disability	
		#	%	#	%	#	%	#	%
1. Non-Competitive Promotions		The workforce data system did not easily distinguish between competitive and non-competitive promotions. Additionally, TSA is an excepted service agency and does not utilize traditional Nature of Action and Authority codes seen in this data system to track promotions. Please refer to each DHS Component's Management Directive 715 report for this information.							
2. Career Development Programs		Career development training is currently not tracked on the workforce data system. Please refer to each DHS Component's Management Directive 715 report for this information.							
2.a. Grades 5 - 12									
2.b. Grades 13 - 14									
2.c. Grade 15/SES									
3. Recognition and Awards									
3.a. Time-Off Awards	59,407	3,379	5.69	243	0.41	2,614	4.40	53,414	89.9
3.b. Cash Awards	114,635	5,330	4.82	403	0.35	4,633	4.04	104,472	91.1
3.c. Quality-Step Increase	898	87	9.69	6	0.67	24	2.67	787	87.6

## **Special Program Plan for the Recruitment, Hiring, and Advancement of Individuals with Targeted Disabilities**

**Part IV  
Identification and Elimination of Barriers** Agencies with 1,000 or more permanent employees MUST conduct a barrier analysis to address any barriers to increasing employment opportunities for employees and applicants with targeted disabilities using FORM 715-01 PART I. Agencies should review their recruitment, hiring, career development, promotion, and retention of individuals with targeted disabilities in order to determine whether there are any barriers.

### **Numerical Hiring Goal**

<b>Types of Numerical Goals</b>	<b>Goal Used?</b>	<b>Goal (# or %)</b>
% of Individuals with Targeted Disabilities in Total Workforce	Yes	1%
# of Individuals with Targeted Disabilities in New Hires	No	
% of Individuals with Targeted Disabilities in New Hires	No	

**Part V  
Goals for Targeted Disabilities** Agencies with 1,000 or more permanent employees are to use the space provided below to describe the strategies and activities that will be undertaken during the coming fiscal year to maintain a special recruitment program for individuals with targeted disabilities and to establish specific goals for the employment and advancement of such individuals. For these purposes, targeted disabilities may be considered as a group. Agency goals should be set and accomplished in such a manner as will affect measurable progress from the preceding fiscal year. Agencies are encouraged to set a goal for the hiring of individuals with targeted disabilities that is at least as high as the anticipated losses from this group during the next reporting period, with the objective of avoiding a decrease in the total participation rate of employees with disabilities.

Goals, objectives and strategies described below should focus on internal as well as external sources of candidates and include discussions of activities undertaken to identify individuals with targeted disabilities who can be (1) hired; (2) placed in such a way as to improve possibilities for career development; and (3) advanced to a position at a higher level or with greater potential than the position currently occupied.

### **1. Recruitment/Hiring:**

- Implement plan for recruitment and retention of Individuals with Disabilities and with Targeted Disabilities, in accordance with the President's Executive Order 13548 and the U.S. Office of Personnel Management's requirement for Model Strategies for Recruitment and Hiring of Individuals with Disabilities.
- Establish performance targets and numerical goals for major areas and occupations.
- Establish targets by Components to fully participate in the Workforce Recruitment Program.
- Expand the number of outreach and recruiting events.
- Establish national contacts to move the program beyond Washington, D.C.
- Expand the use of centralized funds to provide reasonable accommodations.
- Ensure that tentative job offers include information about availability of reasonable accommodations.

- Publicize best practices in recruiting Individuals with Disabilities and Individuals with Targeted Disabilities.

## **2. Training:**

- Provide attitudinal training to address possible unconscious biases (e.g., myths and stereotypes about the qualifications of Individuals with Disabilities).
- Provide mandatory training to managers on hiring Individuals with Disabilities and Individuals with Targeted Disabilities.
- Continue to provide training opportunities to Human Resources and Equal Employment Opportunity Specialists, DHS Staffing, Disability Program Managers, Reasonable Accommodations Program Managers, Selective Placement Coordinators, and Hiring Managers on all aspects of the disability arena: including recruiting, interviewing, using hiring authorities, career development, accessing the Computer/Electronic Accommodation Program, and providing reasonable accommodations.
- Training announcements should include statements that reasonable accommodations are available upon request.

## **3. Career Development/Promotion:**

- Beginning on March 30, 2011, and annually thereafter, OCHCO began conducting an assessment of the internal availability of candidates from underrepresented groups for job advancement opportunities. The assessment includes job-related skills, knowledge, and abilities that may be obtained at lower levels in the same or similar occupational series, or through other experience. The assessment also includes education levels.
- Promote the Computer/Electronic Accommodation Program to retain employees with disabilities.
- Implement one program for consistent, uniform tracking and monitoring DHS's reasonable accommodation program.
- Explore sponsoring a career-counseling event for employees with disabilities, modeled on a new program instituted at FEMA for all employees.

## **COMPONENT ACCOMPLISHMENTS**

### **CBP:**

- Used Schedule A to hire 23 Individuals with Disabilities.
- CBP continued the implementation of its multi-year Plan to Increase the Employment of Individuals with Disabilities. The Plan outlines the strategies and actions CBP will take to increase the number of individuals with disabilities from 2.68 percent of the workforce to 3.2 percent by the end of FY 2017. As of the end of FY 2014, individuals with disabilities represent 2.8 percent of CBP's workforce. During FY 2014, CBP hired 45 individuals with disabilities, including two (2) individuals with targeted disabilities.

In addition, a web link to the CBP internet website is also included so individuals can view the procedures for receiving and facilitating requests and submit an electronic request form.

- In July 2014, CBP issued a memorandum to all supervisors to commemorate the anniversary of the Americans with Disabilities Act and Executive Order 13548 – Increasing Federal Employment of Individuals with Disabilities. The memorandum promoted the Office of Personnel Management’s Schedule A training video, “Hiring People with Disabilities Made Simple,” and the Department of Labor’s guidance on how Agencies can assess their hiring process and ensure that it is a positive experience for all applicants.
- Developed a process and procedures for notifying prospective employees of their right to request reasonable accommodations in their final selection letters.
- Completed partnership in the U.S. Department of Labor’s Office of Disability Employment Policy’s Alliance Initiative. This agreement had supported CBP’s affirmative action plans for employing Individuals with Disabilities. Specifically, the Alliance reviewed newly developed policies and practices, along with training and messaging related to the CBP disability-related and 508-related efforts. Additionally, they shared best practice information on mentoring programs and employee resource groups.
- Two Selective Placement Program Coordinators are assigned to CBP’s Office of Human Resources Hiring Centers. They also serve as liaisons to applicants requesting a reasonable accommodation or CBP supervisors requiring information or guidance.
- Continued to promote CBP’s first all-employee Mentoring Program to provide opportunities for all CBP employees to seek career advice for reaching their fullest potential from trained mentors they have personally selected. CBP believes that this mentoring program will serve as an integral part of career development and professional growth for all CBP employees. CBP is working to insure that employees with disabilities are afforded every opportunity to participate in the mentoring program.
- Sponsored 49 programs around the country in support of National Disability Employment Awareness Month, which had a total of 4,138 attendees, including 196 managers.
- Distributed materials on its intranet website (CBP.net) and publically on its internet website (CBP.gov) to honor the contributions of workers with disabilities and inform the workforce that they represent a highly skilled talent pool to help CBP complete its homeland security mission. CBP launched a Disability Resources Webpage, which serves as a clearinghouse of disability related information. The webpage was promoted to, and is accessible by, all CBP employees. Some of the resources include information on CBP’s work life programs, accessibility, and training and development.
- Provided Privacy and Diversity Office staff with training on disability etiquette from the Co-Director of the JAN. JAN is the leading source of expert guidance on workplace accommodations, disability related

legislation, and disability employment issues. This training included tips on interacting with employees with disabilities, addressed myths about disabilities, and provided ideas on how to improve accessibility.

- Developed and promoted a webinar version of the disability etiquette training so that all members of the CBP workforce could benefit from the information.
- Premiered its first public internet webpage ([www.CBP.gov](http://www.CBP.gov)) to promote CBP's disability employment program. The public facing page provides information on the steps to apply for a position with CBP using the Schedule A hiring authority, information on reasonable accommodations, and various links to disability employment related resources. The internet webpage can be accessed at:  
[http://www.cbp.gov/careers /outreach-programs/hiring-persons-disabilities](http://www.cbp.gov/careers/outreach-programs/hiring-persons-disabilities).
- Placed 18 employees through Operation Warfighter.

**USCIS:**

- Used Schedule A to hire 29 Individuals with Disabilities, the highest in the department.
- In early FY 2014, USCIS added three additional employees and now has a staff of six employees: the Program Manager, three EEO Specialists who advise on accommodation issues, one EEO Specialist who is working on a multi-year plan to increase the hiring of individuals with targeted disabilities, and a Management and Program Analyst (MPA) who tracks and effectuates accommodation purchases using our central accommodations fund. In addition to these six employees, OEOI's MPA also serves as the Contracting Officers Representative (COR) for several Disability Accommodations Program contracts and provides overall management of the central accommodation fund.
- USCIS designated an employee to work exclusively on a new IWTD initiative, which culminated in a draft Strategic Plan.
- Training sessions were also conducted on Post Traumatic Stress Disorder, Schedule A, and Deaf Awareness. Almost 700 employees received some type of accommodations training in FY14.
- Maintained a central budget to fund disability accommodations so that hiring managers would not have to consider cost constraints when selecting Individuals with Targeted Disabilities, who may need costly accommodations.
- Promoted Video Remote Interpreting as an option to fulfill needs for sign language interpreter services.
- Employed 1,411 individuals with disabilities, or 10.85% of the USCIS workforce, an increase from 1,292 Individuals with Disabilities or 10.19% of the USCIS workforce in FY113.

**USCG:**

- Due to an innovative resurveying approach, USCG has the highest participation rate of Individuals with Targeted Disabilities at 1.94%, almost triple the rate seen in FY13, when they reported 10.31% Individuals with Disabilities onboard, then second highest in DHS. DHS's Office for Civil Rights & Civil Liberties drafted a memorandum to share USCG's methodology with all DHS Components
- Hired five students, from the Workforce Recruitment Program as temporary employees. This represents an increase from three in FY13.
- Used Schedule A to hire five individuals with disabilities, an increase of two from FY13.

**FEMA:**

- Placed two employees through Operation Warfighter.
- FEMA placed no Schedule A hires in FY14, a decline from 12 in FY13.

**FLETC:**

- Reported DHS's highest participation rate of 11.69%, and small increase from 11.46% for Individuals with Disabilities in FY13.
- The EEO Director briefed the Chief Financial Officer on the "State of the Directorate." Additionally, site visits were conducted at the FLETC Charleston, South Carolina and Cheltenham, Maryland sites. The briefing and site visits included a breakdown of EEO cases, reasonable accommodation cases and demographics of race, gender and national origin.
- The EEO Director will continue to complete reviews of directives issued during the reporting period to determine whether FLETC policies impact the recruitment, retention, career development and promotion of protected groups including PWD and PWTD.
- The FLETC EEO Office participated in the 2014 Annual Spring Fling with the Mayor's Committee for Services for the Disabled, Inc. The event is provided for disabled citizens (of all ages and disabilities) and the general public to gather together for an afternoon of free food, activities, live entertainment, and an opportunity to obtain information from local businesses and organizations that provide disability-related services and products. The EEO staff served food and interacted with individuals attending and working the function.
- Placed two Operation Warfighters.
- Used Schedule A to hire three Individuals with Disabilities

**HQ:**

- Used Schedule A to hire three Individuals with Disabilities
- Increased participation of an Individual with Disabilities incrementally from 8.33% in FY13 to 8.37.

**ICE:**

- Placed 29 Operation Warfighters in a variety of temporary positions, and hired four into permanent positions.
- Hired a new Disability Program/Reasonable Accommodation Program Manager.
- Used Schedule A to hire one Individual with Disabilities in FY13, none in FY14.

**USSS:**

- Used Schedule A to hire one individual with a disability.
- The Disability Recruitment Program manager launched an aggressive agency-wide initiative entitled, “Together We Fulfill the Mission”. This advertisement campaign emphasizes the agency’s commitment to a workforce that is reflective of the nation and inclusive of all individuals without regard to race or gender, ethnicity or disability, religious beliefs, age or sexual orientation; and demonstrates an appreciation for the diverse talent and skillsets of current Secret Service employees. The Together We Fulfill the Mission video illustrates a range of Secret Service occupations and the diverse talent in the agency’s law enforcement, administrative, professional and technical staff. This advertisement campaign will showcase at career fairs, symposiums and information sessions attended by Recruitment personnel. The campaign will run quarterly in various Secret Service locations inside and outside of the National Capital region.
- The Human Capital Division has now included a 1 hour training session for Hiring Managers and Supervisors entitled, “Your Roadmap to Effectively Hiring Individuals with Disabilities” into the existing annual Seminar. During the course, Supervisors and Managers learn about the Schedule A process, reasonable accommodation procedures for current employees and applicants, and improper and/or illegal procedures and actions when interview individuals with disabilities.
  - Sponsored their fourth annual Unity Day celebration titled: “Enhancing our Strength by Keeping the Flame Alive” on July 10, 2014. The Unity Day Disability Program Committee hosted the following exhibits and provided useful information to all employees about the agency’s Disability Program:
  - The Department of Homeland Security’s (DHS) Office of Accessible Systems & Technology team demonstrated a variety of assistive technology products (ergo keyboards, mice, smart phones, tablets, PCs and e-readers).
  - The Hugh Gregory Gallagher Motivational Theatre team performed the following monologue titled: “Inside Rosy’s White House: An Afternoon with FDR.” This performance highlighted FDR’s role as a model for persons with disabilities – a topic which has been debated for more than 60 years.

- Provided a tour of the Disability Program Room, which had many educational displays highlighting various disabilities throughout the American culture including braille, sign language, autism, learning disorders, dyslexia, and obsessive compulsive disorder. Exhibits also featured photographs of famous persons and/or celebrities with disabilities.

**TSA:**

- Placed eight Operation Warfighters, an increase of one from FY13.
- Achieved a 4.03% Individuals with Disabilities and 0.27% Individuals with Targeted Disabilities goal, a decline from the 4.15% Individuals with Disabilities and 0.28% Individuals with Targeted Disabilities actually onboard in FY13.



# FEDERAL EMERGENCY MANAGEMENT AGENCY

## MANUAL

Date

May 15, 1996

Number

3700.2

HR-ER

### Employee Performance System

#### Foreword

The Federal Emergency Management Agency (FEMA) Employee Performance System seeks to create a developmental climate by encouraging growth, opportunity, and challenge for all FEMA employees. I recognize that FEMA employees are our greatest asset and the cornerstone of the Agency's renewal program. FEMA is committed to developing highly skilled employees and a professionally trained workforce to achieve the organizational excellence necessary to guarantee quality service to the public. The provisions of the FEMA Employee Performance System are directed to this purpose as they are set forth in this manual and related documents.

5/15/96

A handwritten signature in black ink that reads "James L. Witt".

James L. Witt  
Director

Distribution:

J (AllPersHqFld)

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## EMPLOYEE PERFORMANCE SYSTEM

### Chapter 1

#### General Information

1-1. Purpose: This document establishes the policies and procedures for the Federal Emergency Management Agency's (FEMA) Employee Performance System (EPS) which promotes and supports individual and organizational development and enhancement.

1-2. Applicability and Scope: Covered under this EPS are all General Schedule (GS/GM) and Prevailing Rate employees in FEMA for which employment is expected to exceed 90 days in a consecutive 12-month period. Excluded from this system are: employees in the Senior Executive Service, Presidential Appointees requiring Senate confirmation; employees hired under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended; and all temporary and excepted service employees for which employment is not reasonably expected to exceed 90 days in a consecutive 12-month period.

1-3. Supersession: This EPS supersedes FEMA Manual 3700.1, Performance Management Plan, dated March 9, 1987, for FEMA employees covered in paragraph 1-2 above, with the exception of bargaining unit employees located at Headquarters, Region 4, Region 7, and Region 9.

1-4. Authority: Title 5, United States Code (U.S.C.), Chapter 43.

1-5. References: Title 5, Code of Federal Regulations (CFR), Parts 293, 430, 432, 451, 530, 531, 536, 752.

1-6. Policy: FEMA is committed to developing highly skilled employees and a professionally trained work force to achieve the organizational excellence necessary to guarantee quality service to the public. The EPS is designed to improve employee and organizational performance through enhanced communication between staff and supervisors.

#### 1-7. Responsibilities:

##### a. Employees are responsible for:

- (1) Performing assigned duties in a proficient manner;
- (2) Assisting in the identification of developmental job-related activities or training experiences which could enhance performance;

- (3) Certifying receipt of performance plans, quarterly reviews, and annual ratings;
- (4) Seeking clarification of performance expectations and outcomes, as appropriate, throughout the year, but at a minimum during quarterly reviews;
- (5) Using supervisors' feedback and suggestions in seeking developmental opportunities to improve or enhance performance;
- (6) Providing supervisors with candid feedback and commentary; and,
- (7) Completing, on a voluntary basis, the annual Employee Assessment of Supervisor included in this system.

**b. First-Level Supervisors are responsible for:**

- (1) Communicating clearly employee work assignments and performance expectations;
- (2) Ensuring that performance plans are supportive of the Agency's mission by reviewing and updating them as needed;
- (3) Identifying and planning developmental job-related activities or training experiences with employees to improve or enhance performance;
- (4) Scheduling and conducting quarterly reviews in a timely manner to discuss performance and to solicit feedback;
- (5) Rating employees' performance;
- (6) Addressing individual performance problems in a timely manner;
- (7) Recognizing and rewarding employee accomplishments, where warranted; and,
- (8) Providing a copy of the completed Employee Performance Plan to OHRM at the end of the performance cycle.

**c. Second-Level Supervisors are responsible for:**

- (1) Reviewing Employee Performance Plans at the beginning of the performance cycle;
- (2) Ensuring that the first level supervisor's evaluation of subordinate staff is consistent with the requirements of EPS.

(3) Approving ratings of record of Unacceptable and Superior and ensuring that such ratings are supported with proper justification; and

(4) Distributing Employee Assessment of Supervisor form to employees. Collecting, reviewing and summarizing completed assessments. Discussing summary of assessments with first-level supervisors.

d. **Office of Human Resources Management (OHRM) is responsible for:**

(1) Administering EPS and maintaining annual performance plans and other associated records.

(2) Providing advisory services to all employees, supervisors, and managers concerning the EPS; and,

(3) System monitoring, oversight, and evaluation.

e. **Preparedness, Training and Exercises Directorate (PT&E) is responsible for:**

(1) Orienting and training supervisors, managers, and employees on the new system; and

(2) Conducting ongoing training to update skills for supervisors and employees.

#### 1-8. Definitions:

a. *Employee Performance Plan:* A set of written expectations of work accomplishment and skills development. The Employee Performance Plan defines the performance expected of an employee in terms of performance criteria.

b. *Performance Criteria:* A component of the performance plan that defines employee performance responsibilities and expectations. The performance criteria are reviewed quarterly by the supervisor and employee. The performance criteria meet the requirements for critical and non-critical elements, as described in 5 CFR §430.203.

c. *Critical Performance Criteria:* A performance criterion of such importance that unacceptable performance in the criterion would result in a determination that an employee's overall performance is unacceptable. All employees have a minimum of 4 critical performance criteria which include: Job Knowledge, Completing Tasks, Quality of Work and Customer Service. Supervisory employees have a minimum of 8 critical performance criteria. In addition to the first four for all employees, Staff Communications, Staff Management, Staff Development and Equal Opportunity are also included.

d. *Non-Critical Performance Criteria:* A component of an employee's position which does not meet the definition of a critical performance criterion, but is of sufficient importance to warrant written appraisal.

e. *Performance Cycle:* The established period of time for which performance will be reviewed and a rating of record will be issued. For the purposes of the Employee Performance System, the performance cycle is one year. In those cases where an employee has not had the opportunity to perform under a Performance Plan for 90 days, the rating period is extended until the minimum 90-day period is completed.

f. *Quarterly Review:* A meeting which occurs four times during the performance cycle where the supervisor and employee discuss work performance, skill levels, and career development.

g. *Final Rating:* The final annual rating given for a specific criterion.

h. *Rating of Record:* The overall rating for the performance cycle. This rating is the final rating for the performance cycle and represents the official evaluation of the employee's performance based on the combined final ratings for each performance criterion. The rating of record may be used as the basis for determinations including, but not limited to, the following: within grade increases, awards, and reductions in grade.

i. *Unacceptable:* A rating where the employee has failed to perform at a proficient level in one or more of the critical performance criteria. An unacceptable Rating of Record must contain the second level supervisor's concurrence. Unacceptable performance requires the initiation of specific corrective measures mandated by law. Consistent with 5 CFR §430.208(d), a rating of record of Unacceptable equates to "Level 1".

j. *Proficient:* Performance in which the employee consistently performs in an acceptable manner, as described in the Employee Performance Plan. Consistent with 5 CFR §430.208(d), a rating of record of Proficient equates to "Level 3".

k. *Superior:* Performance in which the employee consistently demonstrates unusual initiative in performing job responsibilities and consistently performs in a manner which is significantly beyond what is expected by the supervisor. This rating represents a level of performance of such unusually high quality, that it would normally occur only among a small percentage of employees performing under similar conditions. Consistent with 5 CFR §430.208(d), a rating of record of Superior equates to "Level 5".

1-9. Records: Employees' Performance Plans and ratings will be retained in OHRM in the Employee Performance File (EPF) in accordance with FEMA Manual 5400.4, Records Disposition Schedules and Files Plan (PER-25-1-1).

## Chapter 2

## Employee Performance System

**2-1. Employee Performance Plan:**

a. The standard performance plan for all employees includes 10 performance criteria: Job Knowledge, Completing Tasks, Quality of Work, Customer Service, Problem Solving, Communication, Improving Work Processes, Coordination, Team Work, and Professional Development. These criteria apply to all positions regardless of title, series or grade. See Appendix A for a description of the criteria.

Performance Plans for supervisory/managerial employees contain the above 10 criteria, plus eight additional performance criteria that relate to supervisory/managerial responsibilities of the position: Staff Communications, Staff Management, Staff Development, Equal Opportunity, Program Management, Delegation of Work, Resource Management, and Creativity and Innovation. See Appendix B for a description of the criteria.

b. Individuals are evaluated against performance criteria identified in the performance plan in comparison with assigned job responsibilities. Major duties and responsibilities are defined in position descriptions, and it is incumbent on employees and supervisors to ensure that position descriptions are accurate. If performance expectations are unclear, the employee and supervisor should discuss this matter, and the performance expectations should be further clarified. This could be reduced to writing and may detail specific job requirements, performance requirements (time-frames, quantity, etc.) and/or subject areas not sufficiently addressed by the standard performance criteria. The intent of the EPS is to use the standard performance plans without modification, except in unusual circumstances. In unusual circumstances, job-specific requirements can be added. Effort will be made, however, to keep modifications to a minimum.

c. Employee Performance Plans will be issued within 30 days of an employee's entrance on duty, reassignment or detail to new duties reasonably expected to last more than 90 days, or the beginning of a new performance cycle. Supervisors and employees will meet to discuss job responsibilities relative to mission requirements, performance expectations, and career development. These discussions will include the topics of skills development (commensurate with assigned expectations) and career objectives. These discussions will also determine whether or not a supplemental written statement will be needed to clearly communicate job responsibilities and/or performance expectations. The employee will acknowledge receipt by signing the performance plan. If the employee disagrees with any aspect of the performance plan, the reason should be noted on the plan. A performance plan must be in effect at least 90 days before it can be used to prepare an official rating of record.

**2-2. Performance Cycle:** The performance cycle is one year and coincides with the fiscal

year. The starting date of the performance cycle is October 1. The performance cycle ends the following September 30.

2-3. Quarterly Performance Reviews: First-level supervisors and employees will meet quarterly to discuss work performance and the employee's ability to meet his/her requirements. All quarterly reviews should be scheduled, to the extent possible, at the beginning of the performance cycle, staggered throughout the year. Both supervisor and employee will certify that the review has taken place by initialing the performance plan at the end of each quarterly meeting. Quarterly review meetings should take place within 2 weeks of the specified review dates.

a. During the quarterly review, the supervisor is responsible for:

- (1) Providing clear, candid, and constructive feedback about the employee's performance, considering both work accomplishments and the development of necessary skills;
- (2) Discussing mission and organizational requirements and identifying employee's strengths and goals in support thereof; and
- (3) Identifying areas where employee's performance needs improvement or is unacceptable.

b. Performance relative to each criterion will be judged by the supervisor to be either On Target (OT) or Less Than Expected (LTE):

- (1) "OT" indicates that performance in this criterion is at least acceptable and the employee's progress over the previous quarter is *on target*;
- (2) "LTE" notifies the employee that his/her performance in this area is *less than expected* by the supervisor. This does not necessarily mean that the final rating for a performance criterion or the rating of record will be Unacceptable. The "LTE" notation is a coaching tool to constructively alert the employee that he/she is performing in a manner that is less than expected in certain performance criteria. The supervisor should explain where the performance is falling short and recommend ways to help the employee bring the performance up to the expected level. Some methods available to the supervisor include: closer supervision, prioritizing work, on-the-job training, formal training, mentoring and referral to the Employee Assistance Program.

c. For performance in any criterion judged to be "LTE", the supervisor must provide narrative to explain this judgement in the *comments section* of the performance plan. Additionally, if an employee has performed in a superior manner in any of the criteria, the supervisor shall note the accomplishments in the comments section. See Appendix C.

d. The employee's Individual Development Plan (IDP) should be reviewed and updated consistent with the understandings communicated during the quarterly reviews.

2-4. Correcting Unacceptable Performance: If attempts to remedy LTE performance in any one of the critical criteria have not been successful, and if performance is continuing in such a way as to indicate that the employee's final rating is going to be Unacceptable unless it improves significantly, a Performance Improvement Plan (PIP) shall be issued. Also, a PIP may be issued if performance is determined to be Unacceptable in any of the other performance criteria. The PIP gives the employee an opportunity to improve his/her performance to an acceptable level. A PIP is a written communication from the supervisor to the employee in which the supervisor defines where the employee's performance is deficient and what specific remedial actions are required to raise performance to a proficient level.

a. Before placing an employee on a PIP, the supervisor must consult with OHRM about the nature and duration of the PIP. Some remedial actions could require an extended period of time (for example, scheduling and completing specialized training). A PIP, however, must be in place for a minimum period of 60 days.

b. Upon completion of the PIP, the employee's performance is assessed, and a rating of record is issued by the supervisor. If, after completion of a PIP, a rating of record of Unacceptable is given, one of the following actions is required: reassignment, reduction-in-grade, or removal. Such action will be initiated within 30 days from issuance of the rating of record. Where appropriate, determinations of Acceptable Level of Competence (ALOC) for within-grade increases will be delayed to allow for completion of the PIP.

#### 2-5. Annual Rating of Record:

a. Ratings of record shall be given any time within 30 days following completion of the fourth quarter. The supervisor must determine a final rating for each criterion. The final rating will be either Unacceptable, Proficient, or Superior. Ratings of record will be documented on the Employee Performance Plan, and may include a narrative summary of the employee's overall performance and accomplishments throughout the year. All ratings of Superior and Unacceptable require written justification and the second-level supervisor's approval.

b. Employees shall receive a copy of their rating of record within two weeks of final supervisory approval. Employees will certify receipt of this rating. By signing the rating, employees are not necessarily agreeing with the rating, but are merely acknowledging receipt.

c. A rating of record shall not be discussed with an employee until after it has been approved at the appropriate supervisory level.

d. The final overall **Rating of Record** is determined to be Proficient unless one of the

following applies:

(1) A Superior rating is earned only when the following requirements are met:

(A) Employee receives a final rating of Superior in each of the critical performance criteria; AND

(B) Employee receives a final rating of Superior in 80% or more of all performance criteria combined, and no final ratings below Proficient.

**Example 1:** If an employee has 10 performance criteria, and he/she receives Superior in eight of the criteria, including those that are critical, and Proficient in two, then that employee receives a Superior rating of record.

**Example 2:** If an employee has 18 performance criteria, and he/she receives Superior in 14 of the criteria, including those that are critical, and Proficient in the remaining four, then that employee receives a Proficient rating of record ( $14/18 = 77.8\%$ ).

A written justification must be provided to support a Superior rating, indicating how the employee's significant accomplishments benefitted Agency programs.

(2) An Unacceptable rating of record will be given when the final rating on any one or more critical performance criteria is Unacceptable. An employee may be rated Unacceptable only with the prior concurrence of the second-level supervisor. Unacceptable performance requires corrective action.

2-6. Impact of Ratings: An employee must receive a rating of record of Proficient or higher to be eligible to receive within-grade increases, promotions, or performance recognition. Unacceptable performance requires the denial of the within-grade increase and other remedial action, as described in paragraph 2-4.

2-7. Evaluation of Employees on Details and Temporary Promotions: An employee on detail or temporary promotion for a period that is reasonably expected to last more than 90 days shall be put on a performance plan and shall receive a quarterly review on his/her performance by the supervisor under which the detail was served. This review represents at least one quarter of the individual's annual review, and it shall be recorded on a performance plan document. The employee's primary supervisor shall give proportionate credit to this review in determining the employee's final rating for each performance criterion. When employees are on details of less than 90 days or other ad hoc assignments which take them away from their regular duties (such as disaster assignments), proper consideration must be given to adjusting regular work expectations, and supervisors must give appropriate weight to these assignments when evaluating performance.

2-8. Employee Assessment of Supervisor: This process provides employees an opportunity to provide feedback about their supervisor for developmental purposes. Although employee participation is not mandatory, all employees are encouraged to participate in the process by completing the Employee Assessment of Supervisor form. See Appendix D.

a. Second-level supervisors are encouraged to create an "open door"- type environment where employees have the ability to submit assessment forms throughout the year. However, there will be one formal effort to collect the assessment forms each year. In May, second-level supervisors will distribute the Employee Assessment of Supervisor forms to all staff of first-level supervisors. The two-part form will be completed *anonymously* by each employee and returned in its entirety in a sealed envelope to the second-level supervisor.

b. The second-level supervisor will separate the two copies of the form, retaining the top copy and written comments. He/She will forward the bottom copy to the organizational personnel liaison. The first-level supervisor's name does not appear on the bottom copy of the form. The personnel liaison will collect the bottom copies of the form and forward them in a single package to OHRM. The data from these forms will be used to assess organizational needs Agency-wide.

c. The second-level supervisor will review the assessments, which contain employee feedback regarding their supervisor's performance. Original assessments and any attached comments will not be shared directly with the first-level supervisor. Rather, the second-level supervisor shall write a *summary* capturing the results of the employee assessments, and will provide a copy of that summary to the first-level supervisor. The second-level supervisor will dispose of the top copies and comments so that anonymity is preserved.

d. The second-level supervisor has a responsibility to evaluate and consider the information provided and, if warranted, solicit additional information. The second-level supervisor shall discuss the information gathered from the completed forms with the first- level supervisor. The information may be used to help define areas of development or improvement and may be used to help determine performance in particular performance criterion. Ratings of the first-level supervisor by the second-level supervisor will be based upon his/her knowledge of the individual's performance. In no instance shall a rating be based on any information that cannot be verified.

2-9. Appeal of Performance Rating of Record: If an employee disagrees with his/her assigned rating of record, and/or believes that EPS requirements were not followed, the employee may grieve the rating. Negotiated grievance procedures will be utilized where applicable for bargaining unit members. Otherwise, the FEMA Administrative Grievance System (FEMA Manual 3300.1) will be followed for appealing a performance rating. Where the rating of record is Unacceptable, the grievance shall be filed with the second-level supervisor. Where the rating of record is Proficient, the grievance shall be filed with the first-level supervisor.

FEDERAL EMERGENCY MANAGEMENT AGENCY <b>EMPLOYEE PERFORMANCE PLAN</b>		RATING PERIOD FROM: _____ TO: _____	ORGANIZATION _____			
<b>THIS SECTION TO BE COMPLETED AT THE BEGINNING OF THE RATING PERIOD</b>						
EMPLOYEE NAME	SOCIAL SECURITY NUMBER	TITLE, SERIES AND GRADE				
FIRST LEVEL SUPERVISOR ( <i>Type and sign your name and date</i> )		SECOND LEVEL SUPERVISOR ( <i>Type and sign your name and date</i> )				
<b>sample copy</b>						
I HAVE RECEIVED MY PERFORMANCE PLAN AND DISCUSSED IT WITH MY SUPERVISOR ( <i>Employee signature and date</i> )		Identify On Target (OT) or Less Than Expected (LTE) for each performance criterion				
PERFORMANCE CRITERIA - ALL EMPLOYEES ( <i>Standard</i> ) Projected Date for Quarterly Review: →		1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Final Rating: P, U or S
1. CRITICAL - JOB KNOWLEDGE - Demonstrates the level of technical competence necessary to perform the duties of the position. Demonstrates an understanding of the applicable primary missions of FEMA organizations and how they relate to the employee's work unit and assignments.						
2. CRITICAL - COMPLETING TASKS - Assumes responsibility for completing assigned tasks in support of organizational goals and objectives. Demonstrates initiative. Demonstrates a willingness to accept new tasks. Accomplishes work in a timely fashion.						
3. CRITICAL - QUALITY OF WORK - Produces work that is thorough, based in logic, well-reasoned, attentive to detail, complies with established policies and procedures, and fulfills defined goals.						
4. CRITICAL - CUSTOMER SERVICE - Demonstrates reliability, responsiveness, and courtesy in meeting the needs of the Agency's and work unit's internal and external customers.						
5. PROBLEM SOLVING - Anticipates and identifies problems and works to resolve them. Analyzes situations, determines issues, gathers facts, develops and weighs alternatives, and arrives at conclusions or makes recommendations as appropriate.						
6. COMMUNICATION - Articulates ideas clearly and concisely both orally and in writing. Listens to and considers ideas expressed by others.						
7. IMPROVING WORK PROCESSES - Works toward improving work unit operations and Agency programs. Suggests new approaches to enhance program efficiency and effectiveness.						
8. COORDINATION - Shares information with coworkers and appropriate offices. Solicits and considers feedback on work products. Keeps supervisor and appropriate staff updated on status of activities.						
9. TEAM WORK - Cooperates with and assists co-workers in accomplishing organizational goals. Displays courtesy and consideration toward coworkers while carrying out daily functions. Treats coworkers in a respectful manner. Works cooperatively to resolve misunderstandings.						
10. PROFESSIONAL DEVELOPMENT - Displays initiative in identifying and pursuing not only formal training opportunities, but also informal, cost-effective methods for developing work-related technical and interpersonal skills.						
Employee's initials and date for each Quarterly Review →						
Supervisor's initials and date for each Quarterly Review →						
<b>THIS SECTION TO BE COMPLETED AT THE END OF THE RATING PERIOD</b>						
RATING OF RECORD ( <i>Check One</i> )		<input type="checkbox"/> PROFICIENT	<input type="checkbox"/> * UNACCEPTABLE	<input type="checkbox"/> * SUPERIOR		
EMPLOYEE'S SIGNATURE		<b>sample copy</b>			DATE	
FIRST LEVEL SUPERVISOR'S SIGNATURE					DATE	
SECOND LEVEL SUPERVISOR'S SIGNATURE ( <i>Required only if rating of record is superior or unacceptable</i> )					DATE	

## INSTRUCTIONS

### A - DEFINITIONS:

PROFICIENT: Performance in which the employee consistently performs in an acceptable manner.

UNACCEPTABLE: A rating where the employee has failed to perform at a proficient level in one or more critical performance criteria.

SUPERIOR: Performance in which the employee consistently demonstrates unusual initiative in performing job responsibilities and consistently performs in a manner which is significantly beyond what is expected by the supervisor. This rating represents a level of performance of such unusually high quality, that it would normally occur among a small percentage of employees performing under similar conditions.

ON TARGET (OT): Performance in a particular criterion is at least acceptable and the employee's progress is *on target*;

LESS THAN EXPECTED (LTE): Performance in a particular criterion which is *less than expected* by the supervisor. This does not necessarily mean that the final rating of record will be Unacceptable.

### B - PROCEDURES:

1. Supervisor discusses performance plan with employee. Employee acknowledges receipt of performance plan by signing in the appropriate section, and copy is given to employee. Supervisor keeps original three-part plan.
2. During the quarterly reviews, the immediate supervisor will determine progress of performance on each criterion to be either On Target (OT) or Less Than Expected (LTE), and will note this in the appropriate column on the plan.
3. If performance in any criterion is judged to be LTE, the supervisor will provide written narrative to explain this judgement in the *comments* section of the performance plan. Additionally, if any employee has performed in a superior manner in any criterion, the supervisor shall note accomplishments in the comments section.
4. Both supervisor and employee will initial and date the employee performance plan in the appropriate section upon concluding the quarterly review.
5. At the end of the rating period, the supervisor will note the final rating for each criterion in the appropriate column as either Proficient, Unacceptable, or Superior.
6. The overall annual **Rating of Record** is determined to be Proficient unless one of the following applies:
  - (1) A Superior rating is earned only when the following requirements are met:
    - (A) Employee receives a final rating of Superior in each of the critical performance criteria; AND
    - (B) Employee receives a final rating of Superior in 80% or more of all performance criteria combined, and no final ratings below Proficient.
  - (2) An Unacceptable rating of record will be given when the final rating on any one or more critical performance criteria is Unacceptable.
7. Supervisor will check the appropriate box corresponding to the annual rating of record earned by the employee.
- \* 8. All ratings of record of Superior and Unacceptable require written justification and the second level supervisor's approval. Rating shall not be discussed with employee until after appropriate approval.

FEDERAL EMERGENCY MANAGEMENT AGENCY  
**SUPPLEMENTAL PERFORMANCE PLAN FOR  
 SUPERVISORS / MANAGERS**

RATING PERIOD:

ORGANIZATION

NOTE: The Supplemental Performance Plan, in addition to part 1 of the plan, shall be given to individuals whose positions require them to carry out supervisory/managerial responsibilities. The Rating of Record and signatures will be on part 1 of the plan.

EMPLOYEE NAME	SOCIAL SECURITY NUMBER	TITLE, SERIES AND GRADE					
PERFORMANCE CRITERIA - <i>(Standard)</i>		Identify On Target (OT) or Less Than Expected (LTE) for each performance criterion.					
Projected Date for Quarterly Review:		1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Final Rating: P, U, or S	
<b>11. CRITICAL - STAFF COMMUNICATIONS</b> - Provides clear direction, expectations, and constructive feedback to staff. Regularly keeps staff informed of administrative, organizational and work issues that concern them. Clearly communicates Agency and organizational goals. Fosters an environment of open communication.							
<b>12. CRITICAL - STAFF MANAGEMENT</b> - Supports and applies FEMA personnel management policies. Ensures proper and ongoing use of the Agency's rewards and recognition and performance management systems. Meets at least quarterly with individual staff. Works with staff to develop and update Performance Plans. Divides time and focus equitably between program and personnel management. Meets requirements of the Agency's occupational, safety, and health program.							
<b>13. CRITICAL - STAFF DEVELOPMENT</b> - Supports and encourages the professional and technical development of staff. Works with staff to develop Individual Development Plans (IDPs). Instructs, coaches, counsels, and mentors staff on a regular basis. Recognizes achievements and provides positive feedback to good performers. Takes appropriate steps to address the problem of poor performance.							
<b>14. CRITICAL - EQUAL OPPORTUNITY</b> - Provides equal opportunity for all employees and applicants regarding employment and working conditions without regard to race, color, religion, national origin, gender, age, or disability. Fosters an environment which encourages respect for co-workers.							
<b>15. PROGRAM MANAGEMENT</b> - Effectively translates Agency goals and organizational priorities into work unit activities. Ensures that work unit assignments are driven by the expressed needs of the work unit's internal and external customers and are accomplished within established time-frames.							
<b>16. DELEGATION OF WORK</b> - Utilizes staff to accomplish work unit assignments. Assigns work unit activities to individual staff consistent with individual's technical strengths and developmental needs. Delegates sufficient authority to empower staff to effectively execute their work unit activities. Involves staff in program planning, problem solving, and decision-making.							
<b>17. RESOURCE MANAGEMENT</b> - Manages financial resources effectively. Considers financial impact of program and personnel management decisions. Operates within budgetary limitations and actively explores alternatives to reduce costs. Ensures that personal and real property is utilized, accounted for, and protected in accordance with Agency policies and procedures.							
<b>18. CREATIVITY AND INNOVATION</b> - Encourages employees to develop creative ways to carry out FEMA's mission and to accomplish work unit responsibilities. Actively explores innovative ways to streamline procedures and improve program and cost effectiveness.							
Employee's initials and date for each Quarterly Review		→					
Supervisor's initials and date for each Quarterly Review		→	<b>SAMPLE COPY</b>				

FEDERAL EMERGENCY MANAGEMENT AGENCY  
EMPLOYEE PERFORMANCE PLAN COMMENTS

RATING PERIOD

FROM: \_\_\_\_\_ TO: \_\_\_\_\_

SOCIAL SECURITY NUMBER | ORGANIZATION

EMPLOYEE'S NAME

FIRST QUARTER COMMENTS:

EMPLOYEE'S INITIALS AND DATE

SUPERVISOR'S INITIALS AND DATE

SECOND QUARTER COMMENTS:

EMPLOYEE'S INITIALS AND DATE

SUPERVISOR'S INITIALS AND DATE

THIRD QUARTER COMMENTS:

EMPLOYEE'S INITIALS AND DATE

SUPERVISOR'S INITIALS AND DATE

FOURTH QUARTER COMMENTS:

EMPLOYEE'S INITIALS AND DATE

SUPERVISOR'S INITIALS AND DATE

OVERALL END OF YEAR COMMENTS:

EMPLOYEE'S INITIALS AND DATE

SUPERVISOR'S INITIALS AND DATE

**sample copy**

FEDERAL EMERGENCY MANAGEMENT AGENCY  
ASSESSMENT OF IMMEDIATE SUPERVISOR

**Instructions:** The information being collected pertains only to your immediate supervisor. The completion of this form is voluntary and may be submitted anonymously. Circle the number that best identifies how your supervisor interacts with you (10 = highest assessment, 1 = lowest assessment). You may complete an assessment for each performance criterion or for the criterion you select. Return the form (*all parts of the form including any written comments*) to your second level supervisor in a sealed envelope.

COMMUNICATION / STAFF MANAGEMENT

Criteria		Assessment									
1.	Provides clear direction, expectations, and constructive feedback.	1	2	3	4	5	6	7	8	9	10
2.	Regularly keeps staff informed of administrative, organizational and work issues that concern them.	1	2	3	4	5	6	7	8	9	10
3.	Clearly communicates Agency and organizational goals.	1	2	3	4	5	6	7	8	9	10
4.	Fosters an environment of open communication.	1	2	3	4	5	6	7	8	9	10
5.	Fosters an environment which encourages respect for co-workers.	1	2	3	4	5	6	7	8	9	10
6.	Ensures proper and ongoing use of the Agency's rewards and recognition and performance management systems - including meeting at least quarterly with individual employees.	1	2	3	4	5	6	7	8	9	10
7.	Encourages and supports equal opportunity in the workplace.	1	2	3	4	5	6	7	8	9	10
8.	Divides time and focus equitably between program and personnel management.	1	2	3	4	5	6	7	8	9	10

**SAMPLE COPY**

STAFF DEVELOPMENT

9.	Supports and encourages the professional and technical development of employees.	1	2	3	4	5	6	7	8	9	10
10.	Works with employees to develop Individual Development Plans (IDPs).	1	2	3	4	5	6	7	8	9	10
11.	Instructs, coaches, counsels, and mentors on a regular basis.	1	2	3	4	5	6	7	8	9	10
12.	Recognizes achievements and provides positive feedback to good performers. Takes steps to address the problem of poor performance.	1	2	3	4	5	6	7	8	9	10

DELEGATION OF WORK / CREATIVITY

**SAMPLE COPY**

13.	Utilizes staff to accomplish work unit assignments.	1	2	3	4	5	6	7	8	9	10
14.	Assigns work unit activities consistent with individual's technical strengths and developmental needs.	1	2	3	4	5	6	7	8	9	10
15.	Delegates sufficient authority to empower employees to effectively execute their work unit activities.	1	2	3	4	5	6	7	8	9	10
16.	Involves staff in program planning, problem solving, and decision-making.	1	2	3	4	5	6	7	8	9	10
17.	Encourages employees to develop creative ways to carry out FEMA's mission and to accomplish work unit responsibilities.	1	2	3	4	5	6	7	8	9	10

ORGANIZATION (List only the Directorate level, e.g., Office of Inspector General, Region I, Mitigation Directorate.)

NAME OF SUPERVISOR:

**FEMA MANUAL 255-3-1  
EMPLOYEE DISCIPLINE MANUAL  
APPROVAL DATE: 12/29/2015**



**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**

A handwritten signature in black ink, appearing to read "CJ".

**Corey J. Coleman**  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer  
Date: 12/16/15

A handwritten signature in blue ink, appearing to read "DAG".

**David A. Grant**  
Associate Administrator  
Mission Support

Date: 12/29/15

## **Foreword**

It is the basic policy of the Federal Emergency Management Agency (FEMA) that workplace problems will be dealt with in a fair, constructive, and reasonable manner. All FEMA employees, supervisors and managers are expected to demonstrate acceptable conduct and performance at all times, as required by the ethical standards of conduct and other rules, regulations, and applicable laws. Fairness to those employees who maintain acceptable standards of performance and conduct – who conduct themselves properly, follow the rules, and abide by the standards – requires that appropriate action be taken to deal with employees who exhibit poor performance and acts of misconduct.

When employees violate rules, regulations, policies and procedures, it is important for supervisors and managers to have appropriate procedures to follow. This policy will help to ensure that proper discipline is taken in a fair, constructive, and reasonable manner.

For employees in bargaining units covered by negotiated agreements, appropriate negotiated agreement provisions relating to subjects in this Manual should also be reviewed. For bargaining unit employees, should any of these instructions conflict with a provision of a negotiated agreement, the agreement will prevail unless abiding by the agreement would be contrary to law, rule, or regulation.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

This Manual prescribes the policy, procedures, and responsibilities for taking conduct-related discipline against employees, which will promote the effective and efficient operation of FEMA. The public interest requires the maintenance of high standards of employee integrity, conduct, effectiveness, and service to the public. When such standards are not met, it is essential that prompt corrective action be taken. FEMA's policy is to maintain standards of conduct and efficiency that will positively promote the best interests of the Federal Government, FEMA, and the public it serves.

The primary focus of this Manual is to guide supervisors on the procedures to correct misconduct. When employees commit misconduct, supervisors shall consider the range of applicable discipline available in accordance with the procedures in this Manual. These procedures also address furloughs for less than 30 continuous calendar days or 22 discontinuous workdays, which are effected for management reasons, and are not driven by employee misconduct or performance problems.

### **1-2. Applicability and Scope**

The primary focus of this Manual is disciplinary and adverse actions, including reprimands, suspensions without pay, demotions, furloughs of less than 30 continuous calendar days or 22 discontinuous workdays, and removals. This Manual applies to all permanent FEMA employees hired under the authorities in Title 5, U.S. Code whether in FEMA Headquarters, Regions, or Field organizational establishments.

Allegations of misconduct committed by FEMA employees must be addressed expeditiously. All employees are responsible for reporting allegations of misconduct in accordance with the Administrative Investigations Directive, FD 123-19, which should be consulted for complete guidance. For example, certain allegations must be reported to the Department of Homeland Security, Office of the Inspector General (DHS/OIG) in accordance with DHS MD 0810.1.

Often misconduct may constitute the basis for discipline and may also be conduct that constitutes unacceptable performance under the employee's performance standards. The procedures for each differ, but are not mutually exclusive. The supervisor shall consult with OCCHCO/Labor and Employee Relations to determine whether misconduct procedures (under this manual) or performance procedures apply, or both.

The policies and procedures of this Manual will apply to all disciplinary actions initiated on or after the effective date of this Manual.

Excluded from the provisions of this Manual are:

- A. Procedures for addressing poor performance by non-SES employees hired

- under Title 5, United States Code, and Cadre of On-Call Response Employees (CORE) hired under Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. Law 93-288, as amended (Stafford Act), 42 U.S.C. § 5149(b), which are covered in FEMA Manual (FM) 255-1-1, Employee Performance Management Program;
- B. Procedures for addressing poor performance by Senior Executive Service (SES) members, which are covered by DHS Management Directive 3180;
  - C. Procedures for addressing poor performance by wage-grade employees, which are covered by FM 3700.2, Employee Performance System;
  - D. Employees hired under the Stafford Act (see FEMA Manual 252-11-1 Cadre of On-Call Response/Recovery Employee (CORE) Program; FD 010-7 (IMAT-Directive); and FD 010-6 FEMA Reservist Program); and
  - E. Employees who are appointed by the President with Senate confirmation, career and non-career SES members, and other presidentially appointed employees. Employees whose positions are determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by that is excepted from the competitive service by the President, the Office of Personnel Management (Schedule C), the head of DHS, or by statute are also excluded from the provisions of this Manual.

Employees covered by collective bargaining agreements may be subject to additional procedures which supplement or supplant those described in this policy.

### **1-3. Supersession**

This manual supersedes FEMA Manual 3310.1, Disciplinary and Adverse Action Procedures, dated September 16, 1981.

### **1-4. Authorities/References**

- A. Title 5, United States Code (U.S.C.), Chapter 75, Adverse Actions.
- B. Title 5, Code of Federal Regulations (C.F.R.), Part 735, Employee Responsibilities and Conduct.
- C. Title 5, C.F.R., Part 213, Excepted Service.
- D. Title 5, C.F.R., Part 315, Career and Career-Conditional Employment.
- E. Title 5, C.F.R., Part 316, Temporary and Term Employment.
- F. Title 5, C.F.R., Part 731, Suitability.
- G. Title 5, C.F.R., Part 752, Adverse Actions.
- H. DHS Management Directive (MD) 0810.1, The Office of the Inspector General, dated June 10, 2004.

- I. DHS Instruction Handbook 121-01-007, The Department of Homeland Security Personnel Suitability and Security Program, dated June 2015.
- J. FEMA Directive (FD) 123-19, FEMA Administrative Investigations Policy, dated April 3, 2012.
- K. FEMA Instruction 1100.1, Standards of Conduct, dated April 27, 1993.
- L. FEMA Manual 106-1-1, Scheduling of Work, dated March 5, 2014.
- M. FEMA Manual 123-10-1, Absence and Leave, December 29, 2015.
- N. FEMA Manual 123-19-1, Administrative Investigations Policy, dated April 5, 2012.
- O. FEMA Manual 123-20-1, Drug-Free Workplace Program, dated July 28, 2014.
- P. FEMA Manual 256-3-1, Administrative Grievance System, dated September 12, 2014.

## **1-5. Policy**

- A. It is the policy of FEMA that disciplinary and adverse actions are to be effected in accordance with the policies and procedures set forth herein and in applicable laws and regulations.
  - 1. Discipline or adverse actions may not be taken against an employee for any reason prohibited by 5 U.S.C. § 2302, to include politically motivated coercion; nepotism; or unduly influencing the competitive process; retaliation for exercising the employee's legal rights, for providing truthful testimony; or in retaliation for an employee's disclosure of what he or she reasonably believes to be a public safety risk, gross mismanagement, abuse of authority, a gross waste of funds, or a violation of any law, rule, or regulation; and
  - 2. Discipline or adverse actions may not be based on discrimination because of age, sex, race, religion, color, national origin, disability, genetic information, sexual orientation, or veteran status.
- B. Supervisors must first consult with the Labor and Employee Relations Branch, of the Office of the Chief Component Human Capital Officer (OCCHCO) to determine the disciplinary action to take, and shall first consider the least severe discipline for the offense, depending on the nature of the offense and the surrounding circumstances. The goal is to correct an employee's behavior. The concept of "progressive discipline" is to initiate disciplinary action at the lowest level possible in an effort to correct a situation before it becomes necessary to impose a harsher penalty. Such measures start with reprimands and short suspensions. However, if the first or second offense of misconduct is egregious or the violation of rules and regulations is flagrant, a severe penalty (i.e., long suspension or removal) may be imposed for that offense. In all cases, the manager should choose the level of penalty that will be appropriate and effective in preventing the employee from repeating the

- misconduct, while considering the penalties given to other employees for similar misconduct in similar circumstances.
- C. The nature of an employee's appointment and length of service dictate the procedures to follow when considering imposition of disciplinary or adverse actions. The types of appointments applicable to each chapter will be identified at the beginning of each chapter.
  - D. Allegations of misconduct or poor performance, and any resulting disciplinary, adverse, or performance actions, shall only be discussed with those FEMA officials with a need to know in order to perform their duties. This policy is designed to protect employee privacy. This policy also protects FEMA, supervisors, and managers from allegations of discrimination, retaliation, or misconduct.

#### **1-6. Definitions**

- A. Administrative Leave. An administratively authorized absence from duty without a loss of pay or charge to leave.
- B. Adverse Action. A removal, suspension for 15 days or more (including an indefinite suspension), or demotion issued to an employee to correct misconduct or other offenses and to enforce prescribed rules of behavior. A furlough for less than 30 continuous calendar days or 22 discontinuous workdays is considered an adverse action, but is not done for disciplinary reasons.
- C. Constructive Notice. When an employee is deemed to have notice of an action even though actual notice was not personally delivered to the employee.
- D. Day. A calendar day, except when otherwise specified.
- E. Deciding Official. The deciding official may be an employee outside of the supervisor chain of command, but must be properly appointed in writing by the Chief Component Human Capital Officer (CCHCO) or designee. (1) For disciplinary actions, the management official responsible for making a decision, who may also be the proposing official. (2) For adverse actions, the management official, who is at a higher level than the supervisor or the management official responsible for the action proposed and who was not involved in making or influencing a decision directly related to the action being proposed. (3) *Note: If the Administrator is the employee's first or second-level supervisor, he or she may delegate the deciding official responsibilities to another management official. He or she may also act as the proposing and deciding official in such cases.*
- F. Demotion. A change to lower grade or a decrease in pay for disciplinary reasons.
- G. Disciplinary Action. A reprimand or suspension of 14 days or less issued to an employee to correct misconduct.

H. Douglas Factors. The criteria supervisors must consider in determining an appropriate penalty to impose for an act of employee misconduct. The Douglas Factors are:

1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or technical or inadvertent, or was committed maliciously or for gain, or was frequently repeated;
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position;
3. The employee's past disciplinary record;
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability;
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties;
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses;
7. Consistency of the penalty with any applicable agency table of penalties;
8. The notoriety of the offense or its impact upon the reputation of the agency;
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense, or had been warned about the conduct in question;
10. Potential for the employee's rehabilitation;
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice or provocation on the part of others involved in the matter; and
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

Not all of these factors will be pertinent in every case. Deciding officials must balance and weigh the relevant factors in an individual case.

- I. Furlough. The placing of an employee in a temporary status without duties and pay because of lack of work, funds, or other non-disciplinary reasons. The procedures to place employee on furlough are in Chapter 4 (adverse actions).
- J. Indefinite Suspensions Without Pay. A temporary involuntary, non-duty, non-pay status imposed due to a pending investigation, inquiry, or further agency action. Examples of reasons for indefinite suspensions include, suspension or revocation of an employee's security clearance, or if there is a reasonable

- belief that the employee committed a crime for which a sentence of imprisonment could be imposed.
- K. Misconduct. Violation by a FEMA employee of any Federal, state, or local law; DHS or FEMA regulation or policy; or any other applicable standard of conduct. Misconduct applies not only to on-the-job conduct, but also applies to conduct during non-duty hours that may adversely affect FEMA personnel, programs, and operations.
  - L. Office or Directorate. Offices or Directorates that are at or above Level three in FEMA's organizational structure: Office of the Administrator, Office of Chief Counsel, Office of the Chief Financial Officer, Office of External Affairs, Office of Policy and Program Analysis, Office of Response and Recovery, Response Directorate, Recovery Directorate, Logistics Management Directorate, Protection and National Preparedness, National Preparedness Directorate, National Continuity Programs Directorate, Grant Program Directorate, Mission Support, Office of the Chief Administrative Officer, Office of the Chief Component Human Capital Officer, Office of the Chief Information Officer, Office of the Chief Procurement Officer, Office of the Chief Security Officer, Federal Insurance and Mitigation Administration, Federal Insurance Administration (FIA) Mitigation, FIA Insurance, United States Fire Administration, and Offices of Regional Administrators.
  - M. Probationary Period. The first year of Federal service of an employee who is given a career or career-conditional appointment in the competitive service. An employee who is promoted, demoted, or reassigned before completing a probationary period is required to complete a probationary period in the new position (see 5 C.F.R. § 315.801).
  - N. Proposing Official. The supervisor or manager who initiates an adverse action, or a suspension without pay for 14 days or less. In most cases, the proposing official should be a lower level supervisor within the employee's chain of command, but does not have to be the immediate supervisor. The proposing official may be an employee outside of the supervisory chain of command but, if so, must be properly appointed in writing by the Chief Component Human Capital Officer (CCHCO) or designee. In disciplinary actions, the proposing official and the deciding official may be the same person.
  - O. Removal. An involuntary separation of an employee from the Agency.
  - P. Reprimand. A written statement of censure given to an employee for minor misconduct, which may be placed in the employee's official personnel file.
  - Q. Supervisor. An employee with the delegated authority to discipline and remove an employee from Federal service in accordance with the procedures found in this Manual.
  - R. Suspension. The placing of an employee in an involuntary, non-duty, non-pay status for disciplinary reasons. Suspensions may be "indefinite" when the

- Agency is conducting an investigation or inquiry and in other appropriate circumstances.
- S. Temporary Employee. An employee hired to a short-term position, in the competitive service, that is not expected to last longer than one year (see 5 C.F.R. Part 316, Subpart D).
  - T. Term Employee. An employee hired to a non-permanent position, in the competitive service, for more than one year, but less than four years (see 5 C.F.R. Part 316, Subpart C).
  - U. Trial Period. A period of service, usually one or two years, before certain categories of employees, such as most excepted service employees, obtain a vested interest in their employment.

## **1-7. Responsibilities**

- A. The FEMA Administrator is responsible for:
  - 1. Approving and maintaining an effective employee relations program policy throughout the agency;
  - 2. Monitoring compliance with the rules and regulations associated with disciplinary and adverse actions; and
  - 3. Providing policy direction on the implementation of FEMA's disciplinary and adverse action procedures.
- B. Office of Chief Counsel (OCC) is responsible for:
  - 1. Providing appropriate legal counsel, guidance, and support for all disciplinary and adverse actions in accordance with FD 112-5; and
  - 2. Representing the agency in litigation before the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Federal Labor Relations Authority, and other administrative bodies, and for providing litigation support to the Department of Justice for litigation in the Federal courts.
- C. Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
  - 1. Assisting supervisors and management officials at all levels with matters concerning discipline; and recommending sound human resources management strategies in accordance with applicable statutes, regulations, and policy;
  - 2. Determining whether the proposing or deciding official should be an employee outside of the supervisory chain. In such circumstances, the Chief Component Human Capital Officer (CCHCO), or designee, will appoint such officials in writing;
  - 3. Advising proposing and deciding officials on employee misconduct issues and assisting in drafting documents concerning discipline;

4. Drafting disciplinary and adverse action letters (i.e., official reprimands, suspensions of less than 14 days, suspensions of 15 days or more, demotions, and removals);
  5. Reviewing existing policies and procedures regarding discipline and recommending appropriate changes;
  6. Responding to employee questions regarding their rights in matters concerning discipline;
  7. Ensuring documents concerning discipline are uploaded into employee Official Personnel Files, as appropriate; and
  8. Establishing and maintaining an effective employee relations program throughout the Agency.
- D. Office of the Chief Security Officer (OCSO) is responsible for determining an employee's suitability or fitness for Federal service, eligibility for access to classified information, and/or eligibility to hold a national security position.
- E. Office and Directorate heads are responsible for:
1. Administering policy concerning discipline in conformance with the requirements of this Manual and any applicable labor-management agreements; and reviewing existing policies and recommending appropriate changes;
  2. Ensuring that appropriate mechanisms are in place to inform employees of FEMA policy concerning discipline;
  3. Ensuring that supervisors properly exercise their disciplinary authority; and
  4. Delegating to supervisors appropriate authority for the direction and discipline of employees under their jurisdiction and ensuring proper supervisory training.
- F. Supervisors are responsible for:
1. Reporting allegations of misconduct in accordance with the procedures in FD 123-19;
  2. Consulting with OCCHCO/Labor and Employee Relations prior to initiating discipline for misconduct;
  3. Initiating appropriate and timely discipline;
  4. If assigned to do so, gathering, analyzing, and documenting the facts concerning an allegation of misconduct;
  5. Delivering official reprimands and notices of disciplinary and adverse actions to employees;
  6. Delivering signed and dated official reprimands, final decisions of disciplinary and adverse actions, and other supporting documents effecting discipline to the servicing ER Specialist;

7. Delivering signed and dated official reprimands, final decisions of disciplinary and adverse actions, and other supporting documents (including Standard Form (SF-52)) effecting discipline to the servicing ER Specialist; and
8. Treating employees under their supervision in a fair and equitable manner.

G. Employees are responsible for:

1. Reporting allegations of misconduct in accordance with the procedures in FD 123-19;
2. Acting in a manner that will ensure their conduct does not negatively reflect on the Federal Government and the Federal Emergency Management Agency (FEMA);
3. Reporting for work on time and in a condition which will permit performance of assigned duties;
4. Performing work according to FEMA's schedule of work and absence and leave policies;
5. Responding promptly to directions and instructions received from the supervisor;
6. Serving as a proposing official or deciding official if appointed for disciplinary or adverse actions;
7. Exercising courtesy and professionalism in dealing with fellow workers, supervisors, and the public;
8. Observing pertinent laws, rules, regulations, and other authoritative instructions; and
9. Upholding, with integrity, the public trust involved in the position to which assigned.

**1-8. Forms Prescribed**

None.

**1-9. Questions**

Questions concerning FEMA's Discipline Program should be directed to the Office of the Chief Component Human Capital Officer at (202) 212-3962. For advice or guidance regarding specific cases of discipline, contact OCCHCO Labor and Employee Relations or the assigned ER Specialist for your Office or Directorate for assistance.

## **CHAPTER 2: DISCIPLINARY ACTIONS FOR COMPETITIVE SERVICE EMPLOYEES**

### **2-1. Applicability**

- A. The policies and procedures of this Chapter apply to the following employees:
  - 1. An employee in the competitive service who has completed a probationary or trial period;
  - 2. An employee in the competitive service serving in an appointment which requires no probationary or trial period, and who has completed one year of current continuous employment in the same or similar positions under other than a temporary appointment limited to one year or less;
  - 3. An employee with competitive status who occupies a position under schedule B of 5 C.F.R. Part 213; and
  - 4. An employee who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service and still occupies that position.
- B. The policies and procedures of this Chapter do not apply to the following instances or employees:
  - 1. Suspensions for 14 days or less taken for national security reasons under 5 U.S.C. § 7532;
  - 2. Suspensions for 14 days or less taken under any other provision of law which excepts the action from title 5 U.S.C. chapter 75, subchapter I; or
  - 3. Reemployed annuitants.

### **2-2. Initiating Disciplinary Actions**

Disciplinary Actions include official reprimands and suspensions of 14 days or less. An official reprimand is the lowest form of discipline. Supervisors must provide all documentation related to the alleged offense to the ER Specialist for review. The ER Specialist will draft the recommended action for review and signature by the supervisor.

- A. Official Reprimand. This is a memorandum issued by a supervisor (or manager in the supervisory chain) and addressed to the employee.
  - 1. The memorandum will include the following information:
    - i. Cite, specifically and in detail, the facts that support the reprimand, including rules or regulations violated. There must be sufficient detail to give the employee or an individual unacquainted with the situation a clear understanding of the reason so that the employee can grieve or prepare a reply;
    - ii. State the date and type of previous discipline, if any, relied upon to support the action;

- iii. State that the Employee Assistance Program (EAP) is available for assistance and include the phone number, if appropriate;
- iv. Advise the employee of the potential for negative consequences for future misconduct;
- v. If the supervisor decides to place the official reprimand in the employee's Official Personnel File (OPF), state that a copy of the reprimand will be placed in the employee's OPF for a specified period, up to three years, unless there is sufficient cause to remove it sooner;
- vi. State the name and contact information of the servicing ER Specialist who may be contacted for advice and assistance; and
- vii. Provide applicable grievance rights and right to file a complaint with the Office of Equal Rights.

2. The supervisor shall:

- i. Deliver the official reprimand to the employee in person in a private meeting. If personal delivery at work is not possible, or appropriate, the reprimand may be mailed or emailed to the employee. If the reprimand is mailed to the employee, the employee will be required to sign for the letter to show proof of delivery. The supervisor should ask employee to acknowledge receipt of the reprimand by signing and dating the last page, where indicated. Acknowledgement of receipt does not imply that the employee agrees with the action -- it simply indicates that the employee received a copy of the notice. If the employee refuses to acknowledge receipt, the supervisor should annotate the last page of the notice, stating that the employee refused to sign for it; and
- ii. Deliver a signed and dated copy (with employee's signature, if available) to the ER Specialist, so that a copy can be placed in the employee's OPF, if applicable.

B. Suspensions without pay for 14 days or less. A notice of proposal is required prior to imposition of a suspension.

1. The proposal notice must:

- i. Identify, specifically, the proposed penalty and the reason or charge (i.e., notice of proposal to suspend from duty for five calendar days for absence without approved leave);
- ii. Describe, in detail, the facts and relevant information used to support the proposed action;
- iii. Cite the laws, rules, regulations, and/or FEMA policies violated (if applicable);
- iv. Reference prior discipline, if any, used to enhance the proposed penalty; and
- v. Specify the employee's rights, including:

- a. A specific amount of time (no less than 5 days) to respond orally and/or in writing to the proposed action, and a right to submit affidavits and other documentary evidence in support of the response (if the last day of the response period falls on a weekend or Federal holiday, the response will be due the following business day);
  - b. A reasonable amount of official time to prepare a reply if the employee is working during the proposal period. Normally, four to ten hours is granted, depending on the severity of the proposed penalty;
  - c. Representation by an attorney or other representative, at the employee's own expense;
  - d. Review of the material relied on to support the proposed penalty;
  - e. A written decision that includes the specific reasons for the final decision; and
  - f. Receipt of the decision notice on or before the date the action will be effective;
- vi. State other pertinent information and facts, including analysis of relevant "Douglas Factors", relied upon in proposing the penalty;
  - vii. Include the name and contact information of the deciding official (the management official who serves as the proposing official may also serve as the deciding official);
  - viii. Include the name and contact information of the ER Specialist where the employee can make arrangements for a personal reply and the fax number or email address where the written reply should be sent;
  - ix. Inform the employee that requests for additional time to reply should be in writing and addressed to the ER Specialist for consideration. The request must identify the amount of time needed along with an explanation. The ER Specialist will coordinate requests for additional time with the servicing deciding official;
  - x. State the name and contact information of the servicing ER Specialist who may be contacted to make arrangements to obtain the material relied upon in proposing the action and for advice and assistance; and
  - xi. Be delivered to the employee in person in a private meeting. The supervisor should ask the employee to acknowledge receipt of the document by placing their signature and date on the last page of the notice, where indicated. Acknowledgement of receipt does not imply that the employee agrees with the action -- it simply indicates that the employee received a copy of the notice. If the employee refuses to acknowledge receipt, the supervisor should annotate the last page of the notice, stating that the employee refused to sign. If personal delivery at work is not possible, the notice may be mailed and/or

emailed to the employee, with a return or read receipt requested to show proof of delivery or attempt to deliver. If the notice is mailed to the employee, the employee will be required to sign for the letter to show proof of delivery. Forward a signed/dated copy (with employee's signature, if available) to the ER Specialist.

- xii. Once a proposal notice is issued, a proposing or deciding official shall only discuss the matter with the servicing ER Specialist or advising attorney. The proposing official or deciding official must not discuss the proposal, any reply, or decision, except with the approval of the assigned ER Specialist or advising attorney.
2. Final Decision. After the employee's reply period has expired, the deciding official must consult with the assigned ER Specialist. Together, the deciding official and the ER Specialist shall evaluate the evidence. This includes all documentation in support of the charge(s), as well as any evidence favorable to the employee and all information and arguments submitted by the employee and/or representative. Prior to issuing a final decision, the deciding official will:
  - i. Determine which, if any, of the reasons are supported by a preponderance of the evidence (based on the weight of evidence, the allegation is more likely true than untrue);
  - ii. Decide if there is a connection ("nexus") between the misconduct and the efficiency of the service; and
  - iii. Uphold or reduce the proposed penalty, considering the appropriate "Douglas Factors".
3. The ER Specialist will draft the decision letter in coordination with the deciding official. The final decision notice must:
  - i. Cite the notice of proposed action, the decision, and effective date of action;
  - ii. Indicate whether the employee replied (orally and/or in writing) and, if so, that the reply was considered;
  - iii. State the charge(s) that have been supported and which, if any, have not (deciding official may not use or rely on any information that was not disclosed to the employee to support the basis for the action);
  - iv. State other pertinent information and facts, including analysis of relevant "Douglas Factors", relied on in making the decision;
  - v. State that the penalty promotes the efficiency of the service;
  - vi. Include the employee's grievance or appeal rights and to whom the grievance or appeal should be filed and the time limits for doing so;
  - vii. Include an EAP referral, if appropriate; and

viii. State the name and contact information of the servicing ER Specialist who may be contacted for clarification of rights and further assistance.

**2-3. Employee Right to Challenge Disciplinary Actions**

Official reprimands and suspensions of 14 days or less may be grieved by non-bargaining unit employees under the Administrative Grievance System (see FEMA Manual 256-3-1, Administrative Grievance System), or by bargaining unit employees under the negotiated grievance procedure.

If the employee believes that the action is based on discrimination because of age, sex, race, religion, color, national origin, disability, genetic information, or sexual orientation, the employee may consult with the Office of Equal Rights.

Employees may, as appropriate, initiate a complaint of discrimination, or file a grievance under the negotiated grievance procedure. However, employees may elect only one avenue and their election will be considered final based on which action is filed first. Employees may not raise complaints of discrimination under the Administrative Grievance System.

**2-4. Effective Date of the Action**

- A. The effective date of the action is established by the deciding official and is cited in the written decision notice.
- B. For suspensions of 14 days or less, the decision will be effected as soon as practicable after consideration of the employee's reply, if any.
- C. An application for disability retirement does not delay or prevent other appropriate action that may be warranted. If an employee expresses an interest in disability retirement, the supervisor should refer the employee to OCCHCO for proper guidance.

## **CHAPTER 3: DISCIPLINARY ACTIONS FOR EXCEPTED SERVICE EMPLOYEES**

### **3-1. Applicability**

The policies and procedures of this Chapter apply to all excepted service employees, except for those excepted service employees who were in the competitive service at the time their position was first listed under Schedule A, B, or C and still occupies that position, or who are otherwise excluded by law or regulation.

### **3-2. Initiating Disciplinary Actions**

Disciplinary Actions include official reprimands and suspensions of 14 days or less. An official reprimand is the lowest form of discipline. Supervisors must provide all documentation related to the alleged offense to the ER Specialist for review. The ER Specialist will draft the recommended action for review and signature by the supervisor.

- A. Official Reprimand. This is a memorandum issued by a supervisor (or manager in the supervisory chain) and addressed to the employee.
  1. The memorandum will include the following information:
    - i. Cite, specifically and in detail, the facts that support the reprimand, including rules or regulations violated. There must be sufficient detail to give the employee or an individual unacquainted with the situation a clear understanding of the reason so that the employee can grieve or prepare a reply;
    - ii. State the date and type of previous discipline, if any, relied upon to support the action;
    - iii. State that the Employee Assistance Program (EAP) is available for assistance and include the phone number, if appropriate;
    - iv. Advise the employee of the potential for negative consequences for future misconduct;
    - v. If the supervisor decides to place the official reprimand in the employee's OPF, state that a copy of the reprimand will be placed in the employee's OPF for a specified period, up to three years, unless there is sufficient cause to remove it sooner;
    - vi. State the name and contact information of the servicing ER Specialist who may be contacted for advice and assistance; and
    - vii. Provide applicable grievance rights and right to file a complaint with the Office of Equal Rights.
  2. The supervisor shall:

- i. Deliver the official reprimand to the employee in person in a private meeting. If personal delivery at work is not possible, or appropriate, the reprimand may be mailed or emailed to the employee. If the reprimand is mailed to the employee, the employee will be required to sign for the letter to show proof of delivery. The supervisor should ask the employee to acknowledge receipt of the reprimand by signing and dating the last page, where indicated. Acknowledgement of receipt does not imply that the employee agrees with the action – it simply indicates that the employee received a copy of the notice. If the employee refuses to acknowledge receipt, the supervisor should annotate the last page of the notice, stating that the employee refused to sign for it; and
  - ii. Deliver a signed and dated copy (with employee's signature, if available) to the ER Specialist, so that a copy can be placed in the employee's OPF, if applicable.
- B. Suspensions without pay for 14 days or less. A proposal notice is not required before imposing a suspension on an excepted service employee. The ER Specialist will draft the decision letter in coordination with the deciding official. The decision letter must:
  1. Identify, specifically, the penalty and the reason for the charge;
  2. Describe, in detail, the facts and relevant information used to support the suspension;
  3. Cite the laws, rules, regulations, and/or FEMA policies violated (if applicable);
  4. Reference prior discipline, if any, used to enhance the suspension;
  5. Include the employee's grievance or appeal rights, to whom the grievance or appeal should be filed, and the time limits for doing so;
  6. Include an EAP referral, if appropriate;
  7. State the name and contact information of the servicing ER Specialist who may be contacted for clarification of rights and further assistance; and
  8. Be delivered to the employee in person in a private meeting. If personal delivery at work is not possible, or appropriate, the decision may be mailed or emailed to the employee, with a return or read receipt requested to show proof of delivery or attempt to deliver. If the decision is mailed to the employee, the employee will be required to sign for the letter to show proof of delivery. The supervisor should ask the employee to acknowledge receipt of the document by placing their signature and date on the last page of the decision, where indicated. Acknowledgement of receipt does not imply that the employee agrees with the action – it simply indicates that the employee received a copy of the decision. If the employee refuses to acknowledge receipt, the supervisor should annotate the last page of the decision, stating that the employee refused to sign. Forward a signed

and dated copy (with the employee's signature, if available) to the ER Specialist.

**3-3. Employee Right to Challenge Disciplinary Actions**

Official reprimands and suspensions of 14 days or less may be grieved by non-bargaining unit employees under the Administrative Grievance System (see FEMA Manual 256-3-1, Administrative Grievance System) or by bargaining unit employees under the negotiated grievance procedure.

If the employee believes that the action is based on discrimination because of age, sex, race, religion, color, national origin, disability, genetic information, or sexual orientation, the employee may consult with the Office of Equal Rights.

Employees may, as appropriate, initiate a complaint of discrimination, or file a grievance under the negotiated grievance procedure. However, employees may elect only one avenue and their election will be considered final based on which action is filed first. Employees may not raise complaints of discrimination under the Administrative Grievance System.

**3-4. Effective Date of the Action**

- A. The effective date of the action is established by the deciding official and is cited in the written decision notice.
- B. For suspensions of 14 days or less, the decision will be effected as soon as practicable.
- C. An application for disability retirement does not delay or prevent other appropriate action that may be warranted. If an employee expresses an interest in disability retirement, the supervisor should refer the employee to OCCHCO for proper guidance.

## CHAPTER 4: ADVERSE ACTIONS

### **4-1. Applicability**

- A. The policies and procedures of this Chapter apply to the following employees:
  1. A career or career conditional employee in the competitive service who is not serving a probationary or trial period;
  2. An employee in the competitive service who has completed one year of current continuous service under other than a temporary appointment limited to one year or less;
  3. An employee in the excepted service who is a preference eligible as defined by Title 5, U.S.C. § 105, and has completed one year of current continuous service in the same or similar position;
  4. An employee in the excepted service who is non-preference eligible as defined by Title 5, U.S.C. § 105, and has completed two years of current continuous service in the same or similar positions under other than a temporary appointment limited to two years or less;
  5. An employee with competitive status who occupies a position in Schedule B of 5 C.F.R. Part 213; and
  6. An employee who was in the competitive service at the time his or her position was first listed under Schedule A, B, or C of the excepted service and who still occupies that position.
- B. The policies and procedures of this Chapter do not apply to the following employees:
  1. An employee whose appointment is made by and with the advice and consent of the Senate;
  2. An employees whose position has been determined to be of a confidential, policy-determining, policy-making, or policy-advocating character by the President for a position that the President has excepted from the competitive service; the Office of Personnel Management for a position that the Office has excepted from the competitive service (Schedule C); or the President or the Administrator of FEMA for a position excepted from the competitive service by statute;
  3. A Presidential appointee;
  4. A reemployed annuitant;
  5. A non-preference eligible employee serving a probationary or trial period under an initial appointment in the excepted service pending conversion to the competitive service, unless he or she meets the requirements of A.4.;
  6. An employee hired under the Stafford Act or other statutory authority which excludes the provisions of Title 5 of the United States Code, in the absence of any provision to place the employee within the coverage of Title 5, U.S.C. Chapter 75; or

7. An employee in the competitive service serving a probationary or trial period, unless he or she meets the requirements of A.2.

#### **4-2. Types of Adverse Actions**

This Chapter addresses the following adverse actions:

- A. Furloughs;
- B. Suspensions without pay for 15 days or more;
- C. Demotions; and
- D. Removals (including removals based on unsuitability determinations that must be processed under 5 C.F.R. Chapter 752).

#### **4-3. Formal Notice**

- A. Notice of Proposed Action. A notice of proposal is required at least 30 days prior to imposition of a suspension of 15 days or more, demotion, or removal from Federal service. The proposal notice must:
  1. Identify, specifically, the proposed penalty and the reason or charge (e.g., notice of proposal to suspend from duty for 15 calendar days for absence without approved leave);
  2. Describe, in detail, the facts and relevant information used to support the proposed action;
  3. Cite the laws, rules, regulations, and/or FEMA policies violated (if applicable);
  4. Reference prior discipline, if any, and/or any other aggravating factors used to enhance the proposed penalty;
  5. Specify the employee's rights, including:
    - i. A specific amount of time (no less than seven days) to respond orally and/or in writing to the proposed action, and to submit affidavits and other documentary evidence in support of reply (if the last day of the response period falls on a weekend or Federal holiday, the response will be due the following business day);
    - ii. A reasonable amount of official time to prepare a reply if the employee is in an active duty status. Normally, four to ten hours are granted, depending on the severity of the proposed penalty;
    - iii. Representation by an attorney or other representative, at the employee's own expense;
    - iv. Right to review material relied on to support the proposed penalty;
    - v. A written decision that includes the specific reasons for the final decision; and

6. State other pertinent information and facts, including analysis of relevant "Douglas Factors", relied on in making the decision;
  7. Include the name of the deciding official and that the employee should contact the ER Specialist if the employee chooses to submit an oral or written reply;
  8. State the name and contact information of the servicing ER Specialist with whom to make arrangements for a personal reply and to whom the written reply should be sent. Employees may contact the ER Specialist for a copy of the material relied upon in proposing the action and for advice and assistance;
  9. Inform the employee that requests for additional time to reply should be in writing and addressed to the ER Specialist for consideration. The request must identify the amount of time needed along with an explanation. The ER Specialist will coordinate requests for additional time with the deciding official; and
  10. Be delivered to the employee in person in a private meeting. If personal delivery at work is not possible, or appropriate, the notice may be mailed or emailed to the employee. If the notice is mailed to the employee, the employee will be required to sign for the letter to show proof of delivery. The supervisor should ask employee to acknowledge receipt of the notice by signing and dating the last page, where indicated. Acknowledgement of receipt does not imply that the employee agrees with the action -- it simply indicates that the employee received a copy of the notice. If the employee refuses to acknowledge receipt, the supervisor should annotate the last page of the notice, stating that the employee refused to sign for it.
  11. Once a proposal notice is issued, a proposing official or deciding official shall only discuss the matter with the servicing ER Specialist or advising attorney.
- B. Notice of Final Decision. After the employee's reply period has expired, the deciding official, in consultation with the ER Specialist, will evaluate the evidence. Prior to issuing a final decision, the deciding official will:
1. Determine which, if any, of the charges are supported by a preponderance of the evidence (based on the weight of evidence, the allegation is more likely true than untrue);
  2. Decide if there is a connection ("nexus") between the misconduct and the efficiency of the service; and
  3. Decide on the penalty by considering the appropriate "Douglas Factors". If the penalty will be a demotion, the rate of pay will be set at step 1 of the new lower grade.
    - i. The ER Specialist will draft the decision notice in consultation with the deciding official. The ER Specialist will coordinate the action with the Office of Chief Counsel.

- ii. The final decision notice must:
  - a. Cite the notice of proposed action, the decision, and effective date of action;
  - b. Reiterate the charge(s) or reasons;
  - c. Indicate whether the employee replied (orally and/or in writing) and, if so, that the reply was considered;
  - d. State what charge(s) and/or reason(s) have been supported and which, if any, have not (deciding official may not use any information that was not disclosed to the employee and representative to support the basis for the action);
  - e. Include an analysis of relevant “Douglas Factors”, relied on in making the decision;
  - f. State that the penalty promotes the efficiency of the service;
  - g. Include the employee’s grievance or appeal rights and to whom the grievance or appeal should be filed and the time limits for doing so;
  - h. Include an EAP referral, if appropriate;
  - i. State the name and contact information of the servicing ER Specialist who may be contacted for clarification of rights and further assistance;
  - j. Include any applicable Career Transition Assistance Program (CTAP) or Interagency Career Transition Assistance Program (ICTAP) notices, if such notice is required; and
  - k. Contain a citation to the appropriate MSPB regulations and access to the appeal form.

#### **4-4. Grievance and Appeal Rights**

- A. An employee has the right to submit an appeal to the Merit Systems Protection Board (MSPB).
- B. Bargaining unit employees have the right to either grieve the action in accordance with the negotiated grievance procedures or appeal to MSPB, but not both.
- C. An employee who believes he or she was subjected to a covered personnel action in retaliation for whistleblowing may (1), if covered by a collective bargaining agreement (CBA), grieve the action in accordance with the CBA’s grievance procedures, (2) appeal to the MSPB, or (3) appeal to the Office of Special Counsel. However, the employee may only elect one remedy, and the election is based on which action the employee files first.

- D. If the employee believes that the action is based on discrimination because of age, sex, race, religion, color, national origin, disability, genetic information, or sexual orientation, the employee may consult with the Office of Equal Rights.
- E. Employees may, as appropriate, initiate a complaint of discrimination, or file a grievance under the negotiated grievance procedure. However, employees may elect only one avenue and their election will be considered final based on which action is filed first. Employees may not raise complaints of discrimination under FEMA's Administrative Grievance System.

#### **4-5. Effective Date of the Action**

- A. The effective date of the action is established by the deciding official and is cited in the written decision notice.
- B. For suspensions of 15 days or more, demotions, or removals, the effective date may not be earlier than 30 days from the employee's receipt or constructive notice of the proposed action. Employees are entitled to a 30-day advance written notice period before the effective date of the action.
- C. An application for disability retirement does not delay or prevent other appropriate action that may be warranted. If an employee expresses an interest in disability retirement, the supervisor should refer the employee to OCCHCO for proper guidance.

#### **4-6. Furlough Procedures**

A furlough for less than 30 continuous calendar days or 22 discontinuous workdays is an adverse action that temporarily forces an employee into a non-duty and non-pay status due to lack of work, lack of funds, or other non-disciplinary reasons (furloughs for more than 30 calendar days or 22 discontinuous workdays are reduction-in-force actions, see FM 256-2-1, Reduction-in-Force/Transfer of Function). OCCHCO/Labor and Employee Relations must be consulted before placing an employee on a furlough. The above procedures apply with the following additions and exceptions:

- A. Proposal Notice. Supervisors or managers must state the basis for selecting a particular employee for furlough if not all employees in a given competitive level are being furloughed.
- B. An advanced written notice and opportunity to answer are not required for furloughs without pay due to unforeseeable circumstances, such as sudden breakdowns in equipment, acts of God, lapses in appropriations (when the lapse is uncertain until it occurs) or sudden emergencies requiring immediate curtailment of activities.

## **CHAPTER 5: ADMINISTRATIVE LEAVE**

### **5-1. Applicability**

This Chapter is applicable to employees hired under Title 5 of the United States Code.

### **5-2. Generally**

The use of administrative leave may be appropriate on a case-by-case basis when an employee's alleged misconduct resulted in an investigation, a determination of unsuitability (or unfitness), suspension or revocation of a security clearance, or a proposed removal. When an employee is placed on administrative leave in connection with discipline, their access to FEMA facilities and information technology (IT) systems is revoked immediately. No employee should be placed on administrative leave without consultation with OCCHCO/Labor and Employee Relations. (See section 5-9 for the approval requirements when granting administrative leave.)

### **5-3. Employees Who Do Not Have a Security Clearance**

If an employee does not have a security clearance and is available for duty following receipt of an allegation of misconduct, arrest or indictment, or is under investigation for alleged misconduct, the supervisor must decide whether or not to place an employee on administrative leave. In consultation with OCCHCO/Labor and Employee Relations, the supervisor must consider the following factors:

- A. Is there is a reasonable belief that the employee committed an offense for which a prison sentence may be imposed?
- B. What is the nature of the offense?
- C. What evidence is available related to the offense?
- D. Was the employee arrested or indicted?
- E. Does the known evidence suggest that the employee's presence in FEMA facilities or access to FEMA IT systems constitutes a risk or direct threat?
- F. Are there other factors that indicate that the mission will be adversely affected if the employee is returned to duty, such as notoriety?
- G. If the employee's presence in FEMA facilities is a potential threat, is the employee able to perform work duties from an alternate worksite, such as that established in an applicable telework agreement?

#### **5-4. Unsuitability Cases**

In unsuitability or unfitness cases, administrative leave is immediate upon notice from OCSO. Supervisors must work with OCCHCO/Labor and Employee Relations to issue the notice of administrative leave (see Chapter 8 for unsuitability and unfitness actions).

#### **5-5. Security Clearance Cases**

An employee with a security clearance may have an affirmative duty to report to the OCSO when he or she has been arrested or indicted. Whenever OCSO discovers that an employee has been arrested or indicted, OCSO shall consider whether or not suspension of the clearance is appropriate.

If an employee has a security clearance, and OCSO suspends the clearance, the employee may be placed on administrative leave prior to the supervisor's proposal to place the employee on indefinite suspension. If OCSO restores the employee's clearance, the employee may be returned to duty.

#### **5-6. Removal Cases**

When a removal action is pending, a supervisor may place the employee on administrative leave if the supervisor believes that the employee's continued presence may pose a threat to the employee or others, result in loss of or damage to Government property, or otherwise jeopardize legitimate Government interests.

#### **5-7. Supervisory Responsibility and Considerations**

Prior to placing an employee on administrative leave, supervisors must consult with OCCHCO/Labor and Employee Relations. All cases involving employees on administrative leave should be reassessed every thirty (30) days to determine if the need still exists (the Administrator, or designee, must approve any period of administrative leave for 30 days or more).

#### **5-8. Special Considerations When an Employee is Arrested**

Upon receipt of information that the employee has been arrested or indicted for a crime, the supervisor of record, FCO, or temporary duty supervisory, as applicable, shall notify OCSO of the charges or indictment, and shall contact OCCHCO/Labor and Employee Relations for guidance.

If the employee is incarcerated or otherwise unable to come to work, the supervisor must address the employee's duty status. Employees may use available leave, if requested and approved by the supervisor. If the request is denied, or if there is insufficient leave to cover the leave request, and the employee is not present for work, the employee shall be charged with "absence

without leave." The supervisor is not obligated to approve a leave request submitted by the employee. In most cases, an employee is not placed on administrative leave when arrested or incarcerated.

For employees who are arrested or become the subject of allegations of misconduct when deployed, the FCO shall make the decision as to whether the employee shall remain at the JFO, after consultation with the supervisor of record. If the supervisor of record and the FCO disagree on whether to demobilize the employee, the issue will be resolved by the Associate Administrator of Response and Recovery.

**5-9. Approval Requirements for Administrative Leave**

The following officials have the authority to approve administrative leave:

- A. Supervisors of record may approve up to 30 days of administrative leave; and
- B. The Administrator, or designee, may approve more than 30 days of administrative leave.

**5-10. Return to Duty**

The supervisor of record shall consult with OCCHCO/Labor and Employee Relations before returning an employee to duty after a period of administrative leave. The supervisor shall make the final decision as to whether the employee shall return to duty.

## CHAPTER 6: EXPEDITED PROCEDURES

### **6-1. Procedural Requirements for Probationary Employees in the Competitive Service**

- A. The probationary period allows supervisors the opportunity to evaluate the employee's performance and conduct to determine whether the employee should be retained beyond the probationary period. Supervisors should counsel employees early regarding any performance and/or conduct issues so that the employee may have an opportunity to correct the problem. Probationary employees may receive reprimands and other appropriate actions, in accordance with the procedures outlined in Chapters 2 and 4 of this policy. An instance of serious misconduct, unacceptable performance, or repeated instances of minor offenses during the probationary period should warrant removal from Federal service.
- B. An employee will serve a one year probationary period under the following circumstances:
  1. When first appointed to a career or career conditional appointment in the competitive service;
    - i. From a list of eligibles; or
    - ii. After reinstatement to Federal service, unless the employee served a completed probationary period or served with competitive status in a position which affords the basis for reinstatement;
  2. When an employee is:
    - i. Transferred to a competitive service position when the employee is a career or career conditional employee of another Federal agency (see 5 C.F.R. § 315.501);
    - ii. Promoted, demoted, or reassigned before the employee completed a probationary period. In such circumstances, the employee is required to complete a probationary period in the new position;
    - iii. Reinstated to Federal service from a Reemployment Priority List. An employee does not need to serve a probationary period if the employee is being reinstated to FEMA to a position within the same commuting area; or
    - iv. Appointed to the competitive service by a special appointing authority or by conversion under Title 5, C.F.R. Part 315 Subparts F or G.
- C. When a supervisor decides to remove a probationary employee for unacceptable performance or misconduct occurring during the probationary period, the employee is entitled to a written decision that contains the reasons for the action, including a narrative summary of the conclusions reached, effective date of the action, and limited appeal rights. The decision will also include the employee's grievance or appeal rights, where to file the grievance or appeal, and the time limits for filing a grievance or appeal. The removal

- notice must be delivered to the employee before the effective date of the action.
- D. When a supervisor decides to remove a probationary employee, based in whole or in part, on conditions arising prior to appointment, the employee is entitled to advance written notice stating the reasons, specifically and in detail, for the proposed action and a reasonable time (no less than 7 calendar days) to file a written answer (including affidavits). The supervisor shall consider the response and issue a written decision at the earliest practicable date. The decision shall be effective no earlier than the date of issuance to the employee, and shall inform the employee of the reasons for the action and of his or her right to appeal to the Merit Systems Protection Board in accordance with part E below.
  - E. The employee has the right to appeal the removal to the Merit Systems Protection Board (MSPB) on the following grounds:
    - 1. Allegations that the action was based on partisan political reasons or marital status;
    - 2. When a probationary employee terminated for performance or misconduct during the probationary period, alleges that the removal was not effected in accordance with proper procedures; or
    - 3. Allegations of discrimination because of race, color, religion, sex, national origin, age, or disability, but only if such an allegation is raised in addition to one of the issues stated in paragraph (1) or (2), above.

## **6-2. Procedural Requirements for Employees in the Career Excepted Service**

- A. This section applies to employees in the excepted service who are preference eligible as defined by 5 U.S.C. § 2108 and who have not completed one year of current continuous service in the same or similar positions, and employees in the excepted service who are non-preference eligible as defined by 5 U.S.C. § 2108 and who have not completed two years of current continuous service in the same or similar positions under other than temporary appointments limited to two years or less.
- B. Supervisors should address any performance and/or conduct issues early. These employees may receive reprimands or suspensions of 14 days or less according to the procedures in Chapter 3. An instance of serious misconduct, unacceptable performance, or repeated instances of minor offenses during the trial period should warrant removal from Federal service.
- C. When a supervisor decides to remove an employee for unacceptable performance or misconduct, the employee is entitled to a written decision that contains the reasons for the action, including a narrative summary of the conclusions reached, effective date of the action, and limited appeal rights, if any. The removal notice must be delivered to the employee before the effective date of the action.

D. Normally, the employee has no right to appeal the removal to the Merit Systems Protection Board (MSPB).

**6-3. Procedural Requirements for Competitive Service Term Employees**

Term employees should be given an opportunity to demonstrate acceptable performance and conduct. The first year of service of a term employee is a trial period to determine the employee's continued fitness for Federal service. If a problem occurs, supervisors should address them early so that the employee can have an opportunity to correct them. Employees may be reprimanded, or suspensions without pay may be imposed. If problems continue, removal may be warranted. If a decision is made to remove the employee, a written notice of removal should be given to the employee, explaining the reasons for the removal, and the effective date of the action. The notice should be delivered to the employee before the effective date of the action. Term employees who are removed during their trial period may appeal to the Merit Systems Protection Board under the authority of 5 C.F.R. §§ 315.804 or 805, as applicable. After an employee successfully completes his or her trial period, the employee will be subject to the discipline and adverse action procedures for competitive service employees (see Chapters 2 and 4).

**6-4. Procedures for Federal Coordinating Officers**

Federal Coordinating Officers (FCO) serve in excepted service positions at the pleasure of the FEMA Administrator. FCOs may be suspended or removed from Federal service for any reason not prohibited by law. In removal actions, an FCO may be removed with a written notice of removal explaining the reasons for the removal and the effective date of the action. An FCO may not appeal a suspension or removal decision.

**6-5. Procedural Requirements for Competitive Service Temporary Employees**

Temporary employees serve in short-term appointments for one year or less. Temporary employees do not serve a trial or probationary period. If performance or misconduct issues arise, a temporary employee may not be demoted or reassigned to a different position. In removal actions, a temporary employee may be removed with a written notice of removal explaining the reasons for the removal and the effective date of the action. A temporary employee may not appeal a removal decision. These procedures do not apply to employees who completed one year of current continuous service in a non-temporary appointment limited to one year or less. Such employees will be subject to the adverse action procedures in Chapter 4.

## CHAPTER 7: ALTERNATIVE DISCIPLINE

### **7-1. Alternative Discipline**

Alternative discipline is a non-traditional, constructive approach to addressing misconduct or performance issues, in lieu of a formal disciplinary or adverse action. This approach involves a written agreement that is developed through collaborative efforts of the employee (and representative, if any) and the deciding official working together to address the misconduct or performance issues.

The goal of Alternative Discipline is also to encourage and assist the employee in making positive changes and to sustain acceptable behavior and/or performance. Alternative discipline is a management option, not an employee entitlement, and it does not establish a precedent as to how FEMA will handle misconduct or performance issues.

### **7-2. Criteria for Using Alternative Discipline**

A. Alternative discipline may be used when:

1. An employee is served with a proposed discipline or adverse action notice;
2. Misconduct or performance problem(s) would not result in a removal proposal;
3. The employee admits and takes responsibility for the misconduct or performance issues;
4. The employee does not have a prior disciplinary issue within the last three years;
5. The deciding official and/or employee requests the use of alternative discipline; and
6. The employee agrees to waive any and all rights to file a grievance, appeal, or complaint in any form regarding any issues associated with the action.

B. Alternative discipline may not be used when:

1. Work-related issues involve criminal conduct;
2. Misconduct requires a statutory penalty (i.e., willful misuse of a government vehicle carries a mandatory penalty of a 30-calendar day suspension);
3. Alternative penalty is prohibited by law or regulation; or
4. The employee performed at an unacceptable level in any critical element on the performance plan or criteria.

### **7-3. Procedures for Effecting Alternative Discipline**

- A. Prepare and issue a notice of proposed discipline;
- B. Draft an Alternative Discipline Agreement, with assistance from an ER Specialist, which describes the work-related issue and the terms and conditions of the agreement;
- C. If an agreement is reached, the agreement will be signed by the deciding official and the employee; and
- D. If an agreement on alternative discipline is not reached, the deciding official will issue a decision on the proposed action.

### **7-4. Types of Alternative Discipline**

The types of discipline that may be imposed under this type of agreement include, but are not limited to:

- A. Remedial training, as determined appropriate;
- B. Reduced suspension;
- C. Serving a suspension on non-duty days;
- D. Serving a suspension in smaller pieces over the course of multiple pay periods to soften the financial impact;
- E. Serving a suspension that exists only through a written agreement between the employee and the supervisor, with no loss of pay or duties. The documented suspension will constitute prior misconduct for purposes of progressive discipline;
- F. Financial restitution;
- G. Participation in the Employee Assistance Program and authorization for the counselor to talk to the supervisor; or
- H. Holding a portion of the penalty in abeyance on the condition that, if there is additional misconduct the penalty or an increased penalty will automatically take effect.

### **7-5. Maintenance of an Agreement**

A copy of the agreement is maintained by the deciding official, employee, and the servicing ER Specialist. The agreement is not placed in the employee's Official Personnel Folder.

## **CHAPTER 8: PROCEDURES FOR NEGATIVE SUITABILITY AND FITNESS DETERMINATIONS**

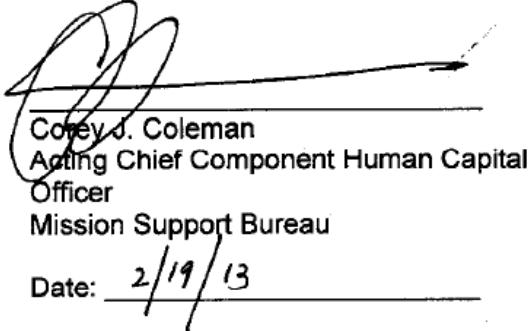
### **8-1. Unsuitability or Unfitness Actions**

- A. OCSO makes the determination on whether FEMA employees are suitable (or “fit”, for excepted service employees) for Federal service and notifies the employee’s supervisor of record in writing of the determination.
- B. If OCSO determines that an employee is unsuitable or unfit for Federal service, OCSO will notify OCCHCO/Labor and Employee Relations of its determination at least 24 hours in advance of notifying the employee’s supervisor. Early notification to OCCHCO/Labor and Employee Relations will allow OCCHCO/Labor and Employee Relations to:
  1. Prepare a draft letter to notify the employee of his or her required removal from physical and logical access to the worksite; and
  2. Contact the employee’s supervisor to advise the supervisor on the procedure for retrieval of the employee’s government property, suspension of information technology access, and the process for escorting the employee from the workplace.
- C. After the employee’s removal from the workplace, OCCHCO/Labor and Employee Relations will advise the supervisor on the appropriate disciplinary action applicable in accordance with the employee’s appointment type.

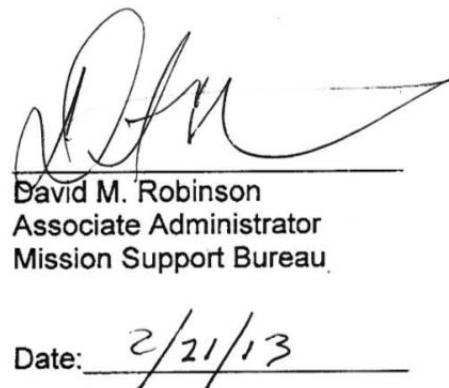
**FEMA MANUAL 255-1-1**  
**FEMA EMPLOYEE PERFORMANCE MANAGEMENT PROGRAM (EPMP)**  
**APPROVAL DATE: 02/21/2013**



**DEPARTMENT OF HOMELAND SECURITY**  
**OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**



Coney J. Coleman  
Acting Chief Component Human Capital  
Officer  
Mission Support Bureau  
Date: 2/19/13



David M. Robinson  
Associate Administrator  
Mission Support Bureau  
Date: 2/21/13

## **FOREWORD**

FEMA employees are our greatest assets and the means by which the Agency achieves its goals and serves America. We are committed to developing highly skilled employees and a professionally trained workforce to guarantee quality service to the public, promote and sustain a high-performance culture, and achieve organizational and individual excellence. The provisions of the FEMA Employee Performance Management Program (EPMP) are directed to this purpose as they are set forth in this Manual.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

This Manual implements 5 United States Code (U.S.C.) Chapter 43, “Performance Appraisal”, 5 C.F.R. Part 430, “Performance Management,” Subparts A and B; and Department of Homeland Security (DHS) Human Resources Performance Management Guidance and Instruction issued on December 1, 2008 as the DHS Performance Appraisal System approved by the Office of Personnel Management (OPM) on February 17, 2010. These documents assign the responsibilities and establish the policies, procedures, and requirements for the Federal Emergency Management Agency's (FEMA) Employee Performance Management Program (EPMP). The Program is designed to support the DHS goal of promoting and sustaining a high-performance culture.

### **1-2. Applicability and Scope**

Generally the Program applies to all employees and supervisors whose employment is expected to exceed 90-days in a consecutive 12-month period who are covered by Title 5, United States Code (U.S.C.) Chapter 43, “Performance Appraisal,” and DHS Human Resources Performance Management Guidance and Instruction. In addition, FEMA applies this Manual to employees hired under the Robert T. Stafford Disaster Relief and Emergency Assistance Act [PL 93-288, as amended] (the Stafford Act) designated as a Cadre of Response Employees (CORE).

The following individuals are excluded from coverage:

- A. Employees who are expected to be employed for 90-days or fewer.
- B. Presidential Appointees and others in Executive Schedules positions.
- C. Individuals in the Senior Executive Service (SES).
- D. Employees hired under the Robert T. Stafford Disaster Relief and Emergency Assistance Act [PL 93-288, as amended], designated as Reservists.
- E. Experts and Consultants appointed under 5 U.S.C. § 3109, “Employment of Experts and Consultants; Temporary or Intermittent.”
- F. Employees who the FEMA Administrator elects to exclude from coverage. Initially, this excludes all employees, who are not supervisors or are hired under the Federal Wage System, until the completion of negotiations and specifically included.

### **1-3. Supersession**

This Manual supersedes FEMA Instruction, Performance Management System for General Schedule and Prevailing Rate Employees, dated March 9, 1987 and FEMA Manual 3700.2, Employee Performance System, dated May 15, 1996, as updated August 9, 1999 and March 19, 2001, for employees covered above.

#### **1-4. Authorities/ References**

- A. Title 5, United States Code (U.S.C.), Chapter 43 - Performance Appraisal; and
- B. Title 5, Code of Federal Regulations (CFR), Part 430 - Performance Management;
- C. 5 U.S.C., Chapter 45 - Incentive Awards;
- D. 5 CFR, Section 293.302 - Official Personnel Folder;
- E. 5 CFR, Sections 293.401 through 293.406 - Employee Performance File System Records;
- F. 5 CFR, Part 432 - Performance Based Reduction in Grade and Removal Actions;
- G. 5 CFR, Part 451 - Awards;
- H. 5 CFR, Part 530 – Pay Rates and Systems (General);
- I. 5 CFR, Part 531 – Pay under the General Schedule;
- J. 5 CFR, Part 536 – Grade and Pay Retention;
- K. 5 CFR, Part 752 – Adverse Actions;
- L. DHS Human Resources Performance Management Guidance and Instruction issued on December 1, 2008 as the DHS Performance Appraisal System approved by the Office of Personnel Management (OPM) on February 17, 2010.

#### **1-5. Policy**

- A. Adherence to merit system principles in 5 U.S.C. § 2301.
- B. Providing a connection between an individual's performance to the Department of Homeland Security and FEMA strategic plans.
- C. Review, evaluation, and control of managerial and supervisory performance to ensure a continuing affirmative application and vigorous enforcement of equal employment opportunity policy and orientation, training, and advice to supervisors to assure their understanding and implementation of the equal employment opportunity policy and program as required by 29 C.F.R. § 1614.102(a)(5).
- D. Creation of a fair, credible, and transparent employee performance appraisal program.
- E. Adequate training on the Program for executives, supervisors and employees.

#### **1-6. Definitions**

- A. Acceptable Level of Competence: Performance by an employee that warrants advancement of the employee's rate of basic pay to the next higher step of the grade or the

next higher rate within the grade as defined in 5 C.F.R. § 531.403, “Definitions,” of the employee’s position subject to the requirements in 5 C.F.R. § 531.404, “Earning within-grade increase.” To be determined to be at an acceptable level of competence, the employee’s most recent rating of record must be at least “Achieved Expectations.”

- B. Appraisal: The process under which performance is reviewed and evaluated.
- C. Appraisal Program: The specific policy, procedures, and requirements set forth in DHS Human Resources Performance Management Guidance and Instruction issued on December 1, 2008 as the DHS Performance Appraisal System approved by the Office of Personnel Management (OPM) on February 17, 2010.
- D. Core Competencies: The measurable or observable knowledge, skills, abilities, behaviors, and other characteristics required by a position that have been validated and which apply broadly to all or many jobs within the Department. Each core competency is a critical element.
- E. Critical Element: A work assignment or responsibility of such importance that Unacceptable performance on the element results in a determination that an employee’s overall performance is Unacceptable. Each core competency is a critical element. Individual performance goals are critical elements unless designated as team or developmental by the rating official in the goal title.
- F. Developmental Performance Goal: A non-critical individual performance goal which is included in the employee’s performance plan to encourage and track the development and growth of new knowledge, skills or abilities and designated by the rating official in the goal title.
- G. Element Rating Level: The performance rating level that describes an employee’s performance on each critical element (goal and competency) during the performance cycle. The 4 levels (OPM pattern E) are:
  1. Achieved Excellence: The employee performed as described by the “Achieved Excellence” standards. This equates to a performance level of 5.
  2. Exceeded Expectations: The employee performed at a level between “Achieved Excellence” standards and the “Achieved Expectations” standards. This equates to a performance level of 4.
  3. Achieved Expectations: The employee performed as described by the “Achieved Expectations” standards. This equates to a performance level of 3.
  4. Unacceptable: The employee performed below the “Achieved Expectations” standards; corrective action is required. This equates to a performance level of 1.
- H. Individual Development Plan (IDP): A plan developed by the employee in conjunction with discussions with their supervisor that identifies an employee’s short and long-term learning and developmental goals. The plan contains developmental activities coupled with elective training, and education to acquire the competencies to meet career goals.
- I. Individual Performance Goals: Specific goals assigned to an employee by the supervisor that describe detailed results that are to be achieved and which are described in the

employee's performance plan. A minimum of one goal must be assigned to an individual; however, three to five goals may be appropriate given the complexity and grade of the position. Each individual performance goal is a critical element unless defined as a development or team goal by the rating official in the goal title.

- J. Interim Evaluation: A narrative description of an employee's performance as measured against the performance expectations set forth in a performance plan.
- K. Minimum Period: The 90-day period of time during which an employee must perform under an approved performance plan before receiving a rating of record or an interim evaluation.
- L. Non-Critical Element: A work assignment or responsibility that is considered to be completed by a team or developmental in nature. A non-critical element cannot be used as the foundation for taking a performance-based action. Development and team performance goals are non-critical elements.
- M. Opportunity to Demonstrate Acceptable Performance: A reasonable chance for an employee whose performance has been determined to be Unacceptable in one or more critical elements to demonstrate acceptable performance in the critical element(s) at issue.
- N. Performance: The accomplishment of work assignments or responsibilities.
- O. Performance Cycle: The 12-month time period under this Program for reviewing employee performance (also known as an appraisal cycle or rating cycle).
- P. Performance Expectations: The performance goals, core competencies, and associated performance standards set forth in an employee's performance plan.
- Q. Performance Goals: See subparagraph I, "Individual Performance Goals."
- R. Performance Plan: A written plan that describes the performance expectations (i.e., performance goals, core competencies, and associated performance standard(s)) that are to be met during the performance cycle.
- S. Performance Standard: The management-approved expression of the performance threshold(s), requirement(s), or expectation(s) that must be met to be appraised at a particular level of performance. A performance standard may include, but is not limited to quality, quantity, timeliness, and manner of performance. Performance standards under the Program are described at the "Achieved Expectations" and "Achieved Excellence" levels.
- T. Progress Review: A documented discussion, typically conducted on a quarterly basis, between an employee and the employee's rating official about the employee's actual performance as compared to the performance expectations set forth in the employee's performance plan.
- U. Rating Official: The official, generally the first-level supervisor, who prepares the employee's performance plan with input from the employee, conducts progress reviews, and prepares any interim evaluations and the final rating of record.
- V. Rating of Record: A written performance appraisal that is prepared at the end of the performance cycle, covering an employee's performance of assigned duties against

performance expectations over the entire performance cycle and includes the assignment of a summary rating level.

- W. Reduction-in-Grade: The involuntary assignment of an employee to a position at a lower classification or job grading level.
  - X. Removal: The involuntary separation of an employee from employment.
  - Y. Reviewing Official: The official, generally the employee's second-level supervisor, who reviews and approves the performance plan and rating of record.
  - Z. Self-Assessment: An employee's written assessment of their own performance of assigned duties and responsibilities as measured against performance expectations.
- AA. Summary Rating Level: The performance rating level that describes an employee's overall performance during the performance cycle and which is a weighted calculation derived mathematically from an employee's performance on both performance goals and core competencies. The 4-Level (OPM Pattern E) are:
1. Achieved Excellence: The employee performed as described by the "Achieved Excellence" standards. This equates to a performance level of 5.
  2. Exceeded Expectations: The employee performed at a level between "Achieved Excellence" standards and the "Achieved Expectations" standards. This equates to a performance level of 4.
  3. Achieved Expectations: The employee performed as described by the "Achieved Expectations" standards. This equates to a performance level of 3.
  4. Unacceptable: The employee performed below the "Achieved Expectations" standards; corrective action is required. This equates to a performance level of 1.
- BB. Team Performance Goal: A non-critical individual performance goal which is included in the employee's performance plan to encourage and track team or group performance results.
- CC. Unacceptable Performance: The failure of an employee to meet established performance standards in one or more critical elements of such employee's position.

## **1-7. Responsibilities**

- A. The Administrator, FEMA, is responsible for:
  1. Ensuring appropriate performance management training is provided to supervisors, executives, and employees as required by 5 CFR § 430;
  2. Developing and communicating FEMA goals and priorities for use in developing individual performance goals and expectations; and
  3. Communicating to rating and reviewing officials the results of their organization's performance for consideration in preparing individual performance ratings.
- B. Deputy Administrator, Associate Administrators, Regional Administrators, Assistant Administrators, Officers, and Directors are responsible for the following:
  1. Ensuring appropriate performance management training is provided to supervisors and employees as required by 5 CFR § 430;
  2. Developing and communicating FEMA goals and priorities for use in developing individual performance goals and expectations; and
  3. Communicating to rating and reviewing officials the results of their organization's performance for consideration in preparing individual performance ratings.
- C. Chief Component Human Capital Officer (CCHCO) is responsible for:
  1. Providing direction, advice, interpretation, and guidance to senior leadership, supervisors, and employees on compliance, policies, procedures, and requirements of FEMA EPMP and associated documents;
  2. Assisting supervisors with the development of standardized goals, as appropriate, with employee involvement, for positions with like duties and responsibilities;
  3. Ensuring annual receipt and maintenance of performance records of rating as required by the FEMA EPMP in accordance with OPM's Guide for Personnel Recordkeeping;
  4. Orienting and training supervisors and employees on the new program; and
  5. Conducting ongoing training to update skills of supervisors and employees.
- D. Reviewing Officials (Second-Level Supervisors) are responsible for:
  1. Developing and communicating organizational goals and priorities that reflect FEMA and DHS strategic goals and priorities;
  2. Developing standardized performance goals, when appropriate, with employee involvement, for positions with like duties and responsibilities;
  3. Reviewing/approving performance plans prepared by rating officials (first-level supervisors);

4. Ensuring rating officials carry out their responsibilities in a manner consistent with the requirements of the FEMA EPMP and accordingly assessing their performance; and
5. Reviewing/approving all ratings and ensuring that such ratings are supported with proper justification.

E. Rating Officials (First-Level Supervisors) are responsible for:

1. Developing, establishing, and updating employee performance goals to reflect the goals and priorities of their work unit, organization, Agency, and the Department of Homeland Security; and communicating clearly employee work assignments and performance expectations;
2. Providing employees with ongoing feedback, coaching, or training experiences to improve or enhance performance;
3. Supporting and working with employee on the preparation of an Individual Development Plan (IDP), which identifies self-improvement and training activities designed to improve performance and support personal career goals;
4. Scheduling, conducting, and documenting progress reviews to discuss performance and solicit feedback in a timely manner;
5. Encouraging their employees to complete a voluntary self-assessment prior to preparing the quarterly progress reviews and the annual rating of record;
6. Rating and documenting employee performance for the annual or early rating of record;
7. Documenting all quarterly progress reviews and employee self-assessment;
8. Addressing poor performance in a timely manner when it occurs or is discovered;
9. Recognizing and rewarding employee accomplishments, where warranted; and
10. Providing the employee with a copy their annual rating of record and supporting documentation and the originals to the Office of the Chief Component Human Capital Officer (OCCHCO).

F. Employees. Employees are responsible for:

1. Obtaining a clear understanding of their supervisor's performance expectations and the connection between their work assignments, individual performance goals, and the goals and priorities of their unit, organization, FEMA, and the Department of Homeland Security;
2. Performing their job to the best of their abilities and asking their supervisor for guidance and assistance when unusual problems occur;
3. Seeking clarification of performance expectations and outcomes, as appropriate, throughout the year, but at a minimum during required quarterly progress reviews;
4. Participating in discussions about their performance and certifying receipt of performance plans, progress reviews, and annual ratings;

5. Using their supervisors' feedback and suggestions to identify training needs and developmental opportunities to improve or enhance performance;
6. Providing candid feedback and commentary about their work to their supervisor;
7. Preparing an Individual Development Plan (IDP).

**1-8. Reporting Requirement**

Reviewing Officials, Rating Officials, and employees will provide timely documentation of performance to the Office of the Chief Component Human Capital Officer (OCCHCO) as required. This will include individual performance goals, performance standards, and annual ratings of record. This information will be maintained consistent with all governing laws, regulations, and policies on privacy. FEMA will maintain and submit to the Department of Homeland Security and Office of Personnel Management (OPM) such records and reports as required.

**1-9. Forms Prescribed**

- A. DHS Form 310 for GS 5-7-9 Employees (non-supervisor)
- B. DHS Form 308 for GS 11-13 Employees (non-supervisor)
- C. DHS Form 309 for GS 14-15 Employees (non-supervisor)
- D. DHS Form 306 for GS 5-13 First Level Supervisors
- E. DHS Form 307 for GS 14-15 First and Second Level Supervisors
- F. Ratings Calculator

**1-10. Questions**

Questions regarding this Directive should be addressed to the Office of the Chief Component Human Capital Officer at [FEMA-Performance-Management@fema.gov](mailto:FEMA-Performance-Management@fema.gov).

## **CHAPTER 2: PROCEDURES**

### **2-1. General**

FEMA Employee Performance Management Program (EPMP) performance cycle will begin on January 1 of each calendar year except for the Office of Chief Counsel which is on a fiscal year cycle, and at the beginning of an appointment, detail, or temporary promotion that is expected to last more than 90-days. The performance cycle will end on December 31, or as soon as possible thereafter and still provide the employee a minimum of 90-days under a performance plan following a covered appointment, detail, or temporary promotion. The procedures described in the following 11 sections constitute FEMA EPMP and are consistent DHS Human Resources Performance Management Guidance and Instruction issued on December 1, 2008 as the DHS Performance Appraisal System approved by the Office of Personnel Management (OPM) on February 17, 2010.

### **2-2. Performance Planning Process**

- A. Performance planning is the critical first step in a successful performance management process and is an essential factor to achieving and sustaining a high-performance culture. At the beginning of the performance cycle, a temporary promotion that is expected to last more than 90-days, and upon entry into a new position, a written performance plan shall be developed identifying the specific performance expectations for which the employee will be held accountable. The Program endeavors to balance the demonstration of core competencies and achievement of individual performance goals.
- B. Core Competencies. Employee performance plans will contain pre-established core competencies. The DHS-wide standards for the pre-established core competencies are written at the “achieved expectations and “achieved excellence” level based on occupational series and grade. Supervisors will use these standards when evaluating performance on these competencies. The average rating of all the core competencies comprises 40% of the annual rating of record. The core competencies are:
  1. Communications
  2. Customer Service (except for positions in the 1811 and 1896 series)
  3. Representing the Agency
  4. Teamwork/Communication
  5. Technical Proficiency
  6. Assigning, Monitoring, and Evaluating Work (supervisors only)
  7. Leadership (supervisors only)
- C. Individual Performance Goals. The performance plan of each employee will include individual performance goals that describe what the employee is expected to accomplish during the performance cycle. While rating officials should involve employees in the

development of their performance goals to the extent practicable, rating officials retain sole discretion to determine goals. Each individual performance goal must align with organizational goals. The individual performance goals section of the performance plan accounts for 60% of the annual rating of record.

- D. Establishing Performance Standards for Individual Performance Goals. At the time performance goals are identified, rating officials will establish specific performance standards for each goal within the employee's span of control. While rating officials should involve employees in the development of their performance standards to the extent practicable, rating officials retain sole discretion to determine the standards associated with each goal (e.g., quality, quantity, timeliness, manner of performance) at the "Achieved Expectations" and the "Achieved Excellence" levels. These performance standards will be used to evaluate progress in achieving the goals.
- E. Assigning Weights. Once performance goals and standards have been established, rating officials will assign weights to each goal. How much weight is assigned to each goal is discretionary. In assigning weights to goals, the rating official should take into account the scope of the goal, the amount of time expected to be devoted to the goal, and the impact of the goal on organizational operations.
- F. Employee Involvement. Rating officials are expected to involve employees in the development of their performance plans insofar as practicable. Rating officials should obtain input from, and engage in meaningful discussions with, employees regarding specific performance goals and related performance standards for which they will be held accountable. They should also explain what their understanding is of the core competencies and the associated established performance standards as applicable to the work unit. Finally, they should inform employees of progress review(s) that will occur during the performance cycle.
- G. Individual Development Plan (IDP). IDPs contain developmental activities coupled with elective training, and education to acquire the competencies to meet career goals. During performance planning, employees are required to develop IDPs. Management retains sole discretion to determine the extent to which IDPs may be supported by the organization after considering relevant factors, such as operational requirements and budget limitations.
- H. Changes to Performance Plans. Rating officials may update performance plans whenever they determine it is appropriate. A rating official may change a plan to reflect new organizational goals, to update goals and standards when outside influences beyond an employee's control make the original goals and standards unachievable, or to reflect new organizational or management priorities. Such changes are to be documented in performance plans and communicated to the employee. When an individual performance goal is no longer applicable, then the goal weight will be adjusted to give credit to the work completed. If an employee's performance plan is changed within the last 90-days of the performance cycle, the rating official will extend the rating period to allow for the required 90-days under the amended performance plan before the rating of record is executed.

- I. Communicating with Employees. Performance expectations must be communicated to employees verbally and in writing before they may be held accountable for them.
- J. Review and Approval of Performance Plans. Before becoming final, the employee's reviewing official will review and approve the performance plan. Reviewing officials may adjust individual performance goals, performance standards, and goal weights to ensure consistency with plans established for similar positions within their jurisdiction and conformity with organizational goals.
- K. Timing of Performance Plans. Rating officials will develop and submit performance plans to employees within 30-days after the beginning of the performance cycle, an employee's entrance into a covered position, or an employee's entrance into a detail or temporary promotion that is expected to last more than 90-days.
- L. Addressing Special Performance Appraisals Situations.
  - 1. Changes in Position (i.e., reassignment, demotion, permanent promotion). Employees who are affected by a change in position will be placed on a written performance plan by their new supervisor that identifies performance expectations for which the employees will be held accountable. See Appendix A for a detailed explanation of how performance is evaluated when employees are affected by changes in position.
  - 2. Details. Employees who are expected to be on detail for more than 90-days will be provided with a performance plan by the supervisor of the detail. See Appendix A for a detailed explanation of how performance is evaluated while on detail. When employees are on details of less than 90 days or other ad hoc assignments which take them away from their regular duties (such as disaster assignments), proper consideration must be given to adjusting work expectations and supervisors should give weight to these assignments when evaluating performance.
  - 3. Temporary Promotions. Employees who are expected to be temporarily promoted for more than 90-days will be placed on a written performance plan by the temporary supervisor that identifies performance expectations for which the employees will be held accountable. See Appendix A for a detailed explanation of how performance is evaluated while on temporary promotion.
  - 4. Changes in Supervisor. Employees whose supervisors change will have their current written performance plans re-validated by the new supervisors (or the new supervisors may issue new performance plans). See Appendix A for a detailed explanation of how employee's performance is evaluated when employees' supervisors change.
  - 5. Transfers. See Appendix A for a detailed explanation of how performance is evaluated when employees transfers out of the Department of Homeland Security.

## **2-3. Progress Reviews**

A. Rating officials must monitor employee performance continuously throughout the performance cycle and should talk with employees about progress, problems, and successes as frequently as possible. Employees are encouraged to periodically share summaries of significant events and to ask for guidance or assistance whenever they are unable to independently find the information or resources they need. Progress reviews may take place at any time during the performance cycle; however are required quarterly.

A Progress Review does the following:

1. Inform employees of their performance.
2. Document discussions between the rating official and employee on performance.
3. Review of performance goals and results to date in light of individual performance standards and supervisor's expectations.
4. Outline measures to correct any performance deficiencies or to improve performance that is otherwise acceptable.
5. Progress reviews do not include preliminary rating levels or calculate summary ratings of overall performance.

B. Recommended Progress Reviews. Additional progress reviews may be appropriate whenever a rating official notices a significant change in performance. The most obvious situation is when the rating official notices a downward turn in performance, especially if even one performance goal or core competency goes below expectations. Progress reviews also are appropriate when the rating official notices a marked improvement in performance. This encourages excellence in performance by letting employees know when they are exceeding expectations.

C. Documentation of Progress Reviews. Rating officials will document all progress reviews. The documentation will reflect that a discussion took place on the employee's performance; summarize the review; and any updates to the performance plan. The employee will be given the opportunity to review the document and comment then acknowledge receipt of the review in writing.

## **2-4. Self-Assessment**

Rating officials will encourage employees to complete a self-assessment of their performance prior to progress reviews and completion of the rating of record. Completion of a self-assessment is voluntary on the part of the employee and supervisors may not coerce an employee into completing a self-assessment. The self-assessment may be documented under the employee's progress review or ratings comments section in the form.

## **2-5. Developing Employees**

Subject to budgetary and other organizational constraints, supervisors must provide employees with the proper tools and technology to do their jobs. They must also develop employees to enhance their ability to perform. Supervisors must implement formal training plans for employees in entry/developmental positions and for all supervisors during their first year of coverage under FEMA EPMP.

## **2-6. Dealing with Poor Performance**

- A. At any time during the appraisal period, if a Rating Official determines that an employee is performing poorly in one or more critical elements (i.e., Goals or Competencies); appropriate action must be taken to address the performance deficiencies as soon as possible. Before electing an appropriate course of action, a supervisor must consult with a representative from the Labor and Employee Relations (LER), Human Capital for advice, guidance, and to ensure proposed actions comply with applicable regulations issued in 5 C.F.R. 432.
  1. The supervisor should take into account all the circumstances involved, including the nature and gravity of the Unacceptable performance and its consequences, the extent to which the deficiencies may be caused by factors outside of the employee's control, and whether the deficiencies are based upon poor performance-and/or-misconduct.
  2. A supervisor should consider the range of options available to address the performance deficiencies. Available courses of action include, but are not limited to, formal consultation with the employee, remedial training, an oral warning, a written warning, a reassignment, a proposal to reduce the employee's grade, or a proposal to remove the employee from Federal service. However, proposals to reduce-in-grade or remove an employee for Unacceptable performance under 5 C.F.R. Part 432 may be taken only after the employee has been given an opportunity to demonstrate acceptable performance, as described below except that PIPs are not required for COREs. Certain categories of employees are exempt from the requirement to demonstrate acceptable performance as described in paragraph B including employees hired under the Stafford Act and probationary employees.
  3. When an employee performs poorly, particularly on a supervisory or managerial competency (i.e., assigning, monitoring, and evaluating work; leadership), his or her manager should review previous actions taken to improve the supervisor's or manager's performance on these competencies. This should include review of the training (e.g., human resources or leadership training), coaching, or mentoring provided; actions taken during the supervisory probationary period or under a formal training plan; or any prior remedial actions that may have been taken against the supervisor for performance reasons.

- B. Opportunity to Demonstrate Acceptable Performance (prior to taking an unacceptable performance based action under 5 C.F.R. Part 432):
1. When an employee's performance is Unacceptable in one or more critical element, the employee shall be afforded a reasonable opportunity to demonstrate acceptable performance, commensurate with the duties and responsibilities of the employee's position.
  2. The employee will be advised in writing that unless his or her performance in the critical element(s) improves to and is sustained at an acceptable level; he or she may be reduced-in-grade or removed.
  3. A PIP, if issued, must be in place for a minimum period of 60-days. As part of the employee's opportunity to demonstrate acceptable performance the employee shall be offered assistance in improving Unacceptable performance. Upon completion the opportunity to improve, the employee's performance is assessed, and a rating of record is issued by the supervisor. If a rating of record of Unacceptable is given after an opportunity to improve, then one of the following actions is required: reassignment, reduction-in-grade, or removal. Such action will be initiated within 30-days from issuance of the rating of record.
  4. Within-grade increases will be delayed during the opportunity to improve.

## **2-7. Performance Evaluation**

### A. Completion of Ratings Record.

1. Annual Rating of Record. Rating officials must complete ratings of record within 30-days after the end of the performance cycle, except as otherwise provided in this program and summarized in Appendix A. They should encourage employees to provide input about their performance and a self-assessment prior to completing the rating. Rating officials must submit their ratings of record to the reviewing officials who approve the ratings before the rating officials discuss the ratings with their employees. The rating becomes final when issued to the employee with all appropriate reviews and signatures. At this time, the annual rating of record becomes official for the purpose of any provision of title 5 CFR 430, for which an official rating of record is required.

A rating official who has supervised an employee for less than 90-days may prepare the rating of record when he or she believes they are sufficiently familiar with the employee's work. When preparing the rating of record with less than the 90-days experience as the employee's supervisor, the new rating official will consider any relevant documents or notes from the progress reviews and consult with the previous rating and reviewing officials, if possible. If the rating official does not feel they are sufficiently familiar with the employee's work to complete a valid rating, then the process

should be moved up one level e.g., the reviewing official becomes the rating official and the third level supervisor then assumes the role of the reviewing official.

2. Early Rating. A rating of record may be prepared within 90-days prior to the end of the performance cycle when warranted by a special circumstance (e.g., the employee is leaving the position for another position in the Department of Homeland Security; the rating official is leaving the position). However, the employee must be on a performance plan for a minimum of 90-days in order to receive a rating of record.
- B. Extension of Rating Period. The performance cycle may be extended for up to 90-days when warranted by a special circumstance. Appendix A identifies rating official's responsibilities under various situations. For example: if the employee has not met the 90-day minimum rating period at the end of the performance cycle; or the rating official has not supervised the employee for 90-days and, for that reason, is not sufficiently familiar with the employee's work to prepare a rating of record.
- C. Completion of Interim Evaluations. An employee who: (1) completes a detail or temporary promotion of more than 90-days; (2) moves to a new position or new supervisor within the Department of Homeland Security during the rating period; or (3) is under the supervision of a rating official who leaves his or her position prior to the last 90-days of the rating period, will receive an interim evaluation. An interim evaluation will contain a written narrative describing the employee's performance and identifies an interim rating level for each performance goal and core competency, but does not assign a summary rating of overall performance. The employee's permanent supervisor will consider interim evaluations when the rating of record is prepared at the end of the performance cycle. If an employee is on detail at the end of the performance cycle, an interim evaluation should be requested by the permanent supervisor for consideration.
- D. Union Representatives. Rating officials will not consider authorized official time spent by union representatives on representational matters when appraising their performance. Rather, rating officials will rate union representatives only on the time they devote to the performance of official FEMA duties provided the union representative is covered by a performance plan for at least the minimum 90-day period.
- E. Consideration of Employee Input and Other Information. The rating official will consider employee input (e.g., self-assessment) and any other information regarding performance (e.g., employee input on key results or major accomplishments, progress reviews, interim evaluations). The rating official will also consider the performance of the work unit as a whole and resolve any inconsistencies between the two (e.g., the unit performance was poor but the employee's performance exceeds expectations). The rating official will then use one of four rating levels below to rate the employee's performance for each individual performance goal and core competency against the appropriate performance standard. The four rating levels are:

1. Achieved Excellence: The employee performed as described by the “Achieved Excellence” standards. This equates to a performance level of 5.
2. Exceeded Expectations: The employee performed at a level between “Achieved Excellence” standards and the “Achieved Expectations” standards. This equates to a performance level of 4.
3. Achieved Expectations: The employee performed as described by the “Achieved Expectations” standards. This equates to a performance level of 3.
4. Unacceptable: The employee performed below the “Achieved Expectations” standards; corrective action is required. This equates to a performance level of 1.

## **2-8. Summary Rating**

The summary rating of an employee's overall performance is derived by using the rating levels assigned to each performance goal and additional core competency as follows:

- A. Individual Performance Goals (Accounts for 60% of the overall summary rating): The performance level assigned to each individual performance goal under this competency will be multiplied by its assigned weight. The sum of the results of those calculations is multiplied by 60% (0.60) to determine the subtotal for this competency. The subtotal is rounded to the nearest one-tenth (e.g., using standard rounding; 2.45 is rounded up to 2.5; and 2.44 is rounded to 2.4). However, if one individual performance goal is rated “Unacceptable”, then this competency is rated “Unacceptable” and the numerical rating is 0 unless designated as a team or developmental goal by the rating official in the goal title.
- B. Core Competencies (Accounts for 40% of the overall summary rating): The performance level assigned to the core competencies will be totaled and then divided by the number of competencies to arrive at an average score. The average is multiplied by 40% (0.40) to determine the subtotal for these competencies. The total will be rounded to the nearest one-tenth as described in subparagraph (1) above.

The two subtotal ratings will be added together to obtain the overall summary rating. This numeric rating is converted into one of the four summary rating levels as shown below. A written justification is required to support all summary ratings. Each core competency is a critical element. Individual performance goals are critical unless designated as team or developmental by the rating official in the goal title. If one or more critical element is rated as "Unacceptable," then the summary rating must be "Unacceptable."

- C. The summary rating is calculated using the following scale:
  1. 4.5 or higher, the summary rating is “Achieved Excellence.”
  2. 3.5-4.4, the summary rating is “Exceeded Expectations.”
  3. 2.5-3.4, the summary rating is “Achieved Expectations.”

4. Less than 2.5, the summary rating is “Unacceptable.”

Forced distributions of ratings and/or quotas for ratings are not permitted at any rating level. This prohibition does not prevent management officials from making distinctions among employees or groups of employees based on performance for other purposes (e.g., for award determinations).

D. FEMA management officials may not lower the rating of record of an employee due to an approved absence from work. This includes the absence of a disabled veteran to seek medical treatment as provided in Executive Order 5396.

## **2-9. Rating of Record Disputes**

Employees are encouraged to informally resolve concerns over their ratings of record with their rating and reviewing officials. Supervisors are expected to engage in open and constructive dialogue with employees about performance and to prevent and resolve workplace disputes. If the concerns remain unresolved, employees may pursue them through the appropriate dispute resolution processes.

Bargaining unit employees may grieve a rating of record through a negotiated grievance procedure where an applicable procedure exists and covers such grievances. Bargaining unit employees should refer to their negotiated agreement for the applicable grievance procedures.

A non-bargaining unit employee may grieve a rating of record using FEMA’s Administrative Grievance System.

A FEMA employee may use the Equal Employment Opportunity (EEO) complaint process in 29 CFR 1614, if he or she believes the performance rating of record is based on unlawful discrimination and/or harassment.

An employee or supervisor may utilize the Alternative Dispute Resolution (ADR) process, which provides supervisors and employees the resources to support collaboration and resolve differences.

## **2-10. Transfer of Rating**

According to OPM’s, “Guide to Personnel Recordkeeping and the National Archives General Records Schedules,” the three most recent ratings of record within the last 4 years will transfer when an employee is reassigned. Performance records transferred from a previous employer may be filed with records created by the Agency.

## **2-11. Performance Related Personnel Actions**

The governing applicable laws, regulations, and department and agency directives provide for ratings of record to be used as a basis for taking appropriate personnel actions.

Ratings of record will be used as a basis for making:

- A. Within-grade increase determinations under 5 CFR part 531, subpart D, "Within-Grade Increases," or quality step increases under 5 CFR part 531, subpart E, "Quality Step Increase" (for example: for a within-grade increase, an employee's most recent rating of record must be at least "Achieved Expectations;" and for a quality step increase, an employee's most recent rating of record must be at least "Achieved Excellence;" and
- B. A pay determination under any other applicable law or regulation consistent with governing the Department of Homeland Security Management Directives and policies.
- C. Reduction-in-force. Ratings of record will be used during reductions-in-force as provided in 5 CFR Part 351.
- D. Promotions. Ratings of record will be used in promotions consistent with governing laws and regulations and negotiated agreements.
- E. Other Purposes. Ratings of record will be used for other purposes consistent with governing laws, regulations, Department and Agency directives, and negotiated agreements.

## **2-12. Awards**

Ratings of record may be used as a basis for determining whether to grant an award under 5 U.S.C. chapter 45, 5 CFR Part 451, and Department and Agency directives.

## APPENDIX A – Rating Official Responsibilities under Certain Situations

Nature of Action (NOA)	Prior to the Last 90-days of the Performance Cycle	During the Last 90-days of the Performance Cycle
Permanent Change in Position [Reassignment, Demotion, or Promotion (including Career Ladder Promotions)] and there is a Change in Supervisor.	<p><b>OLD SUPERVISOR:</b> Executes an interim evaluation if the employee has been on a performance plan for more than 90-days.</p> <p><b>NOTE:</b> No action required, if the employee has not been on a performance plan for more than 90-days.</p> <p><b>NEW SUPERVISOR:</b> Places the employee on a new performance plan. At the end of the annual performance cycle executes a rating of record on the new performance plan, giving consideration to the interim evaluation completed by the losing supervisor.</p>	<p><b>OLD SUPERVISOR:</b> Executes a rating of record if the employee has been on a performance plan for more than 90-days.</p> <p><b>NOTE:</b> If the old supervisor does not execute a rating of record.</p> <p><b>NEW SUPERVISOR:</b> Places the employee on a new performance plan and extends the performance cycle, up to 90-days, until such time as the employee has been on the plan for 90-days. Executes a rating of record. Places the employee on a new performance plan.</p>
Permanent Change in Position [Reassignment, Demotion, or Promotion (including Career Ladder Promotions)] and there is no Change in Supervisor.	<p><b>SUPERVISOR:</b> Executes an interim evaluation if the employee has been on a performance plan for more than 90-days.</p> <p><b>NOTE:</b> No action required, if the employee has not been on a performance plan for more than 90-days.</p> <p>Places the employee on a new performance plan. At the end of the annual performance cycle, executes a rating of record, on the new performance plan, giving consideration to any interim evaluations.</p>	<p><b>SUPERVISOR:</b> Executes a rating of record if the employee has been on a performance plan for more than 90-days.</p> <p>Places the employee on a new performance plan, at the beginning of the new performance cycle.</p>

Nature of Action (NOA)	Prior to the Last 90-days of the Performance Cycle	During the Last 90-days of the Performance Cycle
Detail of More than 90-days.	<p><b>SUPERVISOR OF RECORD:</b> No action when the employee leaves for detail.</p> <p>At the end of the annual performance cycle, executes a rating of record, giving consideration to the interim evaluation completed by the detail supervisor.</p> <p><b>DETAIL SUPERVISOR:</b> Will place the employee on a performance plan. Executes an interim evaluation when the detail is completed, (which is considered by the supervisor of record when executing the rating of record) if the detail ends during the performance cycle. Executes an interim evaluation at the end of the performance cycle if the detail extends beyond the end of the performance cycle, (which is considered by the supervisor of record when executing the rating of record).</p>	<p><b>DETAIL SUPERVISOR:</b> Places the employee on a performance plan. Completes an interim evaluation at the end of the detail.</p> <p><b>SUPERVISOR OF RECORD:</b> Executes a rating of record at the end of the performance cycle considering any interim evaluations provided. Places the employee on a new performance plan at the beginning of the new performance cycle.</p>

Nature of Action (NOA)	Prior to the Last 90-days of the Performance Cycle	During the Last 90-days of the Performance Cycle
Temporary Promotion of More than 90-days.	<p><b>PERMANENT SUPERVISOR:</b>            Temporary promotion begins and employee leaves permanent position:            Executes an interim evaluation if the employee has been on the plan for more than 90-days.            Ensures plan then becomes inactive.</p> <p>Temporary promotion ends and employee returns to permanent position:            Reactivates the performance plan for permanent position.            Executes a rating of record at the end of the performance cycle giving consideration to all interim evaluations completed during the performance cycle.</p> <p><b>TEMPORARY SUPERVISOR:</b>            Temporary promotion begins and employee arrives at temporary promotion position:            Places the employee on a new performance plan. (The employee's performance plan from the permanent position becomes inactive).            If the temporary promotion ends prior to the last 90-days and employee returns to permanent position:            Completes an interim evaluation.            The Performance Plan for the permanent position is reactivated.</p>	<p><b>PERMANENT SUPERVISOR:</b>            Temporary promotion begins and employee leaves permanent position:            Executes a rating of record if the employee has been on a performance plan for 90-days.            No action required, if the employee has not been on a plan for 90-days.</p> <p><b>TEMPORARY SUPERVISOR:</b>            Temporary promotion begins and employee arrives at temporary promotion position:            If the permanent supervisor <i>does</i> execute a rating of record, then the temporary supervisor waits until the beginning of the new performance cycle and places the employee on a new performance plan based on the higher grade.            If permanent supervisor <i>does not</i> complete a rating of record due to the 90-day requirement, it is strongly recommended the temporary supervisor place the employee on a performance plan and extend the performance cycle until such time as the employee has been on the plan for 90-days and then execute a rating of record. Otherwise, the employee will <u>NOT</u> receive a rating of record for that year.</p>

Nature of Action (NOA)	Prior to the Last 90-days of the Performance Cycle	During the Last 90-days of the Performance Cycle
Change in Supervisor (Employee is not moving).	<p>DEPARTING SUPERVISOR: Executes an interim evaluation.</p> <p>NEW SUPERVISOR: May re-validate (by discussing and re-signing) the performance plan created by the departing supervisor or place the employee on a new performance plan. At the end of the performance cycle, executes a rating of record.</p>	<p>DEPARTING SUPERVISOR: Executes a rating of record. If the departing supervisor does not complete the rating of record prior to leaving, the Reviewing Official may then execute the rating of record at the end of the performance cycle.</p> <p>NOTE: If the departing supervisor or reviewing official <i>does not</i> execute a rating of record, then:</p> <p>NEW SUPERVISOR: Executes a rating of record if familiar with the employee's performance or, if not familiar, extends the performance cycle. If the employee was never previously issued a performance plan, NEW SUPERVISOR may place the employee on a new performance plan and extend the performance cycle to meet the 90-day requirement. At the beginning of the new performance cycle, places the employee on a new performance plan.</p>

Nature of Action (NOA)	<i>Prior to the Last 90-days of the Performance Cycle</i>	<i>During the Last 90-days of the Performance Cycle</i>
Transfer to a position outside the Department of Homeland Security and its Components.	<p>DEPARTING SUPERVISOR: Executes a rating of record (which is transmitted to the gaining agency) if the employee has been on a performance plan for at least 90-days.</p> <p>NOTE: No action required, if the employee has not been on a plan for 90-days.</p>	<p>DEPARTING SUPERVISOR: Executes a rating of record (which is transmitted to the gaining agency) if the employee has been on a performance plan for at least 90-days.</p> <p>NOTE: No action required, if the employee has not been on a plan for 90-days.</p>

## APPENDIX B – Calculating the Summary Rating

The summary rating based on the individual ratings entered.

SUMMARY RATING CALCULATION	Employee – Alex	Employee - Beth	Supervisor - Bob
A. Individual Performance Goals – At least one (usually three to five) individual performance goals each with a weight. Goal Weight x Goal Rating = Goal Result			
Individual Performance Goal 1	$55\% \times 2 = 1.10$	$40\% \times 4 = 1.60$	$30\% \times 4 = 1.20$
Individual Performance Goal 2	$25\% \times 3 = 0.75$	$25\% \times 3 = 0.75$	$20\% \times 3 = 0.60$
Individual Performance Goal 3	$20\% \times 4 = 0.80$	$20\% \times 2 = 0.40$	$10\% \times 2 = 0.20$
Individual Performance Goal 4		$15\% \times 4 = 0.60$	$20\% \times 2 = 0.40$
Individual Performance Goal 5			$20\% \times 4 = 0.80$
Sum of all Goals Results = Subtotal A <sup>1</sup>	2.65	3.35	3.20
B. Core Competencies – The five pre-established competencies are weighted equally. For supervisors assigning, monitoring and evaluating work and leadership are weighted 25% each.			
Technical proficiency	3	4	3
Customer service (except 1811 and 1896)	3	N/A	4
Teamwork/cooperation	3	3	3
Communications	2	4	3
Representing the agency	2	4	4
Assigning, monitoring, & evaluating work	N/A	N/A	2
Leadership	N/A	N/A	3
Average of Additional Ratings = Subtotal B	$13 \div 5 = 2.60$	$15 \div 4 = 3.75$	$22 \div 7 = 3.14$
C. Summary Rating Calculation			
Subtotal A x 60% = Summary Rating A <sup>2</sup>	$2.65 \times 0.60 = 1.6$	$3.35 \times 0.60 = 2.0$	$3.20 \times 0.60 = 1.9$
Subtotal B x 40% = Summary Rating B Rating Total	$2.60 \times 0.40 = 1.0$ 2.6	$3.75 \times 0.40 = 1.5$ 3.5	$3.14 \times 0.40 = 1.3$ 3.2
D. Rating Total = Summary Rating	Achieved Expectations	Exceeded Expectations	Achieved Expectations
Achieved Excellence: 4.5 or higher. Exceeded Expectations: 3.5– 4.4. Achieved Expectations: 2.5 – 3.4. Unacceptable: Less than 2.5.			

<sup>1</sup> If one individual performance goal or other competency is rated 0 (Unacceptable), then the Summary Rating is 0 unless designated as team or developmental by the rating official in the goal title.

<sup>2</sup> The total is rounded to the nearest one-tenth (e.g., using standard rounding, 2.45 is rounded up to 2.5; 2.44 is rounded to 2.4).



**FEMA MANUAL 256-3-1  
ADMINISTRATIVE GRIEVANCE SYSTEM  
APPROVAL DATE: 09/12/2014**

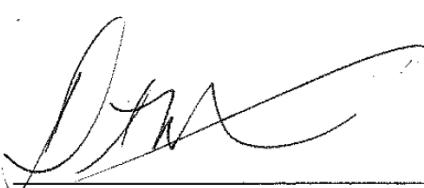


**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**



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**Corey J. Coleman**  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer  
Date: 7/11/14



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**David M. Robinson**  
Associate Administrator  
Mission Support  
Date: 9/12/14

## **Foreword**

This Manual provides guidance and policy direction for the administration, implementation, and oversight of the Federal Emergency Management Agency's (FEMA) Administrative Grievance System.

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## CHAPTER 1 - GENERAL INFORMATION

### **1-1. Purpose**

This Manual establishes the Federal Emergency Management Agency's (FEMA's) Administrative Grievance System (AGS). The AGS provides a fair and timely forum for internal review and resolution of employment-related disputes that is consistent with Department of Homeland Security (DHS) policy.

### **1-2. Applicability and Scope**

This Manual applies FEMA-wide to the following employees and situations:

#### A. Employee Coverage:

1. Except as provided in Section 1-2.A.2.b below, this AGS applies to employees in FEMA and former employees (hereafter employees) for whom a remedy consistent with law and regulation can be provided by FEMA.
2. The following employees are not covered by this Manual:
  - a. Employees hired under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.
  - b. Employees in an exclusive bargaining unit with a negotiated grievance procedure covering the matter being grieved under 5 United States Code (U.S.C.) Chapter 71.
  - c. Individuals paid from non-appropriated funds.

#### B. Grievance Coverage:

1. Matters Covered - Except as provided in 1-2.B.2 below, this AGS applies to any matter of employee concern or dissatisfaction for which personal relief is possible and is subject to the control of FEMA management, including any matter in which an employee alleges that coercion, reprisal, or retaliation occurred against him/her for using this grievance system.
2. Matters Not Covered - The following matters are not covered:
  - a. The content of DHS or FEMA policy, directive, manual, or regulation.
  - b. A matter that the employee may:
    - i. Grieve under a negotiated grievance procedure (5 U.S.C. 7121); or
    - ii. Appeal or challenge with another organization or forum (such as: the Merit Systems Protection Board; U.S. Office of Personnel Management; Federal Labor Relations Authority; or Equal Employment Opportunity Commission) that has authority to grant a remedy. Examples include: removals; suspensions for more than 14 days; classification of a position; unfair labor practices; and allegations of discrimination.

- c. Non-selection for promotion from a group of properly ranked and certified candidates, a promotion for which competition was previously held, or failure to receive a noncompetitive promotion.
- d. A preliminary warning, proposal, or notice (to include but not limited to, verbal and written counseling).
- e. An action terminating a probationary employee or an employee serving a trial period, including the return of an employee from an initial appointment as a supervisor or manager to a non-supervisory or non-managerial position, for failure to successfully complete the probationary period.
- f. The assignment of work.
- g. The substance of an employee's performance plan or evaluation.
- h. Quarterly reviews and interim appraisals.
- i. The non-adoption of a suggestion.
- j. The failure to receive, or the amount of, a monetary or non-monetary award, including a quality-step or quality-rate increase.
- k. A decision to grant or not grant a Senior Executive Service (SES), Senior Level (SL), or Scientific or Technical (ST) pay rate increase or Presidential Rank, performance, or other SES award.
- l. The performance evaluation of a SES appointee; reassignment of SES appointee following receipt of an unsatisfactory rating; the return of a SES career appointee to the General Schedule or other pay system during the one year probationary period or for less than fully successful performance; the termination of a SES career appointee during probation for unacceptable performance.
- m. The payment of, the failure to pay, or the amount of a recruitment bonus, a relocation bonus, a retention allowance (including its termination), student loan repayment, or a supervisory differential; or the amount of critical position pay; or failure to request or grant an exception to dual-compensation restrictions.
- n. The interpretation, application, or effect of collective bargaining agreement provisions.
- o. Relief that is not personal to the grievant or is not subject to FEMA management control.
- p. The termination or expiration of a time-limited (temporary, term, SES limited emergency or limited term) appointment or promotion, on the date specified or at any other time, if the employee was informed in advance of the time-limited nature of the appointment or promotion and, if a promotion, the employee was returned to his or her prior position or a position of equivalent grade and pay.

- q. The disallowance of an employee's representative.
- r. The final decision made on a grievance or how the grievance was processed.
- s. Any issue currently under audit or investigation by the Office of Inspector General, DHS, the Merit Systems Protection Board, the US General Accountability Office, or other appropriate adjudicative authority.

#### **1-3. Supersession**

This Manual supersedes FEMA Manual 3300.1, FEMA Administrative Grievance System, dated September 29, 1992.

#### **1-4. Authorities/References**

- A. Title 5, Code of Federal Regulations (C.F.R.) Part 771, Agency Administrative Grievance System.
- B. Title 5, C.F.R. 300, Employment (General).
- C. Title 29 C.F.R. Part 1614, Federal Sector Equal Employment Opportunity.
- D. DHS Management Directive 256-02, Administrative Grievance System, dated May 31, 2007.

#### **1-5. Policy**

- A. It is in the interest of the employee and supervisor to resolve grievances at the lowest level possible. The employees and supervisors should consider a grievance as a mutual problem and work together toward a satisfactory resolution. Mutual and satisfactory resolution works best when: the grievant and representative focus on describing the concern(s) and satisfactory remedies; the supervisor focuses on providing a full explanation and a fair, creative, and prompt resolution; and all parties focus on the issues and avoid personal recriminations and accusations of bad faith.
- B. This Manual endorses the importance of promptly recognizing, preventing, and/or resolving employment-related disputes, and treating all employees reasonably and fairly. It is FEMA policy to ensure:
  1. Freedom from Adverse Impact. An employee's initiation of a grievance in good faith :
    - a. Is permitted without restraint, interference, coercion, discrimination, or reprisal.
    - b. Will not adversely impact his/her standing with the supervisor or call into question the employee's loyalty or importance to FEMA.
    - c. Will not reflect negatively on the employee's supervisor or on FEMA management.
  2. Informal Resolution When Possible. Supervisors and managers will strive to resolve grievances informally and at the lowest level possible.

3. Employee Rights.
  - a. Right to Present a Grievance.
  - b. Right to Representation. An employee may present a grievance with or without representation. A grievant may be advised, represented, and accompanied by a representative of his or her choice who is a willing participant. FEMA management may disallow a chosen representative if the particular individual would:
    - i. Result in a conflict of interest or position;
    - ii. Conflict with a priority need of FEMA or the Government; or
    - iii. Result in unreasonable cost.
4. Right to Official Time to Prepare and Present a Grievance. The grievant and representative, if otherwise in an active duty status and with the prior approval of his/her respective supervisor, are allowed a reasonable amount of official time to prepare and present a grievance.
5. Right to Payment of Reasonable Expenses. The salary for any employee participating in a grievance as a grievant, representative, fact finder, witness, etc., will be paid in the same manner as if the employee were on a regular work assignment, provided the use of official time is authorized and approved in advance by the employee's supervisor. Overtime work may not be approved for this purpose. Travel, per diem, contract services, and other expenses directly related to fact finding may be paid when reasonable and approved in advance by the Chief of Employee Relations.
6. Right to Communicate. The grievant and representative may communicate with and seek advice or information from appropriate sources, including the Office of the Chief Component Human Capital Officer (OCCHCO), and a supervisor or management official with knowledge or information relevant to the grievance. This communication may be by telephone, email, letter, or in person, by appointment. The grievant and his/her representative may use existing agency communications facilities (e.g., mail, telephone and email). The grievant is responsible for other costs incurred unless approved in advance by the Chief of Employee Relations.

## 1-6. **Definitions**

- A. **Administrative Grievance**. An employee's dissatisfaction or dispute in the workplace for which there is no other form of review within or outside FEMA. One employee (or a group of employees acting as individuals) may submit a written request for personal relief in a matter of concern or dissatisfaction relating to the employee's employment that is subject to the control of FEMA management and not excluded by 1-2.B.2 above or by an applicable statute or regulation.
- B. **Day**. Means calendar day. When counting days, day one is the first calendar day following the act or occurrence; for example, the receipt of the grievance, the receipt of a decision, etc.

- C. **Deciding Official**. A management official who is at a higher level than the supervisor or management official responsible for the matter being grieved and who was not involved in making or influencing a decision directly related to the matter being grieved. Note: If the Administrator is the grievant's first or second-level supervisor, he/she may delegate the Deciding Official responsibilities to another management official.
- D. **Fact Finder**. A person designated to investigate a grievance, make findings of fact, and write a report of investigation. A Fact Finder may not be subordinate to any official substantively involved in the matter being grieved. The Fact Finder is a neutral party and shall not be involved in making or influencing a decision regarding the matter(s) being grieved or the grievance itself.
- E. **Grievant**. A current or former employee, or group of FEMA employees, who has filed a grievance and for whom an appropriate remedy can be provided.
- F. **Personal Relief**. A specific action, explanation, or remedy personally benefiting the grievant(s). It may not include disciplinary or other action affecting another employee, including a supervisor or management official.
- G. **Official Time**. Duty time during which an employee is authorized by a supervisor to prepare and present a grievance.
- H. **Representative**. A person designated by the grievant who has agreed to advise, assist, or represent the grievant in the preparation and/or presentation of a grievance.

## **1-7. Responsibilities**

- A. **The FEMA Administrator** is responsible for establishing FEMA-wide policies and procedures for Administrative Grievances consistent with DHS requirements.
- B. **The Chief Component Human Capital Officer** is responsible for:
  1. Developing and updating AGS policies and procedures.
  2. Ensuring that managers, supervisors, and employees are notified of current policies, procedures, and changes thereto.
- C. **The Chief of Employee Relations** is responsible for:
  1. Providing confidential advice on matters covered by this policy and procedures to employees, supervisors, and managers.
  2. Ensuring compliance with AGS policies and procedures.
  3. Deciding what is a reasonable amount of official time for the grievant and representative, if any, to prepare and present a grievance, when the supervisor and employee disagree.
  4. Deciding whether or not to disallow a grievant's choice of representative.
  5. Appointing an individual to act as Fact Finder.
  6. Deciding whether or not to approve fact finding expenses.

7. Deciding whether or not to approve a grievant's communication costs.

D. Deciding Officials are responsible for:

1. Giving each grievance full, impartial, and prompt consideration.
2. Ensuring their review includes, but is not limited to, the following:
  - a. A review of all issues of fact.
  - b. A review for compliance with relevant published regulations and applicable DHS directives, manuals, and instructions.
  - c. A review for compliance with relevant published FEMA directives, manuals, policies, and procedures.

E. Managers and Supervisors are responsible for:

1. Acting constructively, promptly, fairly, and in concert with this Manual on any issue raised as a grievance.
2. Notifying Employee Relations immediately following any discussion with an employee regarding a planned or potential grievance.
3. Seeking advice, guidance, and assistance from Employee Relations when needed to resolve a grievance.
4. Authorizing a reasonable amount of official time for employees and their representatives to prepare and present a grievance.

F. Employees with a grievance, concern, dissatisfaction, or dispute are responsible for:

1. Exercising their grievance rights constructively.
2. Contacting Employee Relations for confidential advice, if any is wanted.
3. Complying with the requirements of this Manual when filing a grievance.

**1-8. Questions**

Questions concerning the Administrative Grievance system should be addressed to the Office of the Chief Component Human Capital Officer at (202) 646-3962.

## **CHAPTER 2 - PROCEDURES**

### **2-1. Time Limits**

- A. Employees must submit a grievance within the time limits below, unless the employee can show the delay was caused by circumstances beyond his/her control.
- B. Short time extensions may be granted by the grievant's supervisor and/or Employee Relations, but must be reasonable and documented. Employee Relations may approve extensions due to illness, unforeseeable emergencies, etc. that are reasonable for the circumstance(s). Extensions will be documented, and the days granted are not counted.
- C. When counting days, day one is the first calendar day following the act (or occurrence) or the first calendar day following receipt of a grievance or response.

### **2-2. Step 1 Grievance Procedures**

- A. An employee's Step 1 grievance shall be considered timely filed if filed:
  - 1. Within 15 days of the date of the act or within 15 days after the employee first became aware or should have become aware of the action; or
  - 2. Within 15 days of the date of the most recent act of a continuing practice or condition.
- B. An employee's Step 1 grievance must be submitted to the employee's first line supervisor or management official responsible for the action grieved and must:
  - 1. Be in writing.
  - 2. Describe the basis for the grievance, providing sufficient detail to clearly identify the issue(s) of concern or nature of the dispute.
  - 3. Describe the personal relief requested.
  - 4. Include any relevant documents available.
  - 5. List of any similar complaints, appeals, or administrative grievances that the grievant has filed or expects to file.
  - 6. Provide his/her name, address, and telephone number and that of his/her representative, if any, plus evidence the representative has agreed to represent the grievant.
- C. Upon receipt of a Step 1 grievance the supervisor or management official will:
  - 1. Notify Employee Relations that a grievance was submitted.
  - 2. Send a copy of the grievance and any relevant documents or additional information to Employee Relations.

- D. The supervisor or management official will provide a written response either granting or denying the grievance and describing any relief granted to the grievant, and representative, if any, within 30 days of receipt.
1. In deciding the grievance, the supervisor will review the grievance and all relevant information submitted with the grievance, consider the employee's views, and seek advice or additional information as necessary.
  2. The supervisor may, at his or her option, meet with the grievant and/or representative, if any, to gather additional information or allow the grievant to present additional information.
  3. After rendering a decision, the supervisor shall send the grievance, with any notes, additional information, and his or her written reply to Employee Relations.

### **2-3. Step 2 Grievance Procedures**

- A. An employee's Step 2 grievance shall be considered timely filed, if:
  1. A Step 1 grievance was timely filed; and
  2. A Step 2 grievance is filed within five days of the receipt of the written reply to the Step 1 grievance or, if no Step 1 decision was received, within five days after the Step 1 decision was due.
- B. An employee's Step 2 grievance must be submitted to the management official one level above the Step 1 official and must:
  1. Be in writing.
  2. Only include issues raised in the Step 1 grievance, providing sufficient detail to clearly identify the issue(s) of concern or nature of the dispute.
  3. Describe the personal relief requested.
  4. Include any relevant documents available.
  5. Include a copy of the Step 1 grievance and reply, if any.
  6. List of any similar complaints, appeals, or administrative grievances that the grievant has filed or expects to file.
  7. Provide his/her name, address, and telephone number and that of his/her representative, if any, plus evidence the representative has agreed to represent the grievant.
- C. Upon receipt of a Step 2 grievance the Deciding Official will:
  1. Acknowledge receipt by email within two days of receiving a Step 2 grievance; and
  2. Work with Employee Relations.

D. The Deciding Official will:

1. Within five days of receiving the grievance, review the grievance and request or decline the appointment of a Fact Finder through Employee Relations and notify the grievant and representative, if any, whether a Fact Finder has been requested.
2. If a Fact Finder is appointed, the Deciding Official shall render a decision within 20 days after receipt of the Fact Finder's report. The Deciding Official shall review the grievance, Fact Finder's report, and grievant's comments, if any. The Deciding Official may choose to meet with the grievant and or their representative during this period.
3. If a Fact Finder is not appointed, the Deciding Official shall render a decision within 60 days after receiving the grievance. The Deciding Official shall review the grievance and grievant's comments, if any. The Deciding Official may choose to meet with the grievant and or their representative during this period.
4. Render a written decision which includes relevant findings of fact, reasons for the decision, a decision granting, not granting, or partially granting the personal relief requested, actions needed to implement the decision, the time-table for implementation, and a statement that the decision is final and binding on FEMA and the grievant. The decision shall be sent to the grievant and representative, if any, the grievant's supervisor or responsible management official, and the Chief of Employee Relations.
5. Within five days after submitting the written decision, send the signed response to Employee Relations to be placed with the grievance documentation.

E. Fact Finding Process

1. The Fact Finder's goal is to determine impartially the facts of the case as simply and as directly as circumstances will allow and submit a report to the Deciding Official. Personal interviews and group meetings may be recorded by the Fact Finder for the purpose of preparing a summary.
2. The Chief of Employee Relations will appoint a Fact Finder (usually a FEMA supervisor or management official) who has not been involved in the issue being grieved and does not occupy a position subordinate to any official who recommended, advised, made a decision on, or otherwise is or was involved in the matter being grieved, unless that official is the Administrator of FEMA.
3. The Fact Finder will conduct an inquiry of a nature and scope appropriate to the issues involved in the grievance. The inquiry will be restricted to the issues raised in the written grievance and the personal relief requested. The grievant may not raise additional issues or revise the relief requested during the course of the grievance. The inquiry shall be conducted as informally as possible consistent with obtaining the facts. The inquiry may involve, but is not limited to, review and/or securing of documentary

evidence (relevant laws, Executive Orders, regulations, directives, manuals, instructions, guidance, etc.) and personal interviews or group meetings. Generally, the Fact Finder will meet with the grievant and/or grievant's representative, listen to their presentation, and receive any additional documents offered. If a personal meeting and presentation is impractical, because of distance or other reasons, the Fact Finder may solicit information by other means.

4. Within 25 days of receiving the grievance, the Fact Finder shall:
  - a. Conduct an inquiry, if needed, to clarify the issue(s) and determine all facts relevant to the grievance. At his/her discretion, this inquiry usually consists of obtaining and summarizing relevant documentary evidence and conducting personal interviews and/or group meetings. However, the Fact Finder may submit questions in writing and request written replies, or use any other research or investigative techniques he or she deems necessary and appropriate.
  - b. Prepare and submit a Fact Finder's Report to the Deciding Official and the grievant and representative, if any. This report will identify and summarize all facts relevant to the issue(s) of concern.
5. Upon written request to Employee Relations, the Fact Finder's time-limit may be extended to accommodate unusual circumstances or deal with unusually complex issues.
6. Within 10 days after receiving a Fact Finder's Report, the grievant or representative, if any, may submit comments on the report to the Deciding Official.

## CHAPTER 3 - SPECIAL ISSUES

### **3-1. Cancellation of Grievances**

The Chief of Employee Relations will cancel a grievance under any of the following circumstances:

- A. At the grievant's request.
- B. Upon termination of the grievant's employment with FEMA, unless the personal relief sought by the employee may be granted after termination of the employment.
- C. Upon the death of the grievant, unless the grievance involves a question of pay.
- D. For the grievant's failure to furnish necessary information or comply with the grievance system timeframes and procedures.

### **3-2. Allegations of Employment Discrimination**

If an allegation of unlawful discrimination is made in connection with a grievance, the allegation must be referred for processing in accordance with the Equal Employment Opportunity Commission (EEOC) regulation Title 29 C.F.R. Part 1614. The grievance process will not address issues related to the allegation of discrimination, including unlawful employment discrimination, based on race, color, religion, sex, national origin, age, handicap, and reprisal. Employees covered by a collective bargaining agreement must follow the procedures within the agreement for processing discrimination complaints.

### **3-3. Group Grievances**

A group of employees with a common complaint may present a grievance under the provisions of this policy. One person must be identified by the group as its representative so the grievance can be handled efficiently and expeditiously. If employees in the group have different supervisors, the Chief of Employee Relations may identify the supervisor or management official to whom the group representative first presents the grievance. Grievances submitted under the formal procedures, whether submitted by employees individually or as a group, may be considered by the same Deciding Official as a single package.

### **3-4. Disallowance of a Grievant's Choice of Representative**

A. The Chief of Employee Relations may disallow a grievant's choice of representative for any of the following reasons:

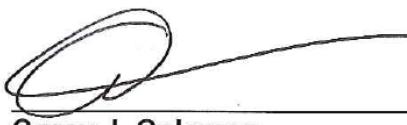
1. Priority Need of the Government. When a designated representative's supervisor believes the official time requested to serve as the grievant's representative will negatively impact the organization's ability to: meet program goals in a significant way; provide required or emergency services; or meet critical project deadlines.
2. Conflict of Position. When a designated representative's supervisor believes the normal duties of the representative's position may require the

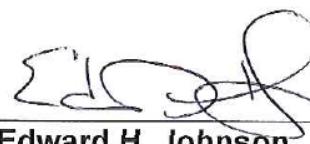
- representative to review, recommend, prepare, or otherwise assist in the preparation of management's response to the grievance.
- 3. Conflict of Interest. When the grievant's supervisor believes the normal duties of the grievant's position may require the grievant to act for management in official dealings with the representative.
  - 4. Unreasonable Cost to the Government. When the designated representative's supervisor believes authorization of official time would involve substantial travel costs or other related expenses.
- B. Initiation of a Disallowance Action. A supervisor or manager in the line of supervision over the representative or grievant may submit a request for disallowance to the Chief of Employee Relations. This request will describe briefly the reason(s) for requesting disallowance. This request should be made promptly, but may be made at any time during the processing of a grievance.
- C. Notification of Disallowance. The Chief of Employee Relations will notify the grievant in writing by sending a disallowance decision that clearly describes the reason(s) for disallowance.
- D. Challenging a Disallowance Decision. The grievant may challenge a disallowance decision by sending an appeal to the Chief Component Human Capital Officer or designee, OCCCHCO, within seven days after receiving the disallowance decision. The appeal will include the following:
- 1. A copy of the disallowance decision.
  - 2. All reasons in support of reversing the disallowance decision.
- E. Effect of a Disallowance on Grievance Processing. A disallowance decision suspends the time limit for seven days or until the grievant receives the final decision on a challenge. In addition, if the disallowance is sustained, the time limit is extended for up to seven more days so the grievant may obtain another representative.

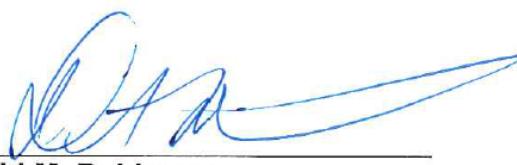
**FEMA MANUAL 252-11-1**  
**CADRE OF ON-CALL RESPONSE/RECOVERY EMPLOYEE (CORE)**  
**PROGRAM**  
**APPROVAL DATE: 08/25/2015**



**DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**  
**OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**

  
Corey J. Coleman  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer  
Date: 8/25/15

  
Edward H. Johnson  
Chief Financial Officer  
Office of the Chief Financial Officer  
Date: 8/25/2015

  
David M. Robinson  
Associate Administrator  
Mission Support  
Date: Aug 25, 2015

## **Foreword**

The Federal Emergency Management Agency (FEMA) intends to achieve business and management excellence by providing guidance and policy direction for the administration of FEMA's Cadre of On-call Response/Recovery Employees (COREs). FEMA's most valuable resource is its workforce; permanent and temporary employees who are focused on and committed to leading America to prepare for, prevent, respond to, and recover from all-hazards incidents. FEMA relies upon its temporary personnel, in particular, to carry out its role in incident management and support operations and to augment FEMA's permanent workforce.

The objective of the CORE Program is to attract and maintain a pool of highly skilled and motivated temporary personnel who are well trained and ready to respond and deliver quality and timely services to survivors and communities impacted by all-hazards incidents. The publication of this Manual will ensure consistent policy application and enable FEMA to better manage COREs in a cost effective and efficient manner, while offering the necessary incentives to recruit a professional incident workforce capable of assisting disaster survivors in their time of greatest need.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

This Manual establishes the policies and procedures for FEMA's Cadre of On-call Response/Recovery Employees (CORE) Program. FEMA will achieve consistency and facilitate the equitable and effective management of all COREs through the implementation of the policies and procedures set forth in this Manual.

### **1-2. Applicability and Scope**

- A. The provisions of this Manual apply to all FEMA COREs, unless otherwise indicated.
- B. FD 010-7, Incident Management Assistance Team (IMAT) Program Directive (IMAT Directive), is applicable to COREs who receive CORE-I appointments, also known as CORE-Incident Management Assistance Team (IMAT) Members or Pilot IMATs. Inconsistencies between this Manual and the IMAT Directive are resolved in favor of the IMAT Directive.
- C. The Attorney Hiring and Promotion Plan (AHPP), dated April 21, 2014, provides pay setting, pay adjustments, and promotion policy for CORE Attorneys. Inconsistencies between this Manual and the AHPP are resolved in favor of the AHPP.

### **1-3. Authorities**

Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended (Stafford Act), codified at 42 U.S.C. §§ 5121 et seq., provides FEMA with authority "to appoint and fix the compensation of such temporary personnel as may be necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service."

### **1-4. References**

The following list is not an exhaustive list of statutes, regulations, DHS and FEMA directives and manuals, policies, and guidance memorandums applicable to COREs.

- A. FEMA Policy 401-123-1, Equal Employment Opportunity (EEO) Policy Statement, October 1, 2014.
- B. Memorandum from the DHS Chief Human Capital Officer, Annual Leave Enhancements, February 17, 2006.
- C. DHS Instruction 121-01-007, DHS Personnel Suitability and Security Program, June 2009.
- D. DHS Management Directive 254-02, Employee Assistance Program, May 31, 2007.

- E. DHS Management Directive 0810.1, The Office of Inspector General, June 10, 2004.
- F. DHS Management Directive 3120.2, Employment of Non-Citizens, March 22, 2004.
- G. Memorandum from the Deputy Administrator, Every Employee an Emergency Manager—Action Items, January 20, 2012.
- H. FEMA Directive (FD) 010-7, Incident Management Assistance Team (IMAT) Program Directive, January 12, 2015.
- I. FEMA Directive 010-9, FEMA Incident Workforce Cadre Management, June 9, 2015.
- J. FEMA Directive 122-1, International Travel, October 24, 2011.
- K. FEMA Directive 122-2, Local Travel Reimbursement, March 12, 2013.
- L. FEMA Directive 122-4, Payment of Official Travel Expenses from a Non-Federal Source, June 27, 2013.
- M. FEMA Directive 122-7, Premium Class Travel, September 19, 2013.
- N. FEMA Directive 122-8, Invitational Travel, February 7, 2014.
- O. FEMA Directive 122-9, Travel Charge Card, April 18, 2014.
- P. FEMA Directive 119-6, Employee Physical Fitness Program, February 2, 2012.
- Q. FEMA Directive 141-1, Records Management Program Directive, March 6, 2014.
- R. FEMA Manual (FM) 106-1-1, Scheduling of Work, March 5, 2014.
- S. FEMA Manual 123-9-1, Telework, January 9, 2013.
- T. FEMA Manual 123-20-1, Drug-Free Workplace Program, July 28, 2014.
- U. FEMA Manual 253-2-1, Premium Pay, February 11, 2014.
- V. FEMA Manual 255-1-1, FEMA Employee Performance Management Program (EPMP), February 21, 2013.
- W. FEMA Manual 255-4-1, Employee Awards and Recognition, September 26, 2013.
- X. FEMA Manual 109-2-1, Privacy Program, June 4, 2013.
- Y. FEMA Manual 3300.3, FEMA Absence and Leave Policy, July 31, 2001.
- Z. FEMA Manual 6200.1, Travel Regulations, November 25, 1988.
- AA. Memorandum from the FEMA Chief Counsel, Appointment and Compensation of Stafford Act Employees Under Section 306(b)(1) of the Stafford Act, June 25, 2012.
- BB. Attorney Hiring and Promotion Plan, April 21, 2014.

CC.FEMA Interview and Selection Guidance, June 4, 2014.

DD.FEMA Budget Guidance on use of DRF/DRS resources, March 2015.

## **1-5. Policy**

- A. The authority provided by the Stafford Act allows FEMA to manage its CORE Program without being required to apply all of the provisions of Title 5, United States Code, and its implementing regulations. FEMA chooses, as a matter of policy, to administratively implement some Title 5 provisions and, in other circumstances, to use its Stafford Act authority to create and administer its own policies to more effectively manage Stafford Act employees consistent with the intent and program needs for these positions. In all circumstances, FEMA intends to develop and implement policies that are fair and equitable to its CORE workforce and that are consistently understood and implemented by FEMA managers and supervisors.
- B. COREs are hired to directly support the response and recovery efforts related to disasters and are funded out of the Disaster Relief Fund (DRF). As temporary employees, COREs cannot replace the work performed and funded through annual appropriations by permanent full-time staff. COREs can perform Stafford Act duties that are not otherwise funded in FEMA's budget and can be charged to an open disaster. The use of COREs must be reviewed and validated on a recurring basis to ensure a continued need for the positions and consistent funding decisions across FEMA.
- C. FEMA shall:
  1. Staff positions with the best qualified persons available;
  2. Develop and use COREs to the maximum extent possible consistent with the completion of FEMA's mission and the Stafford Act;
  3. Establish CORE positions with a minimum of two-year appointments (unless otherwise justified for less than two years based on workload analyses) based on requests from Offices and Directorates authorized to fill CORE positions. Offices and Directorates will request the renewal of a CORE's appointment prior to the CORE's expiration date, subject to funding (see section 3-9);
  4. Require COREs to sign a Conditions of Employment letter at the time of hiring and reappointment;
  5. Ensure that all personnel actions are taken without regard to political, religious, or labor organization affiliation or non-affiliation, marital or family status, race, color, gender, sexual orientation, national origin, disability, genetic information, age, or prior Equal Employment Opportunity (EEO) activity; without regard to criteria unrelated to the position, such as personal friendship or patronage, and that selections are based solely on job-related criteria; and do not fall within prohibited personnel practices identified at 5 U.S.C. § 2302(b);

6. Establish a pay system that will improve the ability of FEMA to attract and retain quality candidates and employees;
  7. Ensure that equal pay is provided for work of equal value, with appropriate consideration of both national and local pay rates paid by employers in the private sector, and that appropriate incentives and recognition should be provided for excellence in performance; and
  8. Provide effective education and training, consistent with Stafford Act duties, which will result in enhanced organizational and individual performance.
- D. COREs must:
1. Maintain high standards of integrity, conduct, and concern for the public interest; and
  2. Be prepared at all times to deploy or work from alternate work locations other than their normal official duty station.
- E. COREs may be terminated at any time, with cause (poor performance or misconduct), or without cause (such as when workload or funding diminishes or ends).
- F. A CORE may be subject to removal if the CORE declines a deployment request without reasonable cause.

## **1-6. Definitions**

- A. Algorithm. A formula for allocating a CORE's salary and benefits across multiple disaster declarations. The allocation should correlate to the estimated amount of time the CORE performs work attributable to each declaration.
- B. Annual Direct Charge CORE Certification. The annual process for verification of Disaster Relief Fund (DRF) related duties and the continued need for all CORE positions.
- C. Appointment. A personnel action that results in an individual becoming a FEMA employee. Individuals, who accept CORE positions, are given excepted service appointments with FEMA under the Stafford Act. Generally, appointments may not be effective prior to the date of approval by the appointing official and are only effective from the date of acceptance of the offer of employment and entrance on duty, unless a later date is stated on the SF-52, or other approving document.
- D. Ancillary Support. Personnel directly supporting disaster operations from their daily duty station.
- E. Backfill. Hiring an employee to fill a previously approved vacant funded position.
- F. Basic pay. The rate of pay fixed by administrative action for the position held before any deductions, but exclusive of additional pay of any other kind, including premium pay.

- G. Career path. A progression of positions in one or more occupational series leading to an increase in responsibility and proficiency.
- H. Confidential Financial Disclosure (OGE Form 450) Filer. A CORE who, because of the duties of his or her assigned position, must file confidential financial disclosure reports (OGE Form 450s) as directed by the Office of Government Ethics and FEMA's Office of the Chief Counsel pursuant to 5 C.F.R. § 2634 Subpart I. COREs in these positions are assigned FEMA duties that involve the exercise of significant discretion in certain sensitive areas. OGE Form 450 disclosures serve to ensure confidence in the integrity of FEMA operations by identifying and preventing potential conflicts of interest. If a CORE's position description indicates duties requiring a confidential financial disclosure, timely filing of OGE Form 450 is a condition of employment.
- I. Continuing Service Agreement (CSA). A written agreement between FEMA and a CORE under which the CORE agrees to a specified period of employment with FEMA in return for a monetary incentive or participation in a training or developmental program.
- J. Conversion Action. The process by which a non-CORE FEMA employee is appointed to a CORE position.
- K. CORE-I (IMAT CORE). A CORE assigned full-time to an IMAT and to an IMAT position description. CORE-Is receive four-year appointments and are the first FEMA personnel deployed to an incident, serving in leadership roles as part of an IMAT. When not deployed, IMAT CORE base salaries are paid from the Disaster Readiness and Support (DRS) account; however, when deployed their salaries are paid by the disaster (under the declaration). IMAT COREs are non-direct charge COREs and new, backfill, or reassignment actions are not subject to direct charge CORE requirements.
- L. Declaration. Declarations for DRF-funded events, including major disasters, emergencies, fire management declarations, and disasters under the Compact of Free Association.
- M. Demotion. A change to a lower grade or pay band and a decrease in pay as a result of an adverse action or poor performance.
- N. Direct Charge CORE. Employees whose primary duty is to carry out Stafford Act functions in support of open, active declarations or pre-event surge activities to an event for which a declaration is reasonably likely and imminent. The salary of a Direct Charge CORE is charged to Major Disasters, Emergencies, Fire Management Assistance Grants or the Disaster Surge account. Direct Charge COREs working on specific events should charge their time directly to those events. Direct Charge COREs working on multiple events or working as a part of a distributed group defined below should charge their time to an algorithm that accurately reflects the amount of work performed for each of those events. Specifically, the salary of a Direct Charge CORE may be structured in one of the following ways:

1. Specific Declaration: Salary is based on work performed on a single, specific declaration.
  2. Multiple Declarations: Salary is based on work that provides services to multiple declarations and is charged based on an established algorithm.
  3. Distributed Group Activities: Activities comprised of non-segregable declaration and non-declaration related functions that will be performed collectively by COREs and non-COREs. The number of COREs carrying out a particular Distributed Group Activity is based on the percentage of time required for the disaster related functions of that Distributed Group Activity. Charges are allocated across multiple disasters based on an established algorithm for the Distributed Group Activity.<sup>1</sup>
- Duties related to preparedness, readiness, and planning for future events are not allowable Direct Charge CORE duties. Charging a CORE's salary to declarations when the duties performed by the CORE do not support those declarations could result in a violation of the Anti-Deficiency Act (ADA) and result in adverse actions against the responsible officials.
- O. Distributed Group Activity Baseline. The ratio of COREs and non-COREs carrying out a particular Distributed Group Activity as determined by the percentage declaration and non-declaration functions performed for that Activity based on verifiable workload data and evaluation of current or past budget justification materials.
- P. FEMA Qualification System (FQS). A performance-based system for certifying FEMA employees as "Qualified" or "Trainee" in IM and IS positions; certification is based on successful completion of required experience, required training, and demonstrated performance (see FEMA Directive 010-9, Incident Workforce Cadre Management, dated June 9, 2014).
- Q. Fitness Determination. "Fitness" means "the level of character and conduct determined for an individual to perform work for or on behalf of a Federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee." Executive Order 13,488, § 2(d); implemented in DHS Instruction 121-01-007, Chapter 3.
- R. IM CORE. A CORE assigned to a two-year appointment and whose primary job duty is to perform an FQS incident management position. When not deployed, IM CORE base salaries are paid from the Disaster Readiness and Support (DRS) account; however, when deployed their salaries are paid by the disaster (under the declaration). IM COREs are non-direct charge COREs

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<sup>1</sup> For example, OCFO's FEMA Finance Center has a Distributed Group Activity that processes and pays invoices related to both disaster and non-disaster activities. Determining the number of CORE positions that should populate this Distributed Group Activity requires an analysis of the ratio of disaster functions versus non-disaster functions. If the analysis concludes that 70% of the functions are disaster related and the entire Distributed Group Activity requires 10 positions, then the analysis would justify 7 CORE positions out of the 10 needed to perform those functions.

- and new, backfill, or reassignment actions are not subject to direct charge CORE requirements
- S. Incident Management (IM). The incident-level operation of the Federal role in emergency response, recovery, logistics, and mitigation. Responsibilities include the direct control and employment of resources, management of incident offices, operations, and delivery of Federal assistance through all phases of response and recovery.
  - T. Incident Support (IS). The coordination of all Federal resources that support emergency response, recovery, logistics, and mitigation. Responsibilities include the deployment of national-level assets, support of national objectives and programs affected during the disaster, and support of incident operations with resources, expertise, information, and guidance.
  - U. Locality Payment. A locality-based comparability payment (see 5 U.S.C. § 5304 and 5 C.F.R. Part 531, subpart F).
  - V. Mission Essential. Personnel who perform a limited set of FEMA functions that must be continued throughout, or resumed rapidly after, a disruption of normal activities.
  - W. Non-Direct Charge CORE. COREs whose salaries are partially or wholly funded by the DRS account within the DRF. These employees' functions support operational readiness, response, and recovery functions of the Stafford Act that are not directly attributable to the response and recovery efforts of any specific declaration or pre-event surge activities to an event for which a declaration is reasonably likely and imminent. Examples of Non-Direct Charge COREs include IM and IMAT COREs when not deployed or working for an open disaster.
  - X. Offices and Directorates. Office of the Administrator, Office of Chief Counsel, Office of the Chief Financial Officer, Office of External Affairs, Office of Policy and Program Analysis, Office of Response and Recovery, Response Directorate, Recovery Directorate, Logistics Management Directorate, Protection and National Preparedness, National Preparedness Directorate, National Continuity Programs Directorate, Grant Programs Directorate, Mission Support, Office of the Chief Administrative Officer, Office of the Chief Component Human Capital Officer, Office of the Chief Information Officer, Office of the Chief Procurement Officer, Office of the Chief Security Officer, Federal Insurance and Mitigation Administration, FIA Mitigation, FIA Insurance, United States Fire Administration, and Offices of Regional Administrators.
  - Y. Pay Adjustment. Any increase or decrease in a CORE's basic pay when there is no change in the duties or responsibilities of the CORE's position within the same career path and pay plan (see sections 5-3 and 6-3).
  - Z. Pay Band. A range of pay for a group or categories of employees that FEMA established according to FEMA's Stafford Act authority.

- AA. Permanent Full-Time (PFT).** A permanent FEMA employee who meets the definition of “employee” under 5 U.S.C. § 2105.
- BB. Post-Action Review.** An internal control established to ensure compliance with the Annual Direct Charge CORE Certification review and documentation requirements established for Direct Charge CORE positions.
- CC. Program Area.** A discrete subdivision within an Office, Division, Branch, or Unit that performs work that is substantially different from the work performed by other subdivisions.
- DD. Promotion.** A personnel action that moves a CORE (1) to a higher grade; (2) from one pay band to a higher pay band in the same career path; or (3) to a position in another career path in combination with an increase in the CORE’s basic pay.
- EE. Qualifying Life Event (QLE).** OPM designated events deemed acceptable to the IRS that may allow premium conversion participants to change their participation election for premium conversion outside of an open season. For more information, see OPM’s Healthcare Reference Materials for a listing of the authorized Qualifying Life Events.
- FF. Reassignment.** A personnel action that moves a CORE from one position to another without promotion or change to a lower pay band, grade, or step, at management discretion and based on necessary approvals. Reassignment includes: (1) movement to a position in a new occupational series, or to another position in the same series; (2) assignment to a position that has been reclassified due to the introduction of a new or revised classification or job grading standard; (3) assignment to a position that has been reclassified as a result of a position review; and (4) movement to a different position at the same band but with a change in salary that is the result of a different locality payment.
- GG. Relative.** A father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, unmarried domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. The definition of “relative” for sick leave, Family Medical Leave Act (FMLA), and other leave purposes may be different; for more information see FEMA Manual 3300.3, Absence and Leave.
- HH. Rightsizing.** The process by which FEMA reduces CORE staff levels in response to changed conditions such as a diminished workload, or budgetary or statutory changes.
- II. Selecting Official.** A FEMA employee who is authorized to make a hiring decision.
- JJ. Specialized Experience Statement.** A written description of any specialized experience that a candidate must possess in order to be considered minimally qualified for the vacancy. Any candidate who does not meet the specialized

experience requirements will not be referred to Office or Directorate by OCCHCO.

**KK. Supervisor.** An employee who accomplishes work through the direction of other people. A supervisor must spend at least 25 percent of their time exercising independent judgment over other employees on matters relating to, but not limited to, work assignments, performance management, administration, training, and property accountability.

**LL. Supervisor of Record.** The supervisor of record has the delegated authority to assign work, discipline, and remove a CORE from federal employment in accordance with the procedures found in Chapter 11 (discipline) and Chapter 8 (performance management).

**MM. Temporary Duty Supervisor.** The individual (PFT, CORE, or Reservist) on-site or in virtual communication with deployed PFTs, COREs, or Reservists and authorized to exercise independent judgment to assign work. The temporary duty supervisor is not authorized to take personnel actions against a CORE under his or her functional authority, unless the temporary supervisor is also the supervisor of record.

## **1-7. Responsibilities**

- A. FEMA Administrator or Deputy Administrator is responsible for:
  1. Approving details of COREs to perform non-Stafford Act activities; and
  2. Approving written recommendations for pay of recruitment, relocation, and retention incentives that are greater than 25% of a CORE's base pay and, if approved, forwarding concurrence to the head of the requesting Office or Directorate and to OCCHCO.
- B. Associate Administrators, Headquarters' Office Chiefs Reporting Directly to the Administrator, and Regional Administrators are responsible for:
  1. Reviewing and approving the creation or renewal of Direct Charge CORE positions, confirming funding, and forwarding to OCCHCO for requisite personnel processing actions;
  2. Conducting an annual certification of Direct Charge CORE positions approved by authorized officials based on required supporting documentation and any follow-up, including referrals to the Office of Chief Counsel (OCC) or appropriate offices for further action (see section 2-3);
  3. Ensuring that all personnel involved in the hiring of COREs are familiar with the appropriate legal use of CORE positions, the funding factors involved in the hiring process, and comply with all legal and budgetary requirements;
  4. Ensuring all baselines are established and validated on a recurring basis for Distributed Group Activity Direct Charge COREs and all new baselines or baseline changes are approved by OCFO;

5. Certifying that all Direct Charge COREs are carrying out only DRF-related duties performed on open, active disasters;
  6. Providing timely, supporting documentation to OCFO and any oversight organization to complete post-action reviews (see section 2-3);
  7. Reviewing requests for recruitment, relocation, or retention incentives that require approval by the Administrator and, if in concurrence, sending the request to OCCHCO, OCFO, and the Administrator for approval; and
  8. Reviewing requests for recruitment, relocation, or retention incentive repayment waivers and, if in concurrence, transmitting to OCCHCO for review.
- C. Assistant Administrators, Deputy Associate Administrators, and Office Directors Not Reporting Directly to the Administrator are responsible for:
1. Requesting to advance a CORE's initial rate of pay to step five or greater of the grade;
  2. Reviewing requests for recruitment, relocation, or retention incentive repayment waivers that do not require approval by the Administrator and, if in concurrence, transmitting to OCCHCO and OCFO for review and approval; and
  3. Ensuring all CORE hiring actions submitted for higher level approval meet the standards promulgated herein.
- D. Headquarters Office or Directorate Chiefs or Regional Administrators are responsible for:
1. Approving the reassignment of a CORE based on workload needs and subject to funding;
  2. Conducting workload analyses to justify the need for new or continued use of CORE positions;
  3. Submitting staffing plans to OCCHCO with the requested number of CORE positions by title, series, grade, and duty station for OCCHCO's approval which should also support Disaster Spend Plans required by OCFO;
  4. Coordinating with OCCHCO to announce and hire CORE positions;
  5. Renewing CORE appointments based on workload needs and subject to funding;
  6. Approving recruitment, relocation, or retention incentives that do not need Administrator approval; and
  7. Approving Functional Area SMEs in the event of a rightsizing.
- E. Office of Chief Counsel (OCC) is responsible for:
1. Reviewing and advising on legal sufficiency of FEMA matters to include: spending legislation, fiscal policy and potential ADA violations;

2. Providing guidance, as necessary, regarding the appropriate use of the Disaster Relief Fund to charge CORE salaries;
3. Supporting OCFO and OCCHO in conducting the Annual Post-Action Review of direct charge COREs;
4. Reviewing and approving the use of COREs for limited non-Stafford Act activities in furtherance of FEMA's mission;
5. Providing all COREs entering Federal service with an Initial Ethics Orientation as required by 5 C.F.R. § 2638.703;
6. Identifying all COREs that need to be designated as Confidential Financial Disclosure filers who must complete annual ethics training as required by 5 C.F.R. § 2638.705, and auditing the content of said training for compliance with 5 C.F.R. § 2638.704;
7. Notifying all COREs of the requirement to file a new entrant report within 30 days of assuming a position designated as requiring a Confidential Financial Disclosure Report per 5 C.F.R. § 2634.903(b);
8. Notifying all COREs designated as Confidential Financial Disclosure filers to file annual reports as required by 5 C.F.R. § 2634.903(a);
9. Reviewing Confidential Financial Disclosure reports, and providing advisory opinions to COREs, as appropriate, with regard to real or apparent conflicts of interest identified in the CORE's financial disclosure report;
10. Designating ethics attorneys to provide ethics advice to COREs;
11. Providing legal review of performance and disciplinary actions; and
12. Providing legal advice on policy development and implementation.

F. Office of the Chief Financial Officer (OCFO) is responsible for:

1. Managing use and oversight of the DRF;
2. Ensuring the establishment of internal controls designed to prevent and detect non-compliance with applicable laws, standards, and accounting principles;
3. Reviewing and approving initial baseline and subsequent baseline adjustments for "distributed group" CORE positions;
4. Working with OCC and OCCHCO on the Annual Post-Action Review of direct charge COREs;
5. Conducting periodic audits and annual certifications of Direct Charge CORE positions and post-action reviews to validate and verify that all Direct Charge CORE duties are DRF-related and the appropriate approvals and documentation are evident, and taking action as appropriate on potential ADA violations;

6. Referring instances that cannot be validated or verified as DRF-related duties to OCC or appropriate offices for further action;
  7. Determining whether funding exists for each recruitment, relocation, or retention incentive request; and
  8. Establishing an annual awards cap for COREs subject to funding.
- G. Associate Administrator for Mission Support is responsible for reviewing all workload analysis disputes between the head of an Office or Directorate and OCCHCO and issuing a final decision.
- H. Associate Administrator for Response and Recovery is responsible for deciding appeals from an FCO decision on whether to demobilize a CORE due to misconduct.
- I. Office of the Chief Administrative Officer (OCAO) is responsible for:
1. Maintaining responsibility for the management and oversight of all Government-owned personal property within FEMA and for enforcing all applicable statutes, rules, regulations, and official guidance relating to Government-owned personal property; and
  2. Administering the transit subsidy program.
- J. Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
1. Approving and administering all human capital programs and policies to include appointment and compensation programs;
  2. Providing timely information to COREs regarding available benefit options, election periods, and technical direction on how to apply for available benefit options;
  3. Making final decisions on all pay setting and requests for adjustments for CORE pay;
  4. In consultation with the requesting Office or Directorate, approving workload analyses and staffing plans submitted by an Office or Directorate to justify CORE positions;
  5. Providing Offices and Directorates with a list of COREs and their not-to-exceed expiration dates who are assigned to the Office or Directorate on a biweekly basis;
  6. In consultation with the requesting Office or Directorate, revalidating the request based on position management for a CORE position prior to the expiration of the position when an Office or Directorate requests a renewal of a CORE position;
  7. Providing support for post-action reviews and the annual certifications, as well as supporting OCFO in execution of its responsibilities;

8. Approving and administering the recruitment, appointment, placement, and separation of COREs, including setting the length of the appointment term;
9. Providing advice, guidance, training, and direct support to temporary duty supervisors and supervisors of record regarding how to properly document and address performance and misconduct;
10. Coordinating affirmative employment programs with the Office of Equal Rights;
11. Establishing and maintaining personnel records;
12. Assuming responsibility for all EAP operations within FEMA;
13. Administering the performance management and awards and recognition programs;
14. Through the Human Resources cadre, ensuring that any demobilized CORE who has been deployed for at least 20 days has been issued a performance evaluation prior to departing the incident work site;
15. Coordinating with OCC Ethics and supervisors of record to properly designate positions as Confidential Financial Disclosure filers and providing OCC Ethics with monthly reports identifying when a CORE has been appointed to or is no longer serving in a position designated as a Confidential Financial Disclosure filer;
16. Providing technical guidance to Offices and Directorates in the planning of rightsizing procedures and approving the execution of rightsizing procedures;
17. Providing direct support to COREs with respect to individual issues requiring action in connection with the administration of pay, benefits, and other personnel matters;
18. Reviewing and approving requests for recruitment, relocation, or retention incentives;
19. Administering FEMA's Drug-Free Workplace program; and
20. Providing information to managers and supervisors regarding the procedures for performance and disciplinary actions, recommendations for disposition in each case; and any relevant appeal process.

K. Office of the Chief Security Officer (OCSO) is responsible for:

1. Using standardized policies and procedures for verifying applicants' personal identity;
2. Determining the fitness of applicants and COREs by conducting background checks; and
3. Authorizing facility access and issuing identification badges for COREs in a manner that ensures nationwide consistency across the CORE program.

L. Division Chiefs are responsible for reviewing and providing a final decision on any hire via name request within their area of responsibility.

M. Second Level Supervisors are responsible for:

1. Overseeing the use of COREs consistent with the requirements established herein;
2. Requesting to advance a CORE's basic rate of pay to step two, three, or four of the grade in conjunction with the CORE's supervisor of record;
3. In coordination with OCCHCO, reviewing and issuing final decisions on disciplinary action appeals;
4. In coordination with OCCHCO, reviewing and issuing final decisions on all actions to terminate a CORE's position for lack of FEMA need;
5. Reviewing and providing a final decision on all requests for merit-based increases, step increases, and to set pay for a new hire above the minimum rate for the position; and
6. Developing a Rightsizing Plan.

N. Federal Coordinating Officers (FCO) are responsible for deciding to demobilize a CORE due to misconduct.

O. Cadre Coordinators are responsible for:

1. Establishing and implementing individual performance goals on an annual basis for each position in the cadre, utilizing the position-specific behaviors found in the position's PTB or any other sources approved by OCCHCO, and consulting with employees with Incident Management Titles in the cadre on the substance of the performance goals insofar as practical; and
2. Receiving and reviewing completed evaluations for their cadre personnel. Completed evaluations will be archived for each employee.

P. Selecting Officials are responsible for:

1. Recruiting and selecting COREs in accordance with this Manual, transmitting any request for hire via name request to his or her program area's Division Chief (or higher) for review; and
2. Documenting the reasons for the selection of any CORE, and ensuring that all relevant records documenting such reasons are transmitted to OCCHCO for retention, including all interview notes.

Q. Supervisors of Record are responsible for:

1. Ensuring COREs are used for authorized purposes as outlined herein;
2. Providing day-to-day supervision of the performance and conduct of COREs under their supervision;
3. Assigning and evaluating work performed by a CORE when a CORE is not deployed;

4. Requesting to renew appointments based on a workload analyses and staffing plan, subject to funding;
5. Requesting pay adjustments, conversion actions, and pay settings when a CORE voluntarily requests a change to a lower pay band or rate;
6. Requesting to advance a CORE's basic rate of pay to step two, three, or four of the grade in conjunction with the CORE's second level supervisor;
7. Initiating all recommendations for merit-based pay and step increases;
8. Establish performance and development plans, and evaluating employee performance in accordance with FEMA Manual 255-1-1;
9. Recommending performance awards consistent with FEMA guidelines;
10. Retaining performance appraisals and all other documents related to the performance and/or conduct of COREs under their direct supervision, for a duration to be determined by FD 141-1, FEMA Records Management Program and relevant Equal Employment Opportunity Commission (EEOC) regulations, if applicable;
11. Submitting all requests for recruitment, relocation, or retention incentives to the head of their Office or Directorate for approval;
12. Communicating proper conduct and performance standards to COREs consistent with FEMA policy;
13. Receiving all deployment evaluations for COREs under their direct supervision and completing applicable progress reviews and annual performance ratings, considering as appropriate any deployment evaluations provided to the CORE by the temporary duty supervisor while deployed;
14. Coordinating with OCC Ethics and OCCHCO to properly designate positions as Confidential Financial Disclosure Filers, and ensure that COREs complete required new entrant and annual ethics training requirements;
15. Approving a CORE's work schedule, telework schedule (if requested), and time and attendance records;
16. Monitoring a CORE's performance while teleworking in accordance with FM 123-9-1;
17. Coordinating with COREs under their supervision to identify any real or apparent conflicts of interest or other standards of conduct issues prior to deployment, raising any such issues to the appropriate ethics counselor and, if applicable, mitigating any of these issues in accordance with recommendations from the ethics counselor and the temporary duty supervisor;
18. Providing performance feedback and mentoring to maximize the success of a CORE in achieving performance goals and objectives;

19. Coordinating with OCCHCO's Employee Relations Specialists to document incidents of poor performance and misconduct as they occur, and following up with the CORE to ensure that he or she understands the seriousness of his or her performance deficiencies or misconduct;
20. Initiating personnel actions against COREs, to include discipline or removal for misconduct or poor performance after consulting with OCCHCO, and ensuring that any such actions are consistent with Merit Systems and EEO principles;
21. In coordination with OCCHCO, documenting the reasons for all other personnel actions, including assignments, reassignments, promotions, demobilizations, rightsizing, and non-renewal of CORE appointments, and ensuring that such documentation is forwarded to OCCHCO along with any request or recommendation for personnel action;
22. Collecting all government equipment prior to the effective date of a CORE's removal or resignation;
23. Overseeing and managing the resignation process when a CORE submits a resignation notification and forwarding all documentation to OCCHCO for processing;
24. In coordination with OCCHCO, adopting the rightsizing procedures provided in this Manual; and
25. Ensuring the professional development for COREs under their supervision.

R. Temporary Duty Supervisors are responsible for:

1. Ensuring COREs are used for authorized purposes as outlined herein;
2. Providing day-to-day supervision of the performance and conduct of deployed COREs;
3. Communicating proper conduct and performance standards to deployed COREs, included but not limited to, the basis for a deployment performance evaluation consistent with FEMA policy;
4. Completing performance evaluations for all COREs under their functional authority who are deployed for at least 20 days, and transmitting performance evaluation records to the CORE's supervisor of record within 30 days of the date of the demobilization; and
5. Advising the CORE and consulting with OCCHCO regarding issues of CORE misconduct and poor performance and referring allegations of misconduct to the CORE's supervisor of record for review and coordination with OCCHCO prior to initiating disciplinary action.

S. COREs are responsible for the following, including, but not limited to:

1. Performing assigned duties and responsibilities acceptably;

2. Conducting themselves in a manner that will bring credit to FEMA and supervisors directing their work, and observing the spirit and letter of the laws and regulations which govern the conduct of COREs;
3. Signing and complying with the terms and conditions of their appointments (including any conditions relating to receiving a security clearance), and other applicable FEMA directives;
4. Working at a Directed Work Location if directed by a supervisor or other properly designated FEMA official;
5. Reviewing benefit options and making selections within prescribed election periods;
6. Properly using, caring for, and protecting any assigned government property issued to them by FEMA.
7. Completing and signing a Self Certification of Health and Safety Checklist prior to beginning work, if the CORE's home is his or her official duty station;
8. Following FEMA's Absence and Leave and Scheduling of Work policies and procedures;
9. Completing Initial Ethics Orientation within 90 days of entry on duty as required by 5 C.F.R. § 2638.703;
10. Complying with the ethics statutes in Title 18, United States Code, and the implementing ethics regulations promulgated by the Office of Government Ethics and DHS. COREs should seek guidance from his or her designated ethics attorney if issues arise that may be governed by these laws and regulations (contact FEMA's Privacy Office for additional information and a listing of OCC Ethics Counselors);
11. If designated as a Confidential Financial Disclosure filer, timely filing New Entrant and Annual OGE Form 450 reports (as required by 5 C.F.R. § 2634 Subpart I);
12. Completing annual ethics training, FQS training, and other required training;
13. If the CORE is a reemployed civilian retiree receiving an annuity, providing a copy of his or her most recent annuity notice and all subsequent notices of change, indicating the monthly annuity amounts to OCCHCO prior to or at the time of appointment;
14. Signing and complying with the conditions of a Continued Service Agreement (CSA) if approved to receive a recruitment, relocation, or retention incentive;
15. Signing and abiding by the conditions of a CSA if selected to participate in a leadership development program;
16. Returning all FEMA-owned equipment before separating from FEMA; and

17. Engaging in activities to promote their professional development.

**1-8. Reporting Requirement**

The CORE program will be evaluated periodically to ensure that stated objectives are being met. Recommendations for improvement will be forwarded to the Chief Component Human Capital Officer and the Chief Financial Officer.

**1-9. Forms Prescribed**

- A. FEMA Form 252-11-1-1, Request for CORE Action.
- B. FEMA Form 30-35, Telephone Reference Check.
- C. FEMA Form 106-1-1-1, Request for Work Schedule.
- D. FEMA Form 119-7-1-3, Custody Receipt for Government Property On Personal Charge.
- E. FEMA Form 123-9-0-1, Telework Application and Agreement Form.
- F. FEMA Form 123-9-0-2, Employee Self Certification Health and Safety Checklist.
- G. FEMA Form 254-1-1, Public Transportation Benefit Program Application.
- H. Standard Form-50, Notification of Personnel Action.
- I. Standard Form-52, Request for Personnel Action.
- J. Standard Form 2809, Health Benefits Election Form.
- K. TSP-1 Thrift Saving Plan Election Form.

**1-10. No Private Right**

Nothing in this Manual shall be interpreted to create any right or benefit, substantive or procedural, enforceable at law by any party in any administrative or civil matter.

**1-11. Questions**

Questions concerning the CORE Program should be addressed to OCCHCO at 202-212-3962. Questions concerning the funding or certification process for Direct Charge CORE positions or requests for Distributed Cost COREs should be addressed to OCFO Field Based Operations at [FEMA-fbo-action-tracker@fema.dhs.gov](mailto:FEMA-fbo-action-tracker@fema.dhs.gov).

## **CHAPTER 2: RECRUITMENT AND HIRING**

### **2-1. General**

- A. FEMA Offices and Directorates will identify the Selecting Official for each hire.
- B. FEMA Offices and Directorates may elect to recruit and hire candidates via a vacancy announcement as specified in section 2-4, or via a name request pursuant to section 2-5. FEMA maintains the flexibility to use alternative hiring procedures not specified in this Chapter when necessary to meet its mission requirements.
- C. Nepotism is prohibited by 5 U.S.C. § 3110 and is also a “prohibited personnel practice” under 5 U.S.C. § 2302(b)(7). Under 5 U.S.C. § 3110, a public official is prohibited from appointing, employing, promoting, advancing, or advocating for appointment, employment, promotion, or advancement of a relative in or to a civilian position in FEMA in which the public official is serving or over which the public official exercises jurisdiction or control of any individual who is a relative of the public official. Upon determining that a minimally qualified candidate is a relative or the relative of the Selecting Official, or of someone in the chain of command of the Selecting Official, the program office must refrain from taking action on the job vacancy and contact the servicing HR Specialist for guidance. Supervision of a relative is not generally considered to be “nepotism” but is prohibited as it presents an apparent conflict of interest. Supervision of employees with whom the supervisor has a “covered relationship” may also be an apparent conflict of interest (see 5 C.F.R. § 2635.502).

### **2-2. Staffing Plans**

- A. Offices and Directorates authorized to fill CORE positions will conduct workload analyses every three years, or earlier if needed based on operational changes, to forecast and plan for future work and skills requirements based on historical data, technical estimates, directed requirements, and approved staffing models.
  - 1. The workload analysis will first identify all activities performed by each position (e.g., PFT, CORE, and Reservist) within an Office or Directorate, and designate current and planned future activities.
  - 2. The analysis will estimate how frequent the activity is performed, and the amount of time an employee will need to complete each of the identified activities for which a Distributed Group Activity Baseline has not been approved or is being modified.
  - 3. The analysis may identify shortages or overages in current staffing needs, which will be documented and maintained by the Offices and Directorates until superseded by a subsequent workload analysis or other staffing initiative.

- B. Based on the workload analysis, Offices and Directorates requesting CORE positions will develop and submit staffing plans, subject to funding, to OCCHCO with the number of CORE positions by title, series, grade, and duty station.
1. OCCHCO will review the entity's requested number of CORE positions and proposed length of appointment based on the workload analysis and staffing plan.
  2. Upon OCCHCO's review and approval of the staffing plan, OCCHCO will submit the plans to OCFO for approval if the plan includes a non-Direct Charge CORE, or a Distributed Group Activity Direct Charge CORE if the distributed group activity baseline has not been approved or has changed since the last approval.
  3. Upon any needed confirmation from OCFO, OCCHCO will authorize an Office or Directorate to create or renew a set number of CORE Positions.
  4. The Associate Administrator for Mission Support will review and resolve any disputes between an Office or Directorate and OCCHCO regarding the approval of a workload analysis or staffing plan.
- C. Any request to add, move, rightsize, or adjust a CORE position (if rightsizing a position, see Chapter 12, Rightsizing) made between workload analysis cycles or that does not align with the current staffing plan must be submitted by the head of the Office or Directorate and will require a reexamination of the most recent workload analysis to determine whether the identified shortages or additional work exists to justify the requested position, its length, and pay band or grade. Upon OCCHCO's review and approval of the staffing plan, OCCHCO will submit the plans to OCFO for approval if the plan includes a non-Direct Charge CORE, or a Distributed Group Activity Direct Charge CORE if the distributed group activity baseline has not been approved or has changed since the last approval.
- D. Duty stations for COREs will be established by the supervisor of record in conjunction with OCCHCO.

### **2-3. Annual Direct Charge CORE Certification**

- A. An Annual Direct Charge CORE certification, validating and verifying the CORE's performance of DRF related duties and the continued need for all CORE positions (which have not been requested or funded elsewhere in FEMA's budget), is required by the Assistant Administrator, Associate Administrator, Regional Administrator, and any FEMA employee reporting directly to the Administrator.
- B. CORE positions must be used to execute functions or activities funded solely by the DRF or DRS account and are not charged elsewhere in FEMA's budget. COREs may be used to administer support to FEMA's non-permanent workforce hired under the Stafford Act, performing duties including, but not limited to, hiring and staffing, training and development,

- personnel and payroll processing, legal support, developing and implementing disaster policies and decisions, supervising Stafford Act employees, maintaining information technology and telecommunications services for Stafford Act employees or events, financial management, property and facility management, and auditing and program oversight. OCFO and OCC will provide Directorates and Offices with supplemental guidance on the proper use of CORE positions as needed.
- C. Offices and Directorates must also electronically maintain documentation supporting the creation, backfilling or reassignment of CORE positions. Offices and Directorates will maintain workload analyses, position justifications, and staffing plans. The electronic files<sup>2</sup> are also subject to independent post-action compliance review by OCFO and/or OCCHCO.
  - D. Documentation requirements for “Direct Charge” COREs
    1. Comprehensive list of all COREs to include position title, area assigned, branch/office, duty station, grade, PIN, and CORE type.
    2. Algorithm(s), to include methodology and frequency of analysis, used to determine allocation of salary costs to open active disasters.
    3. A description of duties for each position or group of positions performing the same work that validates the relationship of work being performed to open, active disasters. Example: This Public Assistance (PA) Specialist will: (1) be responsible for the closeout of project worksheets, (2) deploy to disasters to support the development and obligation of PA projects, and (3) conduct eligibility review of public assistance projects.
    4. Baselines and supporting documentation for establishing the baselines for Distributed Activity Group “Direct-Charge” COREs.
    5. Documentation shall be maintained on OCFO’s SharePoint (see footnote 2) and shall be made available to the OCFO and/or OCCHCO for review. Files must be maintained in accordance with the most current DHS records retention policy.

#### **2-4. Procedures for Soliciting Candidates**

FEMA uses the procedures listed below to hire qualified candidates for CORE appointments unless a name request procedure is used (see section 2-5).

- A. To advertise a CORE position, an Office or Directorate shall submit a Standard Form (SF-52) to OCCHCO with a position description. If desired, the Office or Directorate may also submit a draft vacancy announcement or instead, request that OCCHCO draft it. Additionally, the Office or Directorate may, but is not required to, submit a specialized experience statement and any assessment screen-out questions that should be included in the announcement for the purpose of screening out applicants who are not

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<sup>2</sup> Electronic files should be uploaded to <https://portalapps.fema.net/apps/ocfocore/Pages/default.aspx>.

- minimally qualified for the position. Upon receipt of all required and optional documentation, the HR Specialist prepares (or reviews, if submitted) the Vacancy Announcement and sends the draft to the Office or Directorate for final approval.
- B. The Office or Directorate, in consultation with the HR Specialist, may search for qualified candidates utilizing one or more of the following recruitment sources:
1. An email to all FEMA employees, FEMA employees who reside in a specific geographic area, or FEMA employees who already work in the Office or Directorate advertising the position;
  2. Electronic posting on OPM's USAJOBS website (<https://usajobs.gov>);
  3. Outside sources, including but not limited to, other Federal agencies, state employment services, state and local emergency management organizations, professional societies, minority organizations, local colleges/universities and other educational facilities and sources; or
  4. Other sources which, as approved by OCCHCO, will provide adequate competition.
- C. At a minimum, the vacancy announcement posted through USA Jobs must include:
1. FEMA's name;
  2. Announcement number (for USA Jobs announcements only);
  3. Title, series, and grade of the position, including promotion potential;
  4. Opening and closing dates (except in the case of open announcements);
  5. Duty location;
  6. Number of vacancies;
  7. Major duties of the position;
  8. Length of appointment;
  9. Qualification requirements;
  10. How to apply, including required supporting documentation;
  11. Statement that the appointment(s) is excepted from the competitive service, and are authorized under the Stafford Act;
  12. Statement that the selectee must sign a "conditions of employment" form;
  13. Statement that the selectee is subject to the "Every Employee Is An Emergency Manager" Memorandum, requiring capability to deploy for up to 30 consecutive days and changes to work locations, including a requirement to work at home in the event of emergencies or when otherwise directed;
  14. Equal employment opportunity statement; and

15. Reasonable accommodation statement.
- D. All other vacancy announcement postings, authorized by section 2-4.B., must include, at a minimum:
1. Title, series, and grade of the position, including promotion potential;
  2. Opening and closing dates (except in the case of open announcements);
  3. Duty location;
  4. Major duties of the position;
  5. Length of appointment;
  6. How to apply, including required supporting documentation;
  7. Statement that the appointment(s) is excepted from the competitive service, and are authorized under the Stafford Act;
  8. Statement that the selectee must sign a “conditions of employment” form; and
  9. Statement that the selectee is subject to the “Every Employee Is An Emergency Manager” Memorandum, requiring capability to deploy for up to 30 consecutive days and changes to work locations, including a requirement to work at home in the event of emergencies or when otherwise directed.
- E. Vacancy Announcements that are restricted to a particular geographical area or to FEMA employees will clearly identify any such restrictions and indicate that non-compliant applications will not receive consideration.
- F. Once the Office or Directorate has approved the vacancy announcement, the Staffing HR Specialist posts the vacancy announcement via the sources previously agreed upon and notifies the Office or Directorate that the position has been posted.
- G. Vacancy announcements shall be posted for a minimum of five days. If requested, OCCHCO may approve a shorter posting for good cause.
- H. Minimum qualifications: Normally, OCCHCO reviews all submitted applications to ensure that applications have met the minimum qualifications and eligibility requirements and then refers all candidates deemed minimally qualified to the Selecting Official via a Certificate of Eligibles (CERT). Selecting Officials may request to receive all applications prior to OCCHCO’s review, in which case OCCHCO will conduct its review prior to issuance of any offer. Final qualification determinations are made by OCCHCO.
- I. After a selection is made, the Selecting Official shall provide all selection documentation to OCCHCO for retention in accordance with A and B above (see section 3-9). The Selecting Official will indicate the action taken (selection, non-selection, declination, etc.) on each CERT and will return the CERT to the HR Specialist by the expiration date of the CERT, unless an extension is authorized by OCCHCO.

## **2-5. Name Request**

- A. In lieu of utilizing the hiring procedures specified in section 2-4, Offices and Directorates may hire qualified candidates (eligible U.S. citizens, current Federal employees, or current FEMA COREs) via a name request to meet a hiring need or to promote a CORE to a grade outside of the CORE's current position ladder. Such a promotion must include the same justification and approval established for name request hires (see Chapters 5 and 6 for more information on promotions).
- B. The Office or Directorate must submit a justification that describes the individual's qualifications with the SF-52 and resume.
- C. Any name request must be approved in writing by the requesting organization's Division Chief (or higher).
- D. Name requests may be approved even if the Office or Directorate has not posted a vacancy announcement for the position or otherwise competed the position.
- E. The HR Specialist will review the package to determine if the applicant meets the basic qualifications for the position and promptly notify the Selecting Official if the applicant is not minimally qualified.
- F. Name request hiring actions must follow the interview, reference check, and job offer procedures outlined below.

## **2-6. Interviews**

Interviews are conducted for candidates referred to the supervisor as a means of obtaining supplemental information on their qualifications.

- A. At a minimum, the Selecting Official must interview the candidate selected for the position. The Selecting Official may designate one or more appropriate persons to conduct or participate in the interviews.
- B. The Selecting Official should ask all candidates the same job-related questions and document the responses in writing. The Selecting Official should maintain such documentation for a minimum of two years. The Selecting Official should ask the same questions, in the same order, of all interviewed candidates. Follow-up questions to clarify information are permissible. It is preferable to conduct interviews in person and to use the same interview method for all applicants.
- C. The Selecting Official should not ask questions regarding a candidate's race, religion, sex, family status, national origin, religion, age, genetic background, health history, disability, political affiliation, or any other prohibited questions found in FEMA's Interview and Selection Guidance, June 4, 2014.
- D. The Selecting Official or his or her designee(s) may conduct a subsequent interview or contact one or more of the candidates for additional or clarifying information after completing and evaluating the initial interviews. The

- supervisor should consult with the HR Specialist if a subsequent interview is deemed advisable to ensure that the reason for the subsequent interview is related to the requirements of the position.
- E. Interview notes must be retained in accordance with section 2-10 and must not be destroyed.
  - F. In accordance with the Every Employee is an Emergency Manager (EE-EM) initiative,<sup>3</sup> all employees conducting hiring interviews must explain and reiterate, using a set of standard questions and briefing points, the EE-EM vision that all COREs must be willing to receive incident support or incident management assignments. Additionally, all new COREs are required to sign an acknowledgment form confirming their understanding of the EE-EM policy. The supervisor must ensure that the EE-EM vision is explained in all initial interviews and that any candidate who is referred for hire or further examination has completed the applicable acknowledgment form. This form can be obtained from the serving HR Specialist.
  - G. All new COREs must acknowledge the requirement to work at a Directed Work Location, which may be the CORE's Residence of Record or another alternate duty location, in the event of office closures, emergencies, or when otherwise directed.

## **2-7. Reference Checks**

The Selecting Official must check and document a candidate's references before the candidate receives a job offer. Reference checking is a vital part of a successful hiring strategy and is primarily used to verify information provided by the candidate; better predict the candidate's on-the-job success; and gain additional information about the candidate's qualifications for the position. Selecting Officials may use FEMA Form 30-35, Telephone Reference Check, to satisfy the requirement to document reference checks. Selecting Officials should coordinate with OCCHCO prior to deciding not to hire a candidate because of a reference check.

## **2-8. Job Offers**

All offers of employment must be made by OCCHCO. The servicing HR Specialist must confirm qualifications and the proposed rate of pay for the candidate with the Selecting Official prior to extending an offer. Additionally, the HR Specialist will confirm acceptance of the offer and will consult with the Selecting Official in establishing an entrance on duty (EOD) date once the appropriate background check has been made by OCSO.

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<sup>3</sup> See Memorandum from the Deputy Administrator, Every Employee an Emergency Manager—Action Items, January 20, 2012.

## **2-9. Notification to Applicants**

OCCHCO Talent Acquisition Division will acknowledge receipt of all applications and notify all applicants if they have or have not been selected for the position.

## **2-10. Recordkeeping Requirements**

- A. Supervisors shall create, maintain, use and dispose of FEMA records in accordance with applicable law and FD 141-1, FEMA Records Management Program.
- B. Pursuant to 29 C.F.R. § 1602.14 and in accordance with Equal Employment Opportunity Commission (EEOC) regulations, all personnel records made or kept by FEMA, including but not limited to, application forms submitted by applicants, name request justifications, interview notes, reference check documents, and other records having to do with hiring, shall be preserved for one year from the date of the making of the record or of the personnel action involved, whichever occurs later.
- C. If applicable, when a non-selectee challenges the non-selection before an administrative or judicial body, OCCHCO and the supervisor must retain the aforementioned documentation until the final disposition of the charge or lawsuit. OCC will notify OCCHCO and the supervisor of any litigation holds and when documentation relating to a charge or lawsuit may be disposed of according to FEMA's record retention policy.

## CHAPTER 3: APPOINTMENTS

### 3-1. Eligibility for Appointment

All applicants selected for appointment to CORE positions must meet the following eligibility requirements:

- A. U.S. Citizenship, subject to limited exceptions;<sup>4</sup>
- B. Must be at least 18 years of age and:
  1. Have graduated from high school or been awarded a certificate equivalent to graduating from high school;
  2. Have completed a formal vocational training program;
  3. Have received a statement from school authorities agreeing with their preference for employment rather than continuing their education; or
  4. Be currently enrolled in a secondary school and either work only during school vacation periods or work part-time during the school year under a formal employment program;
- C. Must comply with selective service registration for males born after 12/31/59;
- D. Must satisfy fitness requirements for the position to which appointed;<sup>5</sup> and
- E. Must agree to accept an Incident Management or Incident Support assignment.<sup>6</sup>

### 3-2. CORE Appointments

- A. COREs are hired under a Stafford Act appointment authority and their salaries and benefits are funded by the DRF, thus the scope of their duties must predominately carryout Stafford Act activities.
- B. Individuals appointed to CORE positions are given time-limited appointments for a period of not less than two years but not to exceed four years unless the appointment is renewed for another term. The length of the appointment requested by the Office or Directorate should be commensurate with the expected amount of work available for the CORE in question (the appointment can be less than two years if appropriate).
- C. A CORE appointment does not confer eligibility or priority consideration for a permanent appointment.
- D. A CORE's work schedule may be changed and a CORE may be assigned a Mission Essential, Incident Management, Incident Support, or Ancillary

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<sup>4</sup> See DHS Management Directive 3120.2, Employment of Non-Citizens, March 22, 2004.

<sup>5</sup> See DHS Instruction 121-01-007, DHS Personnel Suitability and Security Program, June 2009.

<sup>6</sup> See Memorandum from the Deputy Administrator, Every Employee an Emergency Manager—Action Items, January 20, 2012.

- Support title, irrespective of his or her position description, based on the operational needs of FEMA.
- E. COREs are not subject to any protection afforded by reduction-in-force provisions, re-employment rights, or adverse action procedures established under any statutory or regulatory provision.
  - F. COREs must be ready to deploy wherever FEMA needs their services and have 24 hours to respond to a deployment order and may be required to work long hours under stressful and unfavorable conditions.
  - G. A CORE's appointment will end on the Not to Exceed (NTE) date of his or her appointment, unless it is extended or renewed based on the needs of FEMA.
  - H. COREs may be appointed to supervisory positions and serve as supervisors of record for other Stafford Act employees, provided that the CORE is hired into a position description classified as supervisory and completes mandatory supervisory training. COREs may serve as a temporary duty supervisor during a deployment, so long as the work supervised arises out of the Stafford Act and the period of supervision is temporary and/or short-term.
  - I. COREs, who serve as the supervisor of record for PFTs on the date when this Manual becomes effective, may continue to serve in such capacity until the CORE's current term expires.

### **3-3. Conditions of Employment**

All CORE appointees are required to sign a Conditions of Employment statement upon appointment, and upon renewal of an appointment. COEs contain significant, but not all of, the DHS/FEMA and other rules and regulations that COREs must abide by, including but not limited to:

- A. Complying with FEMA's deployment procedures and policies;<sup>7</sup>
- B. Using electronic funds transfer for salary payments and travel reimbursements;
- C. Maintaining eligibility for a government issued travel charge card, and abiding by the terms and conditions established by the bank issuing the travel card and FEMA (see FD 122-9, Travel Charge Card, or superseding document);
- D. Presenting and conducting themselves at all times in compliance with the standards of ethical conduct provided by the Office of Governmental Ethics (see 5 C.F.R. part 2635), preserving the public trust, and adhering to DHS/FEMA rules and regulations;
- E. Traveling in the most expeditious and cost effective manner, abiding by DHS and FEMA travel policy to make all travel arrangements;

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<sup>7</sup> See FD 010-8, FEMA Incident Workforce Deployment, January 29, 2014.

- F. If authorized to use a motor vehicle for official business, complying with all applicable laws, regulations, and policies related to official motor vehicle usage;
- G. Abiding by the terms of use in all revocable licensing agreements with respect to all FEMA-issued property, and using FEMA-issued property for official purposes only; and
- H. Complying with FEMA Manual 123-9-1, Telework, if their supervisor authorizes telework.

Failure to comply with these conditions of employment, or any other standards of conduct, may result in disciplinary action, up to and including removal from Federal service (see Chapter 11).

#### **3-4. Directed Work Location**

COREs will work at their Residence of Record or other designated locations by FEMA supervisors and managers, if so directed. COREs may be directed to work at alternate locations on days when their regular worksite is closed due, but not limited to, weather closures, localized emergencies, facility safety, or for operational needs. COREs working at a Directed Work Location are not teleworking.

#### **3-5. Oath of Office**

- A. The following FEMA personnel are authorized to administer the oath of office to newly appointed COREs or to delegate this authority:
  1. The Administrator;
  2. Deputy Administrator;
  3. Regional Administrators;
  4. The Chief Component Human Capital Officer;
  5. Federal Coordinating Officers; and
  6. Federal Disaster Recovery Coordinators.
- B. The above officials may delegate authority to administer the oath of office to an employee at initial onboarding.

#### **3-6. Government Property**

- A. As soon as practicable after appointment, FEMA shall furnish each CORE with appropriate mobile communication and/or computing equipment as determined by the current property authorization list.
- B. COREs shall keep the equipment charged and accessible, and shall seek prompt assistance for malfunctioning equipment.
- C. All COREs are required to accept receipt of all FEMA-issued equipment and sign FEMA Form 119-7-1-3. By signing this form, the CORE acknowledges

- acceptance of and responsibility for the equipment and becomes a Custodian of the equipment, as set forth in FEMA Directive 119-7, Federal Personal Property Management, dated September 24, 2013. Violation of this agreement may result in disciplinary action, up to and including removal.
- D. COREs shall only use, display, or present their FEMA-issued government identification card for lawful and authorized purposes.

### **3-7. Reassignments to a New Position**

If a CORE is reassigned to a new position, the CORE must meet the minimum qualifications for the position and an Office or Directorate head must approve the reassignment.

### **3-8. Detail Assignments**

- A. A CORE may be temporarily placed on a detail to carry out a discrete function. If a CORE is placed on a detail, the duties and responsibilities performed by the CORE must be payable under the Stafford Act with the exception described in part C below.
- B. Details to perform Stafford Act activities. Absent approval from OPM, a CORE may not be detailed to a competitive service position. A CORE may be placed on a detail assignment for up to 120 days that may be renewed for one additional 120 day period. OCCHCO must approve a CORE detailed to a position for more than 120 days or to positions at a higher pay level. See Chapter 14 for more information on rotational assignments.
- C. A CORE may be detailed for mission and operational needs or for training to perform non-Stafford Act activities described below:
1. Non-Stafford Act Mission and Operational Detail. Pursuant to 6 U.S.C. § 314 the Administrator is vested with the authority to carry out all authorities of FEMA. Upon a determination that urgent and compelling circumstances exist in order to carry out the FEMA mission or support to other Federal agency incident operations, a CORE may be placed on a temporary detail to perform non-Stafford Act activities under the following conditions:
    - i. The detail shall not exceed 90 days per appointment unless approved by OCC; and
    - ii. The detailed CORE's salaries, benefits, and associated expenses must be paid from the account normally charged for carrying out the gaining program or activity for the duration of the detail.
    - iii. Note that training activities and other duties needed to prepare a CORE for a mission essential detail may be conducted outside of the 90 day detail period but must be justified and approved in advance. In such circumstances, the training time and the detail time, will be charged to the receiving program or office.

2. Non-Stafford Act Training Details. FEMA may authorize a non-Stafford Act detail of COREs under the following conditions:
  - i. A determination must be made that the training of the CORE, and thus the increased ability of that CORE to carry out future Stafford Act activities, is the primary purpose and benefit of the non-Stafford Act assignment;
  - ii. The detail may not exceed 30 days without a determination that a detail of more than 30 days is warranted;
  - iii. Extensions of these details beyond 30 days are made every 30 days thereafter and shall not exceed 90 days per appointment; and
  - iv. The detailed COREs may have their salaries and benefits funded by the DRF.
3. COREs carrying-out non-Stafford Act activities must be justified as either an urgent and compelling mission/operation-related detail or a training assignment. Under no circumstances, may FEMA use both of these justifications for the same non-Stafford Act activity. In both instances, the CORE is limited to one non-Stafford Act detail per appointment, unless approved by OCC.

### **3-9. Reappointment Procedures**

- A. OCCHCO provides each Office and Directorate with a list of COREs and their expiration dates on a biweekly basis.
- B. A CORE's appointment will end on the Not-to-Exceed (NTE) date of his or her appointment, unless it is renewed by the Office or Directorate. All requests to renew the appointment of a current CORE must be submitted by the supervisor of record to OCCHCO using an SF-52, Request for Personnel Action.
- C. Two months before the end of a CORE's appointment, if a supervisor of record determines that a CORE's appointment should not be renewed, the supervisor must contact OCCHCO/Employee Relations on how to notify the CORE that the CORE's appointment will not be renewed.

### **3-10. Resignation**

COREs may resign at any time prior to the termination or expiration of their appointments. COREs must state in writing the reason for the resignation and the requested effective date of the resignation. A CORE may request rescission of the resignation prior to the effective date, but FEMA is not obligated to consider or grant such a request. FEMA is not obligated to grant the request in order to avoid removal for misconduct or poor performance. FEMA may not deny the request for any reason prohibited by Title 29, U.S. Code, or any applicable EEOC regulations.

## **CHAPTER 4: COMPENSATION PROVISIONS**

### **4-1. Applicability**

The compensation provided to COREs includes the provisions found in this Chapter regardless of the pay plan covering the CORE, unless otherwise stated.

### **4-2. Establishment of CORE Pay Plan**

COREs are paid via an administratively determined “IC” pay plan. COREs paid via the GS scale or GS based pay bands will be transferred to the IC pay plan of either grades and steps or pay bands at their current rate of pay. FEMA managers, in conjunction with OCCHCO, are given the option to utilize one of two pay scales; a pay scale consisting of pay bands or a pay scale consisting of grades and steps (see Chapters 5 and 6). Offices or Directorates may change the pay plan for all COREs assigned to the Office or Directorate with OCCHCO approval.

### **4-3. Conversion Actions**

The first-level supervisor may recommend adjustment of pay upon conversion from another FEMA appointment to a CORE appointment (see sections 5-3 and 6-3 for information on conversions that result in a decrease in pay).

### **4-4. Position Management and Classification**

The Position Management and Classification Manual, FM 252-2-1, June 19, 2014, provides guidance for the classification and position management of CORE positions. The rules and procedures for position classification reviews (i.e., desk audits) and classification appeals found in FM 252-2-1 do not apply to CORE positions.

### **4-5. Locality Pay**

- A. Locality pay is an additional sum of money administratively-determined by OCCHCO and added to a CORE’s base pay to account for the difference between the pay of government workers and private sector workers in a given geographic location. Locality pay is considered a part of basic pay and is applied to the minimum and maximum rates of each pay plan.
- B. COREs, such as IM COREs, who physically work full time from their residence of record, will receive the locality pay assigned to their residence of record’s locality pay area, even if the CORE reports or is assigned to a FEMA fixed facility with a different locality pay rate.
- C. When a CORE moves from an official duty station in one locality pay area to an official duty station in a different locality pay area, OCCHCO will adjust the CORE’s basic pay to reflect the difference in the administratively-determined locality pay rates. Pay retention is not applicable to geographic changes in locality.

#### **4-6. Cost of Living Increase**

OCCHCO may periodically recommend that the Administrator adjust pay scales for the CORE program. For example, an adjustment may be appropriate to reflect a cost of living increase, but need not coincide with changes to pay and wage schedules by Congress, OPM, or OPM's designee. In such circumstances, OCCHCO will review current CORE pay rates and recommend the proper percentage adjustment that is appropriate.

#### **4-7. Pay Ceilings and Premium Pay**

Absent a waiver for the bi-weekly pay cap, the maximum rate of basic pay for a FLSA-exempt CORE may not exceed the rate payable for Level V of the Executive Schedule or the rate for GS-15 Step 10 employees (including locality pay), whichever is higher (see FM 253-2-1, Premium Pay). The maximum aggregate amount any CORE may receive in basic pay, bonuses, and allowances is the rate for Level I of the Executive Schedule.

The rules and regulations governing premium pay, including, but not limited to, the bi-weekly and annual pay caps, overtime, compensatory time off, and night differential for COREs is found in FM 253-2-1, Premium Pay.

#### **4-8. Recruitment, Relocation, or Retention Incentives**

##### **A. In General**

1. A recruitment incentive is a one-time, lump-sum payment to a newly appointed CORE to a position that is determined to be critical to FEMA's mission and in the absence of the incentive, would be difficult to fill.
2. A relocation incentive is a one-time, lump-sum payment to a current CORE who agrees to relocate with no break in service to accept a FEMA position in a different geographic area if the position is likely to be difficult to fill in the absence of the incentive.
3. A retention incentive is paid to a current CORE if the CORE has unusually high or unique qualifications, or an Office or Directorate has a special need for the CORE's services that makes it essential to retain the CORE, and the CORE would likely leave the Federal service in the absence of a retention incentive. The CORE must have stated an intent to resign or retire, in writing, or must have submitted his or her resignation or retirement paperwork prior to authorization.
4. The employing office must consider at least the following factors, as applicable to the case at hand, when deciding whether to pay a recruitment or relocation incentive:
  - i. The success of recent efforts to recruit candidates for similar positions, including indicators such as offer acceptance rates, the proportion of positions filled, and the length of time required to fill similar positions;
  - ii. Recent turnover in similar positions;

- iii. Labor-market factors that may affect the ability of the office to recruit candidates for similar positions now or in the future;
    - iv. Special qualifications needed for the position; and
    - v. The practicality of using an advanced rate alone or in combination with a recruitment or relocation incentive.
  - 5. The employing office must consider at least the following factors, as applicable to the case at hand, when deciding whether to pay a retention incentive:
    - i. The success of recent efforts to recruit candidates and retain employees with qualifications similar to those possessed by the CORE for positions similar to the position held by the CORE; and
    - ii. The availability in the labor market of candidates for employment who, with minimal training or disruption of service to the public, could perform the full range of duties and responsibilities assigned to the position held by the CORE.
  - 6. The use of a recruitment, relocation, or retention incentive is not to be used as a substitute for traditional recruiting efforts that could yield a competent and qualified employee without the use of such an incentive.
- B. Justification and Approval. The Selecting Official or supervisor of record shall submit a justification for any request for a recruitment, relocation, or retention incentive through the head of his or her Office or Directorate for approval. Office or Directorate heads may approve an incentive amount less than \$20,000, or less than 25% of a CORE's base pay. Any incentive request with a lump sum greater than or equal to \$20,000, or greater than or equal to 25% of a CORE's base pay must be submitted by the Associate Administrator or Office Chief (if the Office Chief reports directly to the Administrator) overseeing the requesting organization and be approved by the Administrator or designee, but at least by the Chief of Staff and OCCHCO. In all cases, OCCHCO must approve the incentive request and OCFO must certify the availability of funds prior to authorizing payment. All justifications shall include, at a minimum, the following information:
- 1. The amount and timing of the approved incentive;
  - 2. For retention incentives, the payment schedule for the incentives and the maximum number of payments or end date for the payments; and
  - 3. The basis for determination that the skills and work experience of the applicant or CORE are of substantial value, or that, without such an incentive, the position would be difficult-to-fill. The basis should be based on at least one factor from subsection A.4 if a recruitment or relocation bonus, or one factor from subsection A.5 if a retention incentive.
- C. COREs who receive a recruitment, relocation, or retention incentive must sign and comply with the terms of a Continuing Service Agreement (CSA). See Chapter 15, Continuing Service Agreements, for more information.

**4-9. Offset Provision for Civilian Retirees**

- A. Retirees from the federal service who are receiving a federal retirement annuity and become reemployed by the federal government, absent a waiver, will have their salaries reduced by the amount of the annuity they are entitled to receive during the period of reemployment, pursuant to 5 U.S.C. § 8344(a).
- B. COREs who are reemployed annuitants must provide OCCHCO with a copy of their most recent annuity notice issued by OPM, and all subsequent notices of change, indicating the monthly annuity amount to the Payroll and Processing Operations Division, OCCHCO prior to or at the time of appointment.

## **CHAPTER 5: COMPENSATION (PAY BANDS)**

### **5-1. General**

- A. This Chapter addresses the rules and procedures associated with compensating COREs via pay bands, which is one of the pay scales under the IC pay plan.
- B. Each pay band established for the IC pay plan corresponds to a range of pay and classification levels, such that bands replace grades and steps, and series are retained. Positions are classified by title, career path, and occupational series. The pay range for each pay band is equivalent to the pay range of GS and IC grades and steps within the pay band. A CORE may not receive base pay in excess of his or her pay band unless they are promoted to a position classified at a higher pay band.
  - 1. Band 1 corresponds to GS 1 to GS 6.
  - 2. Band 2 corresponds to GS 7 to GS 9.
  - 3. Band 3 corresponds to GS 10 to GS 11.
  - 4. Band 4 corresponds to GS 12 to GS 13.
  - 5. Band 5 corresponds to GS 14 to GS 15.
- C. The major duties and responsibilities of each CORE position are included in the position description. The position description is analyzed by a Human Resources Classification Specialist to determine the title and pay band of the position. This analysis of the work to be performed and comparison of the work to established standards is referred to as position classification and applies the principle of equal pay for equal work.
- D. Exceptions to the policies and procedures contained within this Chapter may be authorized by the CCHCO to respond to an emergent and unexpected mission need arising from a Level I disaster, to alleviate severe hardship to individuals resulting from any error on the part of FEMA in effecting personnel actions, or to address unusual situations that were not anticipated when this policy was drafted.

### **5-2. Setting Basic Rate of Pay**

- A. The Selecting Official is delegated the authority to assign a yearly basic pay amount within the position classified pay band. Pay setting criteria may include:
  - 1. The prior salary of the candidate;
  - 2. The overall qualifications of the candidate;
  - 3. The recency of the individual's relevant experience;
  - 4. The qualifications and pay of employees in similar positions in the work unit;

5. Salary comparability to non-Federal pay rates for similar work;
  6. Special qualification requirements associated with the vacant position;
  7. Turnover rates for the position;
  8. Scarcity of qualified candidates; or
  9. Programmatic urgency.
- B. Any request for a rate above the minimum rate within the position classified pay band(s) must include a justification drafted by the Selecting Official and approved by the second level supervisor. This justification must include:
1. The candidate's name;
  2. The title, grade, and recommended rate of the vacant position; and
  3. The factors and determination that support the pay rate determination.
- C. Pursuant to 29 C.F.R. § 1602.14 and in accordance with Equal Employment Opportunity Commission regulations, the justification for setting pay higher than the minimum rate shall be preserved for one year from the date of its making.

### **5-3. Pay Adjustments**

Adjustments to pay within a classified pay band may be requested by the supervisor of record for review and approval by the Human Resources Specialist without written justification or approval from the second level supervisor. Such adjustments may be given under the following circumstances:

- A. Reassignment of a CORE from one position to another position within the same classified pay band if the responsibilities of the new position warrant an increase or decrease in base pay to further the principles of equal pay for equal work;
- B. A pay change, of either an increase or decrease, to compensate for an increase or decrease in locality pay in conjunction with a move to another geographic area; or
- C. Receipt of a merit-based increase (see section 5-4).

### **5-4. Merit-Based Increase**

- A. A CORE who is not already receiving the maximum basic pay for his or her position may receive a merit-based increase at the conclusion of the performance year.
- B. A CORE, who receives a rating of record of "Achieved Expectations", or equivalent, is eligible for a merit-based increase of up to 3%; a rating of record of "Exceeded Expectations" or equivalent, is eligible for a merit-based increase of up to 4%; or a rating of record of "Achieved Excellence" or equivalent, is eligible for a merit-based increase of up to 5%.

- C. A CORE, who receives a rating of “unacceptable”, or equivalent, is not eligible for a merit-based increase.<sup>8</sup>
- D. A CORE’s supervisor of record must send an SF-52, approved by the second level supervisor, to the Payroll and Processing Division, OCCHCO for processing, certifying that the CORE has received an annual rating of record for the most recent performance cycle and that the percentage increase to basic pay sought by the supervisor of record is in compliance with the requirements established by section 5-3 above.

#### **5-5. Promotion**

- A. A promotion is a personnel action that moves a CORE from one classified band to another in the same career path. A promotion may also be the selection and appointment of a CORE to a position in another career path or region to which the CORE applies. This may result in a combination of an increase in the CORE’s salary and a change in position description. If the CORE is moved to a different position, in the same pay band, with the same or similar duties, the personnel action is a reassignment with retained pay.
- B. The CORE’s supervisor of record must certify that the CORE’s most recent performance rating was at least “Achieved Expectations” or equivalent, next higher graded work exists for the CORE to perform, the CORE’s new position description captures the duties to be performed, and the higher graded position is approved and funded. A CORE may be hired into a position in a higher pay band via vacancy announcement or a name request, if the Office or Directorate has an existing higher position available or creates a new position according to the procedures detailed in section 2-2.
- C. The new basic pay rate upon promotion may be set at any level in the new band, but the CORE must receive at least a six percent minimum pay increase over his or her previous salary. If the CORE moves to a different career path, any band in the new career path would be considered a “new band” for the purposes of determining his or her salary.

#### **5-6. Change to a Lower Pay Band**

When a CORE moves from his or her current position to a position at a lower pay band the action is referred to as a change to a lower pay band. The circumstances underlying the supervisor’s recommendation to initiate a change to a lower pay band will determine how pay is set.

- A. A CORE who exhibits poor performance and fails to improve acceptably will be terminated (see Chapter 11 for more information). In rare occasions, COREs may be demoted in lieu of removal due to poor performance. In such circumstances, pay is set at a lower pay band such that there is a reduction in

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<sup>8</sup> Supervisors who encounter poor performance should consult Chapter 11: Procedures for Misconduct and Poor Performance.

- pay equivalent to at least two steps (using the pay intervals from the grades and steps scale) below the higher banded position.
- B. When a CORE requests a change to lower pay band for personal reasons or convenience, including through application for an announced vacancy at a lower pay band, the action is considered a voluntary change to a lower pay band. For voluntary changes to a lower pay band, the new rate will be set according to the procedures in section 5-2, and should include any merit based increases that the CORE would have received during the qualified period.
  - C. The reclassification of a position by OCCHCO to a lower pay band will result in a reduction in pay and pay will be set in accordance with the classification decision. Pay will be set according to the procedures detailed in section 5-2. No appeal of the reclassification decision or pay retention is permitted, subject to any applicable collective bargaining agreement.

## **CHAPTER 6: COMPENSATION (GRADES AND STEPS)**

### **6-1. General**

- A. A CORE may be paid via an administratively-determined “IC” grades and steps pay scale, as described in this Chapter. The pay scale consists of 15 pay grades (IC-1 to IC-15) with 10 steps per grade. The pay sums associated with the IC pay scale mirror the GS scale.

For example, a CORE hired at IC-11, Step 1 under the IC pay plan would be paid at the same basic rate of pay as a GS-11, Step 1 employee under the GS scale.

- B. Exceptions to the policies and procedures contained within this Chapter may be authorized by the CCHCO to respond to an emergent and unexpected mission need arising from a Level 1 disaster, to alleviate severe hardship to individuals resulting from any error on the part of FEMA in effecting personnel actions or to address unusual situations that were not anticipated when this policy was drafted.

### **6-2. Setting Basic Rate of Pay**

- A. The position description is the primary source of information used in setting pay in the IC pay series. Other information used in setting pay is (1) the geographic location (official duty station) of the position; and, (2) the individual's prior employment, salary history, and qualifications.
- B. The major duties and responsibilities of each CORE position are included in its position description. The position description is analyzed by a Human Resources Specialist to determine the title and grade range of the position. This analysis of the work to be performed and comparison of the work to established standards is referred to as position classification and applies the principle of equal pay for equal work.
- C. A new appointment is an individual's first appointment as an employee of the Federal government. Pay for all new COREs will be set at the minimum rate (Step 1) of the grade of the position, unless the CORE is approved for an advanced rate (see part E Advanced to a Higher Step).
- D. If the CORE has prior federal service (including as a current or former FEMA employee), OCCHCO sets the basic rate of pay at the minimum rate for the position, unless they receive an advanced rate (as discussed below) or the highest pay rate previously received during Federal service, whichever is higher.<sup>9</sup> Before setting pay at the highest pay rate previously received during Federal service, the Selecting Official should consider:
1. The overall qualifications of the individual;
  2. The recency of the individual's relevant experience;

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<sup>9</sup> If the employee's highest previously-received pay rate falls between two steps of the IC pay scale, the Selecting Official may request that the employee's pay be set at the higher step.

3. The qualifications and pay of employees in similar positions in the work unit; and
  4. The potential impact on the morale of those employees if the candidate were to receive the maximum payable rate.
- E. Advanced to a Higher Step.
1. Prior to a candidate entering on duty, the Selecting Official will consider whether pay above the minimum rate of the grade should be made for a CORE.
  2. Pay rate decisions maintain equity between the pay of the new hire and that of current employees, including COREs, performing comparable work. The advanced rate may not exceed step 10 of the applicable grade to which the candidate will be hired.
  3. Required documentation and approval:
    - i. A request to advance a CORE up to step four may be submitted by the first or second level supervisor to OCCHCO for approval. A request to advance a CORE to step five and above must be submitted by the head of an Office or Directorate to OCCHCO for approval. The request must be accompanied by a written justification that includes:
      - a. The candidate's name;
      - b. The title, grade, and recommended rate of the vacant position; and
      - c. The factors and determination that support the pay rate determination. This may include, but is not limited to, salary comparability, special qualification requirements, turnover rates, scarcity of qualified candidates, or programmatic urgency.
    - ii. The first or second level supervisor must submit a recommendation for an advanced rate appointment well in advance of establishing an entrance on duty date to ensure sufficient time for OCCHCO to act on the request before the appointment becomes effective.
    - iii. Pursuant to 29 C.F.R. § 1602.14 and in accordance with EEOC regulations, the justification shall be preserved for one year from the date of its making.

### **6-3. Pay Adjustments**

Adjustments to pay within a grade after the pay rate is initially set may be given under the following circumstances:

- A. Reassignment of a CORE from one position to another position if the responsibilities of the new position warrant an increase or decrease in base pay to further the principles of equal pay for equal work;

- B. A pay change, of either an increase or decrease, to compensate for an increase or decrease in locality pay in conjunction with a move to a different official duty station in another geographic area; or
- C. Receipt of a step increase (see section 6-4).

#### **6-4. Step Increases**

- A. A CORE who is not already at the highest step of his or her current grade may be advanced to the next higher step at the conclusion of the waiting period assigned to their current rate.
  1. While FEMA's Stafford Act authorities permit FEMA the authority to compensate without regard to Title 5, FEMA adopts the waiting periods for advancement to the next highest step established by 5 U.S.C. § 5335 and its implementing regulation at 5 C.F.R. § 531.405 as a matter of policy for all COREs paid via grades and steps.
  2. A CORE is not automatically entitled to receive a step increase at the conclusion of his or her waiting period.
  3. To receive the step increase, the CORE's supervisor of record must sign the step increase document and return to OCCHCO for processing, certifying that the CORE:
    - i. Has completed the requisite waiting period;
    - ii. Has not received an equivalent increase during the waiting period; and
    - iii. His or her summary rating level for the most recent performance was at least "Achieved Expectations" or equivalent.
  4. If a supervisor determines that a CORE's performance is not at an acceptable level, the supervisor should contact OCCHCO/Employee Relations at least two months before the end of the required waiting period for a step increase, to draft a notification to the CORE stating that the CORE's next step increase is being withheld, the reason for the negative determination, and what the CORE must do to improve his or her performance to be granted the step increase.
- B. Prior to the completion of the requisite waiting period, a supervisor may recommend one additional step increase if warranted by the CORE's performance. To receive the additional step increase, the CORE's supervisor of record must send a justification describing the accomplishments and performance exhibited by the CORE that would warrant an increase in pay, and an SF-52 approved by the second level supervisor to OCCHCO for processing. OCCHCO will review the request to ensure COREs who exhibit similar performance receive similar pay.

## **6-5. Promotion**

- A. A promotion is a personnel action that moves a qualified CORE from one grade to another in the same career path or to a grade in another career path in combination with an increase in the CORE's salary.
- B. The CORE's supervisor of record must certify that the CORE's most recent performance rating was at least "Achieved Expectations" or equivalent, next higher graded work exists for the CORE to perform, the CORE's new position description captures the duties to be performed, and the higher graded position is approved and funded. A CORE may be hired into a position at a higher grade via vacancy announcement or a name request, if the Office or Directorate has an existing higher graded position available or creates a new position according to the procedures detailed in section 2-2.
- C. For promotions, pay is set at the lowest pay rate in the new grade; however, the new pay rate must exceed the CORE's existing pay rate by at least two steps. If the annual rate of the new position falls between two steps of the new grade, the higher step may be used. For example, an IC-7, Step 3 at FEMA HQ, with an annual pay rate of \$45,473, who is promoted to an IC-8, is entitled to at least an increase in pay equal to two steps from the position from which she was promoted at IC-7 Step 5, or \$48,315. Because the annual pay rate for an IC-8, Step 1 is \$47,212, it does not satisfy the two-step increase requirement. Therefore, pay is set at IC-8, Step 2 or \$48,786.

## **6-6. Change to Lower Grade**

When a CORE moves from his or her current position to a position at a lower grade the action is referred to as a change to lower grade. The circumstances underlying the supervisor's recommendation to initiate a change to lower grade will determine how pay is set.

- A. A CORE who exhibits poor performance and fails to improve acceptably will be terminated (see Chapter 11 for more information). In rare occasions, COREs may be demoted in lieu of removal due to poor performance. Upon demotion, the pay rate must be set at least two steps below the current pay rate. If the two-step reduction results in a rate that falls between two steps of the lower grade, the lower step must be used.
- B. When a CORE requests a change to lower grade for personal reasons or convenience, including through application for an announced vacancy at a lower grade, the action is considered a voluntary change to a lower grade. For voluntary changes to a lower grade, the new rate should include any step increase that the CORE would have received during the qualifying period and pay should be set at:
  1. The minimum payable rate of basic pay for the lower grade; or
  2. The highest previous rate received under Federal service, if the action is fair and equitable after considering the factors listed in section 6-2, and if the action serves the convenience of the Government.

C. The reclassification of a position by OCCHCO to a lower grade range will result in a reduction in pay and pay will be set in accordance with the classification decision. Pay will be set according to the procedures detailed in section 6-2. No appeal of the reclassification decision or pay retention is permitted, subject to any applicable collective bargaining agreement.

## **CHAPTER 7: BENEFITS**

### **7-1. General**

- A. With certain exceptions that apply to individuals such as reemployed annuitants, CORE are eligible for Federal Employees Health Benefits (FEHB), Federal Employees Dental/Vision Insurance Program (FEDVIP), Federal Employees Group Life Insurance (FEGLI), Federal Employees Retirement System (FERS), Flexible Spending Account (FSA), Federal Long Term Care Insurance (FLTCIP), and participation in the Thrift Savings Plan (TSP).
- B. COREs must review their benefit options and make selections within prescribed election periods. OCCHCO, Employee Services Division, will provide timely information to COREs with regard to available benefit options, election periods, and technical direction regarding how to apply for these options.
- C. OCCHCO staff is prohibited from making any type of recommendation that may influence a CORE's benefit election. COREs need to evaluate cost, personal needs, and eligible family members and their needs when preparing to make a benefits selection.
- D. FEMA applies guidance contained within OPM Benefits Administration Letter, No. 13-203, when extending benefits to legally married same-sex spouses and common law marriages in certain states, of Federal employees and annuitants, and to the children of those marriages.

### **7-2. Health Benefits**

- A. COREs are given an opportunity to enroll in the Federal Employees Health Benefits Program (FEHB) at the time of appointment to a CORE position.
- B. A CORE must decide whether to elect to enroll in FEHB within 60 days after the effective date of appointment. A CORE who elects to enroll must submit SF-2809 to his or her HR Specialist. A CORE who fails to return the completed form within the prescribed time frame, or who cancels enrollment will not have another opportunity to enroll until an FEHB open season is offered (generally once per year), or as a result of a Qualifying Life Event (QLE).
- C. The CORE's share of the premium for the benefits plan chosen will be deducted from the CORE's bi-weekly pay on a pre-tax basis. A CORE may cancel health benefits coverage during an extended period of non-pay status or may continue the coverage and pay the premium each pay period or upon return to pay status. Effective dates for enrollment, changes in enrollment, and cancellation of enrollment will be established in accordance with guidance prescribed by the U.S. Office of Personnel Management (OPM).

### **7-3. FEDVIP (Dental and Vision) Program**

- A. The Federal Employees' Dental/Vision Program (FEDVIP) is a supplemental program offering vision and dental coverage to Federal employees, retirees, and their eligible family members on an enrollee-pay-all basis.
- B. COREs, retirees, and their eligible family members are eligible to enroll in FEDVIP if they are eligible to enroll in FEHB and the CORE's position is not excluded by law or regulation.<sup>10</sup> COREs who are not enrolled in FEHB may still be eligible for FEDVIP, providing they are eligible to enroll in FEHB.
- C. New and newly eligible COREs may enroll within 60 days after they become eligible. COREs may also enroll during the annual Federal Benefits Open Season in November and December.

### **7-4. Life Insurance**

Unless a CORE elects to waive coverage prior to the end of the pay period in which appointed, eligible COREs are automatically insured for basic life coverage on the day the CORE enters on duty in a pay status. Within 60 days after the effective date of appointment to a CORE position, a CORE who has basic life insurance coverage may also elect standard, additional, and/or family optional insurance. A CORE may decrease or waive all life insurance coverage at any time. Effective dates of life insurance coverage and waivers will be in accordance with the Federal Employees Group Life Insurance (FEGLI) program and OPM guidance. FEGLI is not included in the annual benefits open season and open season periods are rare.

### **7-5. Retirement**

- A. As a general rule, employees appointed to CORE positions are automatically covered by the Federal Employees Retirement System (FERS). Exceptions include certain former Federal employees who were hired prior to January 1, 1984, and were covered under the Civil Service Retirement System (CSRS). Retirement coverage, whether FERS, CSRS, or CSRS Offset, begins on the effective date of appointment to a CORE position.
- B. COREs who are covered by FERS, and first appointed:
  1. Before 2013, contribute 0.8% of pay to the Civil Service Retirement and Disability Fund (CSRDF);
  2. In 2013, contribute 3.1% of pay to the CSRDF; or
  3. After December 31, 2013, contribute 4.4% of pay to the CSRDF.
  4. Employee contributions to the CSRDF may change according to changes in the FERS program.

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<sup>10</sup> See 5 C.F.R. § 894.302 or an HR Specialist to determine whether a position is excluded from FEDVIP.

## **7-6. Thrift Savings Plan**

- A. The Thrift Savings Plan (TSP) is a tax-deferred retirement savings and investment plan that provides COREs with an opportunity to save a portion of their income for retirement and reduce current taxes.
- B. Eligibility for participation is determined by FEMA in accordance with law and TSP regulations published by the Federal Retirement Thrift Investment Board.
- C. COREs, covered by FERS, appointed after July 31, 2010, are automatically enrolled in the TSP.
- D. COREs can elect, change their election, or stop their contributions at any time through the Employee Personal Page (EPP) or by completing and submitting a TSP-1 Election form.

## **7-7. Federal Long-Term Care Insurance Program**

Long-Term Care insurance provides financial protection to enrollees who are in need of assistance with their daily activities due to a lengthy or lifelong illness, injury, or cognitive impairment. Long-Term Care insurance is medically underwritten; therefore, a CORE and eligible family members must qualify for the insurance. Eligible COREs can enroll at any time; however, newly-hired COREs and their spouses receive a 60-day window to enroll using an abbreviated underwriting process.

## **7-8. Flexible Spending Accounts**

Flexible Spending Accounts (FSA) allows COREs to set aside money on a pre-tax basis to cover out-of-pocket health care or dependent care expenses. A newly eligible CORE has 60 days from the date of his or her appointment to elect to set aside this money by payroll deduction. A CORE who wishes to participate or continue to participate from one plan year to the next must make a positive election during the annual open season, which runs concurrent with the health insurance open season. Changes can be made outside of the benefits open season as a result of a Qualifying Life Event (QLE).

## **7-9. Employee Assistance Program (EAP)**

COREs have access to confidential work life enhancement services through the EAP, free of charge. The EAP is a professional resource available to help COREs resolve life challenges. A CORE may call the toll-free EAP number at 1-800-222-0364, 24 hours a day, 7 days a week. A CORE can also access EAP services online at [www.FOH4you.com](http://www.FOH4you.com).

## **7-10. Transit Subsidy Program**

Subject to the availability of funds, all COREs who are currently using public transportation to commute to work are eligible for transit subsidy benefits. The Office of the Chief Administrative Officer (OCAO), Support Services and Facilities Management Division (SSFMD), administers the transit subsidy program.

COREs interested in receiving a transit subsidy must complete FEMA Form 254-1-1, Public Transportation Benefit Program Application, and email it to the Transit Subsidy Program at [FEMA-Transit-Subsidy@fema.dhs.gov](mailto:FEMA-Transit-Subsidy@fema.dhs.gov).

## **CHAPTER 8: PERFORMANCE MANAGEMENT**

### **8-1. General**

- A. CORE performance management shall comply with the Employee Performance Management Program as established by FM 255-1-1.
- B. A CORE who receives a rating of unacceptable, or equivalent, on his or her most recent appraisal (rating of record) may be subject to removal in accordance with Chapter 11 of this Manual. Such removal should be effected regardless of the timing of the CORE's NTE date. However, a supervisor is not precluded from terminating a CORE prior to issuance of a performance appraisal, so long as the supervisor has sufficient documentation to justify the action and has consulted with an OCCHCO Employee Relations Specialist.

### **8-2. Performance Management for CORE-Is**

The performance of IMAT members appointed as CORE-Is are subject to FD 010-7, and are not covered by FEMA Manual 255-1-1 or this Chapter.

### **8-3. Deployment Performance Management**

- A. When deployed to a disaster for twenty days or more, a CORE qualified in a FQS position, and deployed to that position, will receive an evaluation of the CORE's deployment performance by a temporary duty supervisor. The evaluation period consists of the entire time the CORE is deployed.
- B. COREs will be evaluated on their performance based on the performance goals developed by Cadre Coordinators for each position within a Cadre. The goals will align with the position-specific knowledge of program and technical protocols contained in the position's PTB, and the core competencies for deployed personnel.
- C. The temporary duty supervisor will complete a deployment evaluation in a timely manner and transmit the evaluation to the CORE's supervisor of record. Additionally, the HR Unit Leader and his or her staff will ensure that any demobilized CORE who is deployed for at least twenty days is issued a performance evaluation prior to departing the incident work site.
- D. If a CORE's deployment performance does not meet achieved expectations, the CORE's supervisor of record in coordination with the Cadre Coordinator and/or temporary duty supervisor will collaborate with OCCHCO to determine the appropriate course of action.
- E. A CORE's progress review and appraisal (rating of record) should include input received after a deployment from the temporary duty supervisor. However, the supervisor of record has the discretion to consider the deployment performance evaluation as he or she deems appropriate when completing progress reviews and the annual appraisal (rating of record) subsequent to the deployment.

F. If the CORE is deployed at the time that the CORE's quarterly progress review should take place, the supervisor of record will work with the CORE and his or her temporary duty supervisor to obtain feedback on the CORE's performance during the applicable quarter.

## **CHAPTER 9: AWARDS AND RECOGNITION**

### **9-1. Awards and Recognition Program**

The Awards and Recognition program applicable to Title 5 employees and captured in FEMA Manual 255-4-1 is also applicable to COREs, with the exception of CORE-Is. Awards and recognition policy applicable to CORE-I IMATs is found in FD 010-7.

## **CHAPTER 10: SCHEDULING OF WORK AND TELEWORK**

### **10-1. Scheduling of Work and Telework**

- A. FM 106-1-1, Scheduling of Work, applies to all COREs. To establish a work schedule a CORE must submit a copy of FEMA Form 106-1-1-1, Request for Work Schedule, to his or her supervisor of record for approval.
- B. COREs will use FEMA approved timekeeping policies and procedures to account for all hours of work.
- C. FM 123-9-1, Telework Manual, applies to all COREs. To establish a telework agreement and schedule a CORE must submit a copy of FEMA Form 123-9-0-1, Telework Application and Agreement Form, and FEMA Form 123-9-0-2, Employee Self-Certification Safety and Health Checklist, to his or her supervisor of record for approval.
- D. COREs whose Residence of Record is their permanent duty station are not teleworking when on duty. However, all COREs whose Residence of Record is their official duty station must have a completed and approved Employee Self-Certification Safety and Health Checklist forms on-file with FEMA prior to being permitted to work.

## CHAPTER 11: PROCEDURES FOR MISCONDUCT AND POOR PERFORMANCE

### 11-1. General

- A. COREs are non-Title 5 employees and, therefore normally do not have appeal rights to the Merit Systems Protection Board.
- B. Supervisors must communicate proper conduct and performance standards. Supervisors must also set an example for proper conduct and performance for their subordinates.
- C. Supervisors must identify and deal with misconduct and unacceptable performance as they occur.
- D. Supervisors must document problems as they occur and follow up with COREs to ensure they understand the seriousness of their behavior and/or performance deficiencies. Documentation does not have to be lengthy. It can be a brief summary of key facts and issues, with names, dates and times that the incident(s) occurred. This documentation must be created in a timely manner and preserved for potential litigation and may be subject to discovery.
- E. Supervisors should immediately contact their servicing Employee Relations Specialist when misconduct or performance issues occur to obtain advice and guidance before taking any official action. If this issue involves misconduct, supervisors must report the matter as required by FD 123-19, paragraph III.D.
- F. When making a determination of lack of fitness to encumber a FEMA position, or that the CORE's security clearance is being suspended or revoked under DHS Instruction 121-01-007, OCSO shall immediately notify Employee Relations.

### 11-2. Addressing Misconduct

- A. Misconduct must be reported to FEMA HQ in accordance with FD 123-19, Administrative Investigations Directive (AID), and, depending on the status of the CORE and the alleged misconduct, to the DHS OIG. It can be difficult to determine whether a CORE's actions constitute misconduct or poor performance, or whether suspected misconduct triggers the requirements to report the suspected misconduct to DHS OIG or the AID Committee. As such, consultation with OCCHCO is critical to determining the proper course of action. The Employee Relations Specialist will recommend the appropriate option and provide the required documentation to the manager for issuance to the CORE. FD 123-19 and its accompanying Manual, FM 123-19-1, provide procedures for reporting misconduct and investigating it prior to determining if disciplinary action for any substantiated misconduct is to be recommended.

#### B. Options to Address Misconduct

- 1. **Counseling**. A counsel is an informal verbal advisement by a supervisor to a CORE of misconduct that must be corrected, yet which avoids any lasting adverse effect on a CORE's personnel record. The purpose of counseling is to correct misconduct problems soon after they occur in

order to prevent the need for formal discipline. Counseling is an appropriate response to minor misconduct when the CORE has a generally good record, with no prior instances of misconduct, and is committed to correcting the problem. Documentation is not required; however, a follow-up e-mail recounting the conversation entitled "Discussion dated XX" can be provided to the CORE and is strongly recommended. At a minimum the supervisor shall send an email to himself or herself to document the content of the conversation. Counseling can be used to demonstrate that the CORE was put on notice about the problem and knew of the potential for a harsh penalty if the problem continued. A memorandum documenting the counseling is not placed in the CORE's Official Personnel Folder (OPF).

2. **Reprimand**. A written reprimand is the lowest level of formal discipline addressed to the CORE and signed by the immediate supervisor (or higher level supervisor in the chain of command). Depending on the severity of the misconduct, it may be appropriate for a first offense of misconduct, when written formal discipline is necessary or, when verbal counseling has been ineffective in correcting misconduct. The reprimand should include, as a minimum, the following information:
  - i. Reference previous counseling or other action that was relied on to support the action (if any);
  - ii. Advise the CORE of any applicable appeal rights, such as the right to file an appeal with the next higher level supervisor within five calendar days after receipt of the reprimand;
  - iii. Advise the CORE of the potential negative consequences of future misconduct;
  - iv. Advise the CORE of Employee Assistance Program (EAP) services available to assist with any work-related or personal concerns that may have an impact on performance and/or behavior at work;
  - v. Inform the CORE of the Alternative Dispute Resolution (ADR) Program and of his or her right to seek counseling with an EEO advisor if he or she believes the reprimand is based on a prohibited factor;
  - vi. State whether a copy of the reprimand will be placed in the CORE's OPF, which may be for a period not to exceed 3 years;
  - vii. Identify the servicing Employee Relations Specialist to contact for questions concerning the reprimand; and
  - viii. Provide a signature line upon which the CORE will acknowledge receipt of the notice of reprimand.
3. **Suspension**. A suspension temporarily removes the CORE from the performance of duties without pay for a specified period, and is recorded in the CORE's official personnel record. A notice of suspension is a memorandum on FEMA letterhead, addressed to the CORE, and signed

by the immediate supervisor (or higher level supervisor in the chain of command).

- i. The supervisor of record forwards a copy of the notice (signed and dated by the supervisor) and the SF-52 to the Employee Relations Specialist. The Specialist codes the SF-52 and forwards it to the OCCHCO for processing.
- ii. The notice of a suspension should include, as a minimum, the following information:
  - a. Identify the specific charge(s), supporting information, regulations or policies violated;
  - b. Identify the effective date of the action;
  - c. Advise the CORE of any applicable appeal rights, such as the right to appeal the suspension to the next-higher level supervisor within five calendar days of receipt of the notice, and of the CORE's right to file a grievance under any applicable collective bargaining agreement;
  - d. Inform the CORE of his or her right to seek counseling with an EEO advisor if he or she believes the suspension is based on a prohibited factor;
  - e. Advise the CORE how to contact the EAP to assist with any work-related or personal concerns that may have an impact on the CORE's conduct at work;
  - f. Provide the name and telephone number of the servicing Employee Relations Specialist whom the CORE may contact for questions; and
  - g. Provide a signature line upon which the CORE will acknowledge receipt of the notice of suspension.
4. **Removal from Federal Service.** A removal from federal service is recorded in the CORE's personnel record, and is the most severe form of discipline available to a manager. Removal may be appropriate when the facts and supporting information cause the supervisor to conclude that the CORE has demonstrated an unwillingness or refusal to conform to acceptable standards of conduct, a lesser penalty would not deter future misconduct, or there is little probability of the CORE's rehabilitation.
  - i. A notice of removal is a memorandum on FEMA Letterhead addressed to the CORE from the immediate supervisor (or higher level supervisor in the chain of command). The notice should include the same items identified in section 11-2.B.3.ii. (Content of a suspension notice).
  - ii. The CORE's immediate supervisor, or any higher-level supervisor in the CORE's chain of command, should give the notice to the CORE at or before the effective date of the notice and request that the CORE

acknowledge receipt at the bottom of the last page of the notice. If the CORE refuses to sign the notice acknowledging receipt, the supervisor should place a note on the last page to indicate that the notice was given to the CORE and the CORE refused to acknowledge receipt. Failure to acknowledge receipt has no impact on implementation of the decision.

5. **Removal Based on a Determination of Lack of Fitness for a FEMA Position.** All COREs must meet fitness standards established in DHS Instruction 121-01-007.
  - i. OCSO has the authority to determine a CORE's fitness, based on a background investigation at the time of entry on duty and every five years thereafter (or more frequently as circumstances warrant).
  - ii. When OCSO has determined that a CORE does not meet the fitness standard, in accordance with the procedures in DHS Instruction 121-01-007, OCSO shall notify OCCHCO/Employee Relations, which shall coordinate with the CORE's supervisor and OCSO to deny the CORE unescorted access to DHS/FEMA facilities. In addition, DHS Sensitive Systems Policy Directive 4300A requires that DHS employees have a favorably adjudicated background investigation to be granted access to DHS Information Technology systems. Therefore, COREs who do not meet the fitness standard are normally required to turn in their FEMA equipment (e.g., laptop, Blackberry, etc.) and are placed on non-duty, non-pay status. The CORE may request to use any available accrued leave during this period.
  - iii. With the concurrence of OCCHCO/Employee Relations and the Office of Chief Counsel, the supervisor of record issues a removal decision to a CORE under his or her supervision deemed unfit to encumber a FEMA position. The notice should include the same items identified in section 11-2.B.3.ii. (content of a suspension notice).
  - iv. The removal decision shall include the right to appeal within five calendar days after the removal is effective. Appeals from removal decisions are decided by the Associate or Deputy Associate Administrator, Mission Support.
6. **Recovery of Government Equipment.** Supervisors shall collect all government equipment prior to the effective date of the removal.

### **11-3. Addressing Poor Performance**

CORE supervisors and managers should consult FM 255-1-1, Employee Performance Management Program, for more information on dealing with poor performance. Most performance problems can be resolved through effective communication between the supervisor and CORE. The supervisor should, at a minimum, take the following steps:

- A. Discuss performance deficiencies with any CORE whose performance is substandard. This discussion provides the supervisor the opportunity to clarify job expectations, and to identify performance deficiencies. It provides the CORE with clear direction as to what he or she needs to do to improve his or her performance to an acceptable level. The supervisor should document the discussion and provide the CORE with a copy of the documentation to prevent misunderstandings, or mischaracterization of the discussion.
- B. Monitor the CORE's performance following the discussion, and document the CORE's progress toward improving his or her performance.
- C. The supervisor must discuss the CORE's performance deficiencies with the Employee Relations Specialist for guidance on (1) whether to remove a CORE for substandard performance immediately or (2) to provide the CORE time to demonstrate improvement, and if so, the length of time to do so. A "performance expectations" memorandum is a helpful tool that the supervisor can issue to the CORE. The Employee Relations Specialist will assist the supervisor with drafting any correspondence regarding performance problems. The supervisor will provide the Specialist with a signed and dated copy of the final document. The supervisor must document the deficiencies with memoranda, emails, work products and any other documentation that demonstrates the deficiencies. COREs are not placed on formal Performance Improvement Plans (PIPs).
- D. Removal from Federal Service.
  - 1. A removal from federal service is recorded in the CORE's personnel record, and is the most severe form of discipline available to a manager. A notice of removal is a memorandum on FEMA Letterhead addressed to the CORE from the immediate supervisor (or higher level supervisor in the chain of command).
  - 2. The notice should include the same items identified in section 11-2.B.3.ii (content of a suspension notice).
  - 3. The CORE's immediate supervisor, or any higher-level supervisor in the CORE's chain of command, must give the notice to the CORE at or before the effective date of the notice and request that the CORE acknowledge receipt at the bottom of the last page of the notice. If the CORE refuses to sign the notice acknowledging receipt, the supervisor should place a note on the last page to indicate that the notice was given to the CORE and the CORE refused to acknowledge receipt. Failure to acknowledge receipt has no impact on implementation of the decision.
- E. In rare circumstances, the supervisor may initiate a reassignment to another position in a lower pay band or IC pay grade, whichever is applicable, in lieu of removal, to address poor performance after receiving concurrence from the Employee Relations Specialist and the Office of Chief Counsel. In such circumstances, the CORE's rate of pay will be reduced in accordance with Chapters 5 and 6.

#### **11-4. Deployment Scenarios**

COREs may be assigned to perform incident management and incident support duties based on the operational needs of FEMA and subject to the policies contained within FD 010-8, FEMA Incident Workforce Deployment. During deployment, supervisors of record receive feedback on the performance of COREs during deployments from the CORE's temporary duty supervisors. Temporary duty supervisors provide day-to-day supervision of the performance of deployed COREs.

- A. Temporary duty supervisors must consult with the supervisor of record and OCCHCO/Employee Relations Branch when they encounter poor performance, and provide all documents to the supervisor of record.
- B. Temporary duty supervisors who become aware of allegations of misconduct shall notify the supervisor of record of the allegation. The supervisor of record shall consult with OCCHCO/Employee Relations before initiating disciplinary action. The supervisor of record will notify the temporary duty supervisor of any impending disciplinary action. In all cases in which misconduct is alleged, the Employee Relations Branch shall provide advice to the Federal Coordinating Officer (FCO) and the supervisor of record as to the propriety of the following options:
  1. Releasing the CORE from the deployment into a non-duty, non-pay status;
  2. Releasing the CORE and returning him or her to the official duty station, or
  3. Keeping the CORE deployed pending completion of any needed investigation or issuance of disciplinary action.
- C. If the supervisor of record and FCO disagree whether to demobilize the CORE, the issue will be resolved by the Associate Administrator of Response and Recovery.

#### **11-5. Arrest, Indictment, and other Allegations of Misconduct**

- A. FEMA may receive information that a CORE has been arrested, indicted for a crime, used an illegal drug, or has allegedly committed other serious misconduct. Supervisors may learn of this information in a variety of ways, including the CORE's self-report or via other employees, the Office of the Chief Security Office (OCSO), or press reports. Upon receipt of such information, the supervisor of record, FCO, or temporary duty supervisor shall contact Employee Relations for guidance.
- B. If the CORE is incarcerated or otherwise unable to come to work, the supervisor must first address the leave status. COREs may use available leave, if requested and approved by the supervisor. If the request is denied, the CORE shall be placed in a non-duty, non-pay status. The supervisor is not obligated to approve a leave request submitted by the CORE.

- C. If the CORE is available for duty following arrest, or, if not arrested, but is under investigation for alleged misconduct, the following factors must be considered in determining whether the CORE shall be permitted to return to duty pending resolution of the criminal action or other serious misconduct:
1. If the CORE has a security clearance, OCSO, Personnel Security Division (PSD), may suspend a CORE's security clearance upon receipt of adverse information, such as an arrest or indictment. If PSD suspends the CORE's clearance, or revokes it, PSD shall notify ER. Normally, COREs would be placed in non-duty, non-pay status until a recommendation on removal can be made by ER to the supervisor of record.
  2. For COREs without security clearances, OCSO must determine if the CORE is fit for continued employment. Thus, until OCSO has rendered a determination on the CORE's fitness, the supervisor of record must determine whether the CORE should be allowed to continue to work (including telework), be placed in a non-duty, non-pay status or be terminated pending the outcome of the criminal case, considering the following factors after consultation with ER, OCC's Personnel Law Branch, and OCSO:
    - i. What is the nature of the offense or other serious misconduct? The more serious the offense, the more likely that the CORE should not return to duty.
    - ii. What evidence is there as to the commission of the offense? The lack of corroboration or confession especially with a minor offense, may weigh in favor of the CORE's retention on duty.
    - iii. Does the known evidence suggest that the CORE is a physical or logical security risk?
    - iv. Impact on the Mission: Are there other factors that indicate that the mission will be adversely affected if the CORE is returned to duty, such as notoriety? Is the offense known, causing perceived damage to a Directorate's, Office's, or JFO's ability to conduct business or its credibility due to the CORE's continued presence?
  3. Authority to return the CORE to duty pending resolution of criminal matters: After consultation with ER, and subject to approval, if required, by the Office of Inspector General:
    - i. For COREs who are deployed, the FCO shall make the final decision as to whether the CORE shall remain at the JFO, after consultation with the supervisor of record (see section 11-4 for resolution of disputes on this matter between FCO and the supervisor of record).
    - ii. For COREs at their official duty station, the supervisor of record shall make the final decision as to whether the CORE shall return to duty.

## **11-6. The Appeal Process**

A CORE who wishes to appeal a reprimand, suspension, or removal decision may do so in writing to his or her second level supervisor no later than 5:00 p.m. (the local time of the second level supervisor) on the fifth calendar day following the effective date of the disciplinary action. COREs included within collective bargaining units must follow the procedures for that unit. Oral appeals are not permitted. This appeal process is not applicable to non-disciplinary actions, such as right-sizing, demobilization, or the expiration of appointments.

- A. The CORE may provide a narrative and any documentation that he or she considers relevant for the second level supervisor to consider prior to issuing his or her final decision.
- B. The second level supervisor may gather additional documents that he or she deems necessary to make a final decision. The second level supervisor should complete any additional investigation within five working days of the receipt of a timely appeal and issue a decision within five working days after finishing an investigation.
- C. The Employee Relations Specialist will review the written decision drafted by the second level supervisor prior to its issuance to the CORE. Additionally, the Employee Relations Specialist will gather and preserve any and all additional documents acquired by the second level supervisor to issue the final decision and the final decision itself.

## **11-7. Allegations of Discrimination**

If a CORE alleges discrimination to his or her supervisor, the CORE must be referred to the Office of Equal Rights for appropriate guidance on the EEO complaint process. The supervisor may contact the Office of Chief Counsel's Personnel Law Branch with any questions concerning the EEO process.

## **11-8. Allegations of Fraud, Waste, Abuse, and Mismanagement**

Supervisors must not ignore allegations of fraud, waste, abuse, or mismanagement, and must take steps to inquire into the allegations or refer them to appropriate management officials for investigation. Allegations of misconduct against COREs at the IC-15 or equivalent level or higher must be referred to the Office of Inspector General (ref: DHS Management Directive 0810.1) for investigation.

## **CHAPTER 12: RIGHTSIZING**

### **12-1. General**

- A. COREs receive temporary appointments that do not confer eligibility or priority consideration for permanent appointment. They may be removed from Federal service at any time for poor performance, misconduct, reduction in work, or for other agency mission needs, so long as adequate documentation exists to justify the removal, and are not subject to protection afforded by reduction-in-force provisions or reemployment rights established under any statutory or regulatory provision.
- B. When FEMA requires reductions in staff levels in one or more functional areas due to a lack of work or funding, FEMA may conduct a rightsizing of its CORE workforce. A rightsizing may occur when an Office or Directorate anticipates needing fewer positions through the annual workload analysis and staffing plan process, or if an immediate need to reduce positions or workload is realized between annual workload analyses.
- C. Rightsizing results in termination of appointment prior to the expiration date of an appointment, unless the CORE is selected for or is reassigned to another vacant position in FEMA.
- D. Rightsizing procedures should not be used to remove CORE employees due to poor performance or misconduct.
- E. A Rightsizing does not occur when FEMA declines to renew a CORE's appointment at the end of a CORE's appointment term.
- F. Program Areas shall be clearly defined, with appropriate justification, in the Plan. The Plan shall be in writing and approved by OCCHCO prior to implementation.

### **12-2. Rightsizing Plan**

- A. The second level supervisor, in coordination with OCCHCO, develops a Rightsizing Plan to affect the rightsizing procedures described in this Chapter that will impact the COREs under his or her supervisory authority. The Plan shall be in writing and approved by OCCHCO prior to implementation.
- B. Based on the Office or Directorate's most recent workload analysis and staffing plan, the second level supervisor will identify the activities that will cease to be performed or require an adjustment in the amount of time for performance.
- C. Using this adjusted workload analysis, the supervisor or manager will develop a revised Staffing Plan for the positions under his or her authority that will propose the number of CORE positions by title, series, grade, and duty station that will continue to be needed. The remaining positions will be identified for rightsizing.

- D. The Rightsizing Plan will consist of the updated staffing plan, any Functional Area SMEs identified for retention (see section 12-4.B.), the proposed timeline for providing the general and specific notices of rightsizing to the affected COREs, and the proposed effective date of the rightsizing.

### **12-3. Notice**

The second level supervisor will issue both general and specific notice of upcoming rightsizing efforts.

- A. General Advance Notice. COREs will be given a 30 calendar day advance official notification concerning decisions which may result in their being affected by a rightsizing effort. This notification will be in writing and will include: the reasons for the rightsizing effort, such as lack of work or funds, reorganization, or a realignment of functions; and, whom to contact about assistance available for affected employees.
- B. Specific Notice. Specific written notice of separation will be issued to individual affected COREs prior to the proposed date of their release. FEMA's goal is to provide notice no less than 30 calendar days from their date of release unless extenuating circumstances dictate a shorter notice period.

### **12-4. Retention Criteria**

Upon determining that rightsizing procedures are required, the second level supervisor, in consultation with OCCHCO, shall utilize the following criteria to determine the order in which COREs will be released. An incumbent will only be compared to other incumbents under the supervision of that second level supervisor.

- A. **Position**. Identify (1) the affected area; (2) the existing positions staffing that area; and (3) pay levels within each position. Each position is reviewed and listed by pay and location, and positions are identified for retention based on lack of work or funds, reorganization, or a realignment of functions. The determination as to the number of needed positions to staff the reduced workforce must be documented in the Rightsizing Plan.

**Example.** In this example, the program area is identified as "Applicant Services" and the existing positions are "Applicant Services Specialists." There are currently 10 IC-12s, 15 IC-11s, and 15 IC-9s Applicant Services Specialist positions. The remaining work only requires 3 IC-12s, 10 IC-11s, and no IC-9s Applicant Services Specialists.<sup>11</sup> Therefore, 7 IC-12s, 5 IC-11s, and all IC-9s will be released. Consequently, the second level supervisor must examine the incumbent IC-12s and IC-11s to determine who will fill the

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<sup>11</sup> For this example, substitute the pay band numbers for grade level if the COREs with positions targeted for rightsizing are paid via an administratively-determined pay scale utilizing pay bands.

remaining positions utilizing the following retention criteria. OCCHCO must approve this Plan prior to implementation.

Current Staffing	Needed	Release	Remaining
10 – Applicant Services Specialists, IC-12	3 – Applicant Services Specialists, IC-12	7 – Applicant Services Specialists, IC-12	3 – Applicant Services Specialists, IC-12
15 – Applicant Services Specialists, IC-11	10 – Applicant Services Specialist, IC-11	5 – Applicant Services Specialists, IC-11	10 – Applicant Services Specialists, IC-11
15 – Applicant Service Specialists, IC-9	0 – Applicant Services Specialists, IC-9	15 –Applicant Services Specialists IC-9	0 – Applicant Services Specialists, IC-9

- B. **Functional Area SME.** To ensure accomplishment of mission objectives, the supervisor of a functional area subject to rightsizing procedures may identify one SME from the supervisor's functional area that should be excluded from rightsizing procedures because of the SME's subject matter expertise. Any request for a SME's exclusion from rightsizing must be accompanied by a justification that establishes that a need exists for this SME position, and that the requested employee is most qualified for the SME position. This request must be approved by the supervisor's chain of command with the final concurrence of the Head of the Office or Directorate, who will then inform OCCHCO of the SME designation and transmit to OCCHCO all documents justifying his or her selection. OCCHCO must review and approve the SME designation as part of the review of the Rightsizing Plan. A SME who is thereafter reassigned to a different functional area will lose his or her SME designation, thereby losing his or her exemption from rightsizing procedures.
- C. **Performance Evaluation.** The second level supervisor will provide to OCCHCO the summary rating level of all COREs in positions that must be rightsized, based on their most recent annual performance appraisals. Incumbents will be released in inverse order of performance rating (lowest to highest). Normally, incumbents with summary rating levels of Achieved Excellence (or equivalent) will be excluded from release unless the total number of positions that must be released exceeds the number of incumbents who received a summary rating below Achieved Excellence (or equivalent).
- D. **Service Computation Date (SCD).** If reviewing the performance evaluations of all COREs in positions that must be rightsized has not distinguished the incumbents for release from those who will be excluded from release for the current round of rightsizing, OCCHCO shall further review incumbents by SCD and shall identify those with the most recent SCDs for release.
- E. **Ties.** The official who would normally make the selection for the position from which the CORE is being released will determine, on the basis of

qualifications and competencies for the specific position, which employee(s) will be retained when two or more employees have identical service computation dates. The rationale for retention versus removal must be documented with the specific reasons for each decision. OCCHCO must review and approve the stated rationale.

**F. Recovery Office Closure.**

1. Some COREs will remain in their positions until the closure of the Recovery Office.
2. Upon the closure of the Recovery Office, the remaining COREs must have applied and been selected for a vacant FEMA position or they will be released from their employment with FEMA, using the notice procedures above.

**12-5. Transitional Options for Released COREs**

CORE staff identified for release will not be automatically reassigned directly into vacant positions elsewhere in FEMA and must apply and be appointed through the hiring procedures identified in this Manual. COREs will be released from their current appointments for lack of work if, by the date of their release, they have not been selected for another vacant position within FEMA. The Director of the Recovery Office or the Head of the Office or Directorate may assist COREs identified for release with career transition, as appropriate, by arranging for assistance with resume writing and interview preparation.

## **CHAPTER 13: ABSENCE AND LEAVE**

### **13-1. Absence and Leave Policy**

FEMA administratively applies FM 3300.3, FEMA Absence and Leave Policy to COREs, with the exception of CORE-Is, whose absence and leave policies are governed by FD 010-7, Incident Management Assistance Team (IMAT) Program Directive.

## **CHAPTER 14: TRAINING AND ETHICS**

### **14-1. Training Provisions**

- A. The CORE and his or her supervisor of record share the responsibility for ensuring the CORE's professional development.
- B. OCCHCO, Employee Development Division, is responsible for drafting guidance on various topics, including but not limited to, continuing service agreements relating participation in employee development programs, supervisory training, and individual and executive development plans.
- C. A CORE may be temporarily placed on a rotational assignment as part of a professional development program. In such circumstances, the duties and responsibilities performed by the CORE must be authorized under the Stafford Act. A CORE may be placed on a rotational assignment for up to 120 days that may be renewed for one additional 120 day period. As the CORE IMAT program maintains its own professional development program, CORE IMATs are not eligible for rotational assignments.
- D. Eligibility for training programs for a CORE paid via the grades and steps system is determined by the applicable grade and years of service requirement. Eligibility for training programs for a CORE paid via the pay band system is determined by comparing the current salary level of the CORE to the salary range of the GS levels eligible for the training program and the years of service requirement. The CORE will be eligible for a training program if the CORE's salary is within the salary range of the GS employees eligible for the training and satisfying the years of service requirement.
- E. IM COREs are eligible to participate in applicable leadership development programs so long as the training program does not have an impact on mission requirements. If an IM CORE is directed to deploy during a training program the CORE must deploy and may not finish the training program.
- F. COREs participating in a leadership development program will be required to sign and comply with the terms of a three year Continuing Service Agreement (CSA). See Chapter 15, Continuing Service Agreements, for more information.

### **14-2. Ethics Requirements**

- A. All COREs are subject to the federal ethics laws and regulations, including the criminal conflict of interest statutes, the Standards of Ethical Conduct for Employees of the Executive Branch, and any supplemental ethics regulations promulgated by DHS.
  - 1. Federal ethics laws and regulations apply to COREs at all times and may affect a CORE's ability to seek and enter into outside employment.
  - 2. A CORE's outside employment may also create a real or apparent conflict of interest with his or her FEMA duties.

3. COREs must be informed of these rules and regulations prior to hiring.
- B. All COREs shall receive training in fraud detection and prevention, equal rights, privacy, and security.
- C. All COREs must complete Initial Ethics Orientation provided by OCC Ethics within 90 days of their date of entry, in accordance with 5 C.F.R. § 2638.703.
- D. Confidential financial disclosure filers must complete one hour of annual ethics training per calendar year, as required by 5 C.F.R. § 2638.705. All other COREs must complete annual ethics training per FEMA policy.
- E. All annual ethics training is provided by OCC Ethics.

## **CHAPTER 15: CONTINUING SERVICE AGREEMENTS**

### **15-1. Service Agreement**

- A. An applicant or CORE who receives a recruitment, relocation, or retention incentive is required to sign a two-year CSA prior to receiving the incentive. The Selecting Official or supervisor of record will preserve a signed copy of the service agreement and transmit a copy to OCCHCO.
- B. A CORE participating in a leadership development program will be required to sign a three-year CSA.
- C. A CORE must fulfill the terms of the CSA, including when the appointment is renewed for another appointment period.

### **15-2. Terminations of a CSA**

- A. If a CORE voluntarily separates from FEMA prior to completing the service obligation period, to begin employment with DHS Headquarters or another DHS Component, the CORE must give his or her supervisor of record at least 30 days advance notice in writing, during which time the supervisor shall notify OCCHCO to transfer the remaining service obligation to the gaining agency. If the CORE separates from the Federal service or begins employment with another Federal agency, the CORE will be indebted to FEMA for the remaining service period.
- B. A CORE who is demoted, removed from Federal service for misconduct or poor performance, or receives a rating of record lower than Achieved Expectations or equivalent, before fulfilling the terms of a CSA will be indebted to the Federal Government for the remaining service period.
- C. Repayment is not required when a CORE is involuntarily separated for reasons other than misconduct or poor performance, or when the circumstances are otherwise beyond the CORE's control.
- D. A CSA may be unilaterally terminated by the head of an Office or Directorate based solely on management needs. Examples of discretionary removals include, but are not limited to, rightsizings or insufficient funds to continue planned payments. When a removal is based on management needs, the employee is entitled to all payments attributable to completed service and to retain any portion of a payment received that is attributable to uncompleted service.

### **15-3. Debt Recovery**

- A. When reimbursement is required, the repayment amount will be reduced on a pro rata basis for the percentage of completion of the obligated service period.
- B. If a CORE's appointment is not renewed, and the CORE is not appointed to a different position within FEMA, recovery is waived.

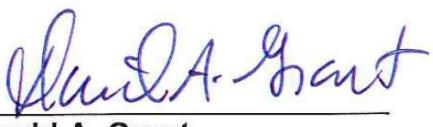
C. An indebted CORE may request a waiver of any debt relating to a CSA to his or her Office or Directorate head. The Officer or Directorate head must send the request along with his or her recommendation through OCCHCO to the Administrator, who will render a written decision. Waivers in whole or in part will be rare and will be based on a determination that the recovery would be against equity and good conscience, or against the public interest.

**FEMA MANUAL 123-10-1  
ABSENCE AND LEAVE  
APPROVAL DATE: 12/29/2015**



**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**

  
**Corey J. Coleman**  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer  
Date: 12/15/2015

  
**David A. Grant**  
Associate Administrator  
Mission Support  
Date: 12/29/15

## **Foreword**

This Manual provides guidance and policy direction for the administration, implementation, and oversight of the Federal Emergency Management Agency's (FEMA) Absence and Leave Program.

FEMA's absence and leave rules are an important tool to recruit and retain a highly skilled and motivated workforce. Employees are encouraged to make full use of their earned leave for rest and relaxation, recuperation from sicknesses or injuries, meeting the health and wellness needs of family members, and to fulfill civic obligations.

FEMA's leave benefits are determined by laws, regulations, and executive orders governing the leave system for Federal employees. Some of the applicable laws, regulations, and executive orders give FEMA discretion to authorize certain leave benefits, in whole or in part, this Manual details FEMA's decision on exercising its discretion regarding the application of leave benefits. This Manual provides a complete listing of all types of leave authorized by FEMA's absence and leave rules.

While FEMA supports employees utilizing all forms of leave authorized by this policy, managers and employees must ensure the proper use of leave. Excessive use of leave has a detrimental effect on FEMA and the Federal service by delaying or preventing FEMA's mission objectives, increasing the work assignments for other employees, and providing reduced or unsatisfactory service to the public. FEMA's leave rules are designed to balance the needs of FEMA, employees, and the public.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

This Manual establishes the policies and procedures for FEMA's absence and leave program. This Manual will provide managers and employees with guidance on the proper use of all types of leave authorized under FEMA policy.

### **1-2. Applicability and Scope**

The provisions of this Manual apply to all employees who meet the definition of "employee" under 5 U.S.C. § 2105. This Manual also applies to Cadre of On-Call Response/Recovery Employees (COREs) to the extent the CORE Manual (FM 252-11-1) adopts the policies and procedures of this Manual. This Manual does not apply to Reservists.

### **1-3. Supersession**

This Manual supersedes FEMA Manual 3300.3, FEMA Absence and Leave Policy, issued July 31, 2001.

### **1-4. Authorities/References**

- A. Title 5, United States Code (U.S.C.) Chapter 63, Leave.
- B. Title 5, U.S.C. Chapter 81, Compensation for Work Injuries.
- C. Title 5, U.S.C. § 8339(m).
- D. The Family and Medical Leave Act of 1993, Pub. Law No. 103-3, as amended, codified at 29 U.S.C. § 2601 *et seq.*
- E. The Uniformed Services Employment and Reemployment Rights Act of 1994, Pub. Law No. 103-353, as amended, codified at 38 U.S.C. § 4301 *et seq.*
- F. Title 5, Code of Federal Regulations (C.F.R.) § 353.106, Personnel Actions During Employee's Absence.
- G. Title 5, Code of Federal Regulations (C.F.R.) Part 550 Subpart J, Adjustment of Work Schedules for Religious Observances.
- H. Title 5, C.F.R. Part 550 Subpart L, Lump-Sum Payment for Accumulated and Accrued Annual Leave.
- I. Title 5, C.F.R. Part 550 Subpart N, Compensatory Time Off for Travel.
- J. Title 5, C.F.R. Part 630, Absence and Leave.
- K. Title 5, C.F.R. § 831.302.
- L. Title 29, C.F.R. Part 825, The Family and Medical Leave Act of 1993.
- M. Executive Order (E.O.) 5396, July 17, 1930.

- N. E.O. 13223, September 14, 2001.
- O. Office of Personnel Management (OPM) Washington, DC, Area Dismissal and Closure Procedures, December 2014.
- P. OPM Handbook on Leave and Workplace Flexibilities for Childbirth, Adoption, and Foster Care, April 2015.
- Q. Department of Homeland Security (DHS) Interim Policy 112-10, The Proper Use of Administrative Leave.
- R. FEMA Directive 010-8, FEMA Incident Workforce Deployment, October 16, 2014.
- S. FEMA Directive 119-6, Employee Physical Fitness Program, February 1, 2012.
- T. FEMA Manual 106-1-1, Scheduling of Work, March 5, 2014.
- U. FEMA Manual 123-9-1, Telework, January 9, 2013.
- V. FEMA Manual 141-1-1, Records Management: Files Maintenance and Records Disposition, March 7, 2014.
- W. FEMA Manual 252-11-1, Cadre of On-Call Response/Recovery Employee (CORE) Program, August 25, 2015.
- X. FEMA Manual 253-2-1, Premium Pay, February 11, 2014.
- Y. FEMA Manual 255-3-1, Employee Discipline, December 29, 2015.
- Z. FEMA Manual 255-4-1, Employee Awards and Recognition, September 26, 2013.

## **1-5. Policy**

- A. FEMA will utilize the discretion afforded by Federal absence and leave laws, regulations, and policies to limit the categories and use of leave to balance the needs of FEMA to complete its assigned missions with recruiting and retaining a highly skilled and motivated workforce.
- B. FEMA must be ready at all times to respond to all disasters and meet the needs of the public with the necessary workforce.
- C. Managers and supervisors will implement FEMA's absence and leave policies in a fair and consistent manner.
- D. Employees are required to report to work on time according to their approved work schedules and be available during FEMA's core business hours to complete assignments, respond to co-workers, and meet the needs of the public.
- E. Employees are encouraged to make use of their leave privileges for rest, relaxation, accomplishing personal business, seeking health or medical care, and recovering from sicknesses and injuries. Providing effective leave options

- allows FEMA to recruit and retain high quality employees, increase employee engagement, and improve morale.
- F. FEMA offers a variety of leave options and workplace flexibilities to allow employees to satisfy their work responsibilities and meet the needs of family members due to illnesses, injuries, and childbirth.
  - G. FEMA supports employees fulfilling their military commitments when called to active service. FEMA will make every effort to support veterans returning to civilian life and/or seeking treatment for service related injuries and illnesses through the absence and leave program.
  - H. Employees will use legitimately earned leave appropriately according to the policies and procedures detailed by this Manual. Employees and supervisors will be mindful of the effect improper use of leave has on FEMA's ability to complete its mission, fellow employees, and public perception of the Federal service.

## **1-6. Definitions**

- A. Adoption. The legal process in which an individual becomes the legal parent of another's child.
- B. Armed Forces. The Army, Navy, Air Force, Marine Corps, and Coast Guard.
- C. Core Hours. The designated period of the day an employee must be present at work. FEMA's designated core hours are 9:30 a.m. to 3:30 p.m.
- D. Domestic Partner. An adult in a committed relationship with another adult, including both same-sex and opposite-sex relationships.
- E. Essential Functions. The fundamental job duties of the employee's position.
- F. Family Member. An individual who is the employee's spouse, and parent of that spouse; a son or daughter, and spouse or domestic partner of the son or daughter; the employee's parent, and parent's spouse or domestic partner; the employee's brother or sister and their spouse or domestic partner; the employee's grandparent or grandchildren, and their spouse or domestic partner; domestic partner, and the partner's parents; or any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
- G. Foster Care. Providing 24-hour care for children in substitution for, and away from, their parents or guardian. Such legal placement is made by or with the agreement of the State as a result of a voluntary agreement by the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family to take the child.
- H. Health Care Provider. A licensed Doctor of Medicine or Doctor of Osteopathy; any health care provider recognized by the Federal Employees Health Benefits Program or who is licensed or certified under Federal or State law to

provide the service in question; a health care provider as defined in part 2 of this definition who practices in a country other than the United States, who is authorized to practice in accordance with the laws of that country, and who is performing within the scope of his or her practice as defined under such law; a Christian Science practitioner listed with the First Church of Christ, Scientist, in Boston, Massachusetts; or a Native American, including an Eskimo, Aleut, and Native Hawaiian, who is recognized as a traditional healing practitioner by native traditional religious leaders who practices traditional healing methods as believed, expressed, and exercised in Indian religion of the American Indian, Eskimo, Aleut, and Native Hawaiians.

- I. Home Leave. Leave earned by service abroad for use in the United States, the Commonwealth of Puerto Rico, or in the territories or possessions of the United States.
- J. Immediate Relative. See definition of a family member.
- K. Incapacity. The inability to work, attend school, or perform other regular daily activities because of a serious health condition or treatment for or recovery from a serious health condition.
- L. Intermittent Leave. Leave taken in separate blocks of time, rather than for one continuous period of time, and may include leave periods of 1 hour to several weeks.
- M. In loco parentis. An individual who has day-to-day responsibility for the care and financial support of a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- N. Leave Donor. An employee whose voluntary written request for transfer of annual leave to the annual leave account of a leave recipient is approved by FEMA.
- O. Leave Recipient. A current employee for whom FEMA has approved an application to receive annual leave from the annual leave accounts of one or more leave donors.
- P. Leave Without Pay (LWOP). An absence from duty in a non-pay status. Leave without pay may be taken only for those hours of duty comprising an employee's basic workweek.
- Q. Leave Year. The period beginning with the first day of the first complete pay period in a calendar year and ending with the day immediately before the first day of the first complete pay period in the following calendar year.
- R. Medical Certificate. A written statement signed by a registered practicing physician or other practitioner certifying to the incapacitation, examination, or treatment, or to the period of disability while the patient was receiving professional treatment.
- S. Medical Emergency. A medical condition of an employee or a family member of such employee that is likely to require an employee's absence from duty for

- a prolonged period of time and to result in a substantial loss of income to the employee because of the unavailability of paid leave.
- T. Month. A period which runs from a given day in one month through the date preceding the numerically corresponding day in the next month.
  - U. Office or Directorate. Offices or Directorates that are at or above Level three in FEMA's organizational structure: Office of the Administrator, Office of Chief Counsel, Office of the Chief Financial Officer, Office of External Affairs, Office of Policy and Program Analysis, Office of Response and Recovery, Response Directorate, Recovery Directorate, Logistics Management Directorate, Protection and National Preparedness, National Preparedness Directorate, National Continuity Programs Directorate, Grant Program Directorate, Mission Support, Office of the Chief Administrative Officer, Office of the Chief Component Human Capital Officer, Office of the Chief Information Officer, Office of the Chief Procurement Officer, Office of the Chief Security Officer, Federal Insurance and Mitigation Administration, Federal Insurance Administration (FIA) Mitigation, FIA Insurance, United States Fire Administration, and Offices of Regional Administrators.
  - V. Parent. A biological, adoptive, step, or foster parent of the employee, or a person who was a foster parent of the employee when the employee was a minor; a person who is the legal guardian of the employee or was the legal guardian of the employee when the employee was a minor or required a legal guardian; or a person who stands *in loco parentis* to the employee or stood *in loco parentis* to the employee when the employee was a minor or required someone to stand *in loco parentis*.
  - W. Reduced Leave Schedule. A work schedule under which the usual number of hours of regularly scheduled work per workday of an employee is reduced. The number of hours by which the daily or weekly tour of duty is reduced are counted as leave for FMLA purposes.
  - X. Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves: inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider that includes (but is not limited to) examinations to determine if there is a serious health condition and evaluations of such conditions if the examinations or evaluations determine that a serious health condition exists.
  - Y. Service Abroad. Service by an employee at a post of duty outside the United States and outside the employee's place of residence if his or her place of residence is in the Commonwealth of Puerto Rico or a territory or possession of the United States.
  - Z. Son or Daughter. A biological, adopted, step, or foster son or daughter of the employee; a person who is a legal ward or was a legal ward of the employee when that individual was a minor or required a legal guardian; a person for

whom the employee stands *in loco parentis* or stood *in loco parentis* when that individual was a minor or required someone to stand in loco parentis; or a son or daughter of an employee's spouse or domestic partner.

- AA. Substantial Loss of Income. An absence (or expected absence) of at least 24 work hours for a full-time employee which is not covered by available paid leave.
- BB. Uncommon Tour of Duty. An established tour of duty that exceeds 80 hours of work in a biweekly pay period, provided the tour:
  - 1. Includes hours for which the employee is compensated by standby duty pay under 5 U.S.C. § 5545(c)(1) and 5 C.F.R. § 550.141;
  - 2. Is a regular tour of duty established for firefighters compensated under 5 U.S.C. § 5545b and 5 C.F.R. Part 550, Subpart M; or
  - 3. Is authorized for a category of employees by the Office of Personnel Management.

## **1-7. Responsibilities**

- A. FEMA Administrator is responsible for:
  - 1. Providing oversight and guidance on FEMA's absence and leave policies; and
  - 2. Sponsoring or approving community or volunteer service projects.
- B. Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
  - 1. Developing and maintaining absence and leave policies and procedures;
  - 2. Providing advice and guidance regarding the use of absence and leave;
  - 3. Issuing instructions governing the creation and maintenance of time and attendance records;
  - 4. Providing advice and assistance to address misconduct issues;
  - 5. Reviewing and approving requests to require medical certification for an employee to return to work after a period of absence under FMLA;
  - 6. Approving requests for LWOP as appropriate;
  - 7. Reviewing and approving applications for donated leave under the VLTP;
  - 8. Transferring or processing employee leave balances; and
  - 9. Maintaining records and providing reports on FEMA's absence and leave program.
- C. Heads of Offices and Directorates are responsible for:

1. Ensuring at least seventy-five percent of full-time employees with Incident Management (IM) or Incident Support (IS) titles are deployed or available to deploy in response to disasters or other emergencies;
2. Approving or denying the cancellation of previously approved annual leave;
3. Approving or denying the restoration of forfeited annual leave;
4. Approving or denying administrative leave in emergency situations; and
5. Approving or denying requests for LWOP as appropriate.

D. Supervisors are responsible for:

1. Establishing and approving work schedules;
2. Communicating proper procedures to employees for requesting an absence from work;
3. Approving or disapproving employee leave requests according to operational needs;
4. Approving or disapproving employee time and attendance records;
5. Monitoring employee attendance;
6. Charging employees with AWOL as appropriate;
7. Taking appropriate corrective or disciplinary actions if employees fail to follow established leave procedures;
8. Reviewing and approving requests for restoring forfeited annual leave;
9. Consulting with OCCHCO on whether to require medical certification before an employee can return to work after an absence under FMLA;
10. Approving requests for LWOP as appropriate; and
11. Reviewing and approving applications for donated leave under the VLTP.

E. Timekeepers are responsible for:

1. Properly accounting and accurately documenting employee time and attendance; and
2. Conducting leave audits.

F. Employees are responsible for:

1. Reporting for duty according to his or her approved work schedule and being available for work during FEMA's core business hours;
2. Accurately accounting for all periods of work and leave;
3. Submitting requests for leave as early as possible;
4. Notifying his or her supervisor as early as possible if he or she will be unable to report to duty on time as scheduled;

5. Complying with internal office or directorate procedures for requesting leave;
  6. Obtaining supervisory approval for leave requests prior to taking leave, except in rare circumstances when it is not possible to give advance notice;
  7. Complying with FEMA's absence and leave rules and not abusing his or her leave rights;
  8. Requesting the restoration of forfeited annual leave when appropriate;
  9. Supplying sufficient documentation to support absences related to sick, court, or military leave;
  10. Requesting and providing sufficient notice to his or her supervisor to take leave under FMLA as appropriate;
  11. Submitting sufficient documentation to support leave taken under FMLA;
  12. Providing medical certifications that the employee is able to perform the essential functions of his or her position after a period of FMLA leave if requested;
  13. Providing sufficient notice and documentation in support of absences associated with childbirth, adoption, or foster care;
  14. Requesting and gaining approval for annual and administrative leave before using any period of administrative leave or excused absence;
  15. Maintaining awareness of local weather conditions, and retaining sufficient work and equipment necessary to continue working according to any applicable telework agreement in the event of an office closure;
  16. Supplying sufficient documentation to apply for leave donations; and
  17. Properly using any donated leave through the VLTP.
- G. COREs are responsible for working at a Directed Work Location if directed by a supervisor or other properly designated FEMA official.

#### **1-8. Forms Prescribed**

- A. OPM 630, Application to Become a Leave Recipient Under the Voluntary Leave Transfer Program.
- B. OPM 630A, Request to Donate Annual Leave to Leave Recipient Under the Voluntary Leave Transfer Program (Within Agency).
- C. OPM 630B, Request to Donate Annual Leave Recipient Under the Voluntary Leave Transfer Program (Outside Agency).
- D. OPM 630C, Transfer of Leave Records for Leave Recipient Covered by the Voluntary Leave Transfer Program.

- E. OPM 1637, Application to Become Recipient Under the Emergency Leave Transfer Program.
- F. OPM 1638, Request to Donate Annual Leave Under the Emergency Leave Transfer Program.
- G. OPM 1639, Transfer of Donated Annual Leave To/From the Emergency Leave Transfer Program.
- H. SF-52, Request for Personnel Action.
- I. WH-380-E, FMLA Medical Certification Form for Employee's Serious Health Condition.
- J. WH-380-F, FMLA Medical Certification Form for Family Member's Serious Health Condition.
- K. WH-384, FMLA Certification for Qualifying Exigency.

**1-9. Questions**

Questions concerning absence and leave policies and procedures should be addressed to the Office of the Chief Component Human Capital Officer at (202) 212-3962.

## **CHAPTER 2: SCHEDULING OF WORK AND LEAVE**

### **2-1. Attendance**

FEMA has core business hours from 9:30 am to 3:30 pm (see FM 106-1-1, Scheduling of Work). Employee work schedules must include FEMA's core business hours. Employees are expected to report for work on time and to be on duty at all times during their regularly scheduled tour of duty except during lunch periods and approved absences.

### **2-2. Lunch or Meal Breaks**

Employees who work at least five consecutive hours are entitled to take an unpaid 30-minute lunch or meal break. Employee work schedules include a 30-minute unpaid lunch or meal break during which employees are not permitted to work. The unpaid lunch or meal break may be extended up to an additional 30 minutes at the discretion and permission of the supervisor, if the employee extends his or her workday by a corresponding amount. Employees may not take their lunch or meal break at the start or end of their work schedule.

### **2-3. Tardiness**

- A. Periods of tardiness may be approved after the tardiness occurs by the employee's supervisor. Normally, annual leave or LWOP will be charged, in multiples of 15 minutes to cover such periods of tardiness. In rare instances of infrequent, unavoidable tardiness, the supervisor may excuse tardiness which does not exceed 30 minutes in a situation where an excused absence is warranted.
- B. If the conditions or frequency of the tardiness do not warrant approval of leave, the tardiness may be charged to Absence Without Leave, in multiples of 15 minutes, to cover the period of absence.
- C. Employees will not be required to work during these periods of leave. Normally, leave for the balance of the 15 minutes will be taken immediately following the tardiness. It may be taken later in the day, however, if more convenient to the office. This leave will not, however, be carried over beyond the day in which the tardiness occurs.
- D. Repeated tardiness is a basis for disciplinary action. Please contact OCCHCO, Labor and Employee Relations for advice and assistance on disciplinary actions.

### **2-4. Reporting for Duty Mission Ready**

Employees must report to work mission ready. Employees who are issued FEMA equipment, such as laptops, PIV cards, and telephones, that is necessary to perform their duties, must report to their designated worksite with such

equipment according to their authorized duty schedule. If an employee reports to work without a piece of necessary equipment, the employee shall use accrued annual leave, credit hours, or compensatory time to retrieve the equipment. In lieu of using paid leave, supervisors may approve LWOP if the employee does not have accrued leave. In all cases, employees shall not be granted administrative leave with pay to retrieve missing equipment. If an employee does not report to work as scheduled on a reoccurring basis, the supervisor should consult with the servicing Employee Relations Specialist for guidance on how to account for the time needed to retrieve missing equipment and any other disciplinary options.

## **2-5. Requests for Leave or Approved Absence**

An employee who wishes to take leave is required to inform his/her supervisor in advance of the request. Employees should provide their supervisors with as much advanced notice as possible for leave requests. An employee who is unable to provide advance notice and finds themselves unable to report for duty shall notify his or her supervisor as soon as possible at the beginning of the work day to request leave. The request should include the day(s), what type of leave, the number of hours, and the specific hours (from-to) and be documented in WebTA. Note: Leave may not be approved, so it is in the interest of the employee to request leave with as much notice as possible.

## **2-6. Deployment Availability**

FEMA seeks to effectively and fairly deploy necessary personnel in response to disasters and other emergencies. To ensure sufficient personnel are available for deployments, heads of Offices and Directorates should plan to have at least seventy-five percent of their full-time employees with IM or IS titles deployed or available to deploy at all times.

## **2-7. Use of Leave**

FEMA encourages employees to make full use of their legitimate leave rights. While the accrual of leave is an employee benefit, the use of leave is subject to the specific requirements contained in applicable laws, regulations, and this Manual. Both the needs of the employee and the need to accomplish FEMA's mission will be considered in arriving at decisions to approve or disapprove leave requests. Employees are not to abuse their leave rights and privileges. Abuse may be the basis for disciplinary action up to and including termination.

## **2-8. Compensatory Time Off**

An employee may choose to receive compensatory time off in lieu of payment for an equal amount of irregular or occasional overtime hours worked. See FEMA

Premium Pay Manual 253-2-1 for more information on earning compensatory time off.

- A. Compensatory time must be used in 15-minute increments.
- B. Compensatory time off must be used within 26 pay periods of the pay period in which it was earned.
- C. Compensatory time off must be used prior to using annual leave, except after pay period 18 when employees must schedule annual leave subject to forfeiture.

## **2-9. Compensatory Time Off for Travel**

Employees receive compensatory time off for time spent in travel status that is not otherwise compensable as hours of work. See FEMA Premium Pay 253-2-1, 5 C.F.R. Part 550 Subpart N Compensatory Time Off for Travel for more information on earning requirements.

- A. Compensatory time off for travel must be used in 15 minute increments.
- B. Compensatory time off for travel must be used within 26 pay periods of the pay period in which it was earned.
- C. If an employee separates from FEMA or the Federal service, any unused compensatory time off for travel is forfeited.

## **2-10. Absences for Disabled Veterans**

- A. A disabled veteran shall be granted annual leave, sick leave, or LWOP, as requested to seek medical treatment connected with a service injury (see Executive Order 5396). The veteran must present an official statement from a medical authority that such treatment is required. The veteran must give prior notice of definite days and hours of absence required for medical treatment in order that arrangements may be made for carrying on the work during his/her absence.
- B. Effective November 5, 2016, an employee who is a veteran with a service-connected disability rated at 30 percent or more will be entitled to receive up to 104 hours of leave for purposes of undergoing medical treatment for the disability during the first 12-month period of employment, beginning on the first day of employment with the Federal government. Any leave credited to an employee under this section that is not used during the 12-month period, may not be carried over and will be forfeited. The employee must submit an official statement from a health care provider that the leave will be used for treating the service-connected disability.

## **2-11. Accommodation for Religious Exercise**

To the extent that modifications to an employee's work schedule do not interfere with the efficient accomplishment of FEMA's mission, Federal Law requires agencies to accommodate employees' exercise of their religion unless such accommodation would impose undue hardship on the conduct of FEMA's operation. The granting of accrued, accumulated, or advance annual leave (if other requirements on the advancement of leave are met) can be used to accommodate a requested absence for religious observance. Other options include alternative work schedules used within the requesting employee's organization or compensatory time off for religious observances covered in 5 C.F.R. 550.1002 and FM 253-2-1, Premium Pay, February 11, 2014.

## **2-12. Absence Without Leave**

When an employee fails to report for duty without prior approval or has an unauthorized absence from the workplace during the work day, he or she may be charged with Absence Without Leave (AWOL).

An AWOL charge, the failure to follow appropriate leave procedures, or the failure to follow instructions that result in an AWOL charge may serve as the basis for corrective or disciplinary action when appropriate.

Supervisors are required to properly and accurately document any periods of AWOL for employees under their supervision and to initiate disciplinary action, if warranted. Supervisors should maintain records and documentation of all periods of AWOL charged to their employees. At a minimum, the records should reflect the dates, times, and reasons for the AWOL charge and any verbal or written counseling which may have occurred. AWOL is charged in 15 minute increments.

An employee charged with AWOL on the workdays before and after a holiday will not receive holiday pay for the holiday. An employee charged with AWOL on the workday before or after a holiday will receive holiday pay for the holiday, if excused from duty on the holiday and in a pay status on the workday before or after the holiday.

If the employee provides administratively acceptable documentation to support an absence charged as AWOL, and the employee's supervisor accepts the justification for the absence, the charge to AWOL may be changed to an approved leave category. If an AWOL charge is changed to an approved absence, a charge of AWOL cannot serve as the basis for corrective or disciplinary action. However, supervisors may still take corrective or disciplinary action for failing to follow appropriate leave procedures.

## CHAPTER 3: ANNUAL LEAVE

### **3-1. Use of Annual Leave**

- A. Employees may use annual leave for vacations, rest and relaxation, family needs, personal business, emergencies not covered by sick leave, and other activities.
- B. Employees may request the use of annual leave for instances generally covered by sick leave. Employees can use annual leave for sick leave purposes when an employee has an insufficient amount of sick leave to cover an absence or when an employee is trying to build up his or her leave balance. Employees may be required to provide "administratively acceptable" medical documentation when substituting annual leave for sick leave.
- C. Employees should not assume that having projected "use or lose" annual leave near the end of the leave year requires that management approve requests to use the projected "use or lose" annual leave.
- D. Managers, supervisors, and leave approving officials maintain the discretion to approve when annual leave is taken based on the needs and workload of the organizational unit. Designated management officials will notify an employee in writing when a request for annual leave has been denied.

### **3-2. Earning Rates for Annual Leave**

- A. Employees accrue annual leave based on length of creditable Federal service or type of appointment.
- B. Employees must be in a pay status for at least a portion of a pay period to earn annual leave for that pay period. If an employee is in a non-pay status (i.e., LWOP, including LWOP pending a disability claim), for an entire pay period, the employee will not accrue annual leave.
- C. If an employee resigns or is separated from Federal service prior to the last workday of a pay period, the employee will not accrue annual leave for that pay period.
- D. Full-time General Schedule (GS), CORE, and wage grade employees will accrue annual leave at the following rates:
  1. Employees with less than 3 years of service earn 4 hours each full biweekly pay period.
  2. Employees with 3 but less than 15 years of service earn 6 hours each full biweekly pay period, except for the last full pay period of the calendar year when they earn 10 hours.
  3. Employees with 15 or more years of service earn 8 hours each full biweekly pay period.
- E. Full-time employees who hold Senior Executive Service (SES), Senior-Level (SL), or Scientific or Professional (ST) positions will accrue eight (8) hours of

- annual leave each full biweekly pay period.
- F. Part-time GS, CORE, and wage grade employees will accrue annual leave at the following rates:
1. Employees with less than three years of service earn 1 hour for each 20 hours in a pay status.
  2. Employees with 3 years but less than 15 years of service earn 1 hour for each 13 hours in a pay status.
  3. Employees with 15 or more years of service earn 1 hour for each 10 hours in a pay status.
- G. Employees with uncommon tours of duty will accrue annual leave at the following rates:
1. Employees with less than three years of service earn 4 hours times the average number of hours worked in the bi-weekly pay period divided by 80.
  2. Employees with 3 years but less than 15 years of service earn 6 hours times the average number of hours worked in the bi-weekly pay period divided by 80.
  3. Employees with 15 or more years of service earn 8 hours times the average number of hours worked in the bi-weekly pay period divided by 80.

### **3-3. Advancing Annual Leave**

- A. The provisions for advancing annual leave apply only to employees whose continued employment is contemplated. Any request for advance annual leave must be made to the supervisor in writing, in advance of anticipated usage by the employee.
- B. Employees may be advanced no more than the amount of annual leave to be earned in the remainder of the leave year.
- C. The decision on whether to advance annual leave should be based on such considerations as the employee's reason for requesting it, workload status, and the interests of FEMA.
- D. Upon return to active duty status from a period of extended annual leave, the employee must repay the advance annual leave during the period of his or her continued employment. The advance annual leave may be liquidated by subsequently earned annual leave. If an employee separates from the Federal service with a negative leave balance, the employee will be indebted to the Federal government for the remaining value of the advanced leave.

### **3-4. Maximum Accumulation of Annual Leave**

- A. The maximum accumulation of annual leave which may be carried into a new leave year for most employees is 30 days (240 hours). However, there are some exceptions to the 30 day maximum accumulation for employees stationed outside the United States. These limited exceptions are covered in 5 U.S.C. 6304 (b).
- B. The maximum accumulation for employees in the Senior Executive Service (SES) is 90 days (720 hours).

### **3-5. Scheduling Annual Leave to Allow Potential Restoration**

Any annual in excess of the maximum leave ceiling will be forfeited at the end of the leave year. Leave scheduled and approved before the third biweekly pay period prior to the end of the leave year that cannot be taken, may be restored if the leave could not be taken due to exigencies of public business (determined by an appropriate authority), illness, or administrative error. Leave scheduled prior to this deadline may be restored only if the conditions in section 3-6 are met. Each year the OCCHCO issues a notice to inform employees of the pertinent deadlines, the final date to schedule leave, and the final date of the leave year. Employees are encouraged to request all leave as early as practicable.

### **3-6. Restoration of Annual Leave**

- A. If annual leave scheduled and approved prior to the third biweekly pay period prior to the end of the leave year is forfeited, it can be restored for the employee's later use only for the following reasons:
  1. Exigencies of the public business which are approved by the head of an Office or Directorate at the time the exigency occurs;
  2. Sickness; or
  3. Administrative error which results in the loss of annual leave otherwise accruable.
- B. In order for the head of an Office or Directorate to approve the cancellation of properly scheduled and approved annual leave because of "exigencies of the public business," the following conditions must exist:
  1. There must have been no reasonable alternative to canceling leave for the particular employee in order to meet the work exigency (i.e., the work could not have been postponed, handled, or managed in another way, or performed by some other employee); and
  2. There must have been specific beginning and ending dates of the critical work assignment, project, etc., that resulted in the cancellation of the scheduled leave.
- C. Employees who forfeit annual leave as a result of any of the conditions above

may request restoration by sending a memorandum through their supervisor to the appropriate Office or Directorate head. Requests must be timely made following the end of the leave year, and must clearly state why the leave was forfeited. The employee must submit documentation showing the previously approved leave and a supervisor's memorandum explaining why it was necessary to cancel the leave.

- D. When restoration is warranted, a memorandum stating it is warranted signed by the head of the Office or Directorate, or designee, will be sent to the employee with a copy forwarded to the OCCHCO for accounting purposes. Restored annual leave is maintained in a separate leave account.
- E. Restored annual leave must be used not later than the end of the leave year ending two years after:
  1. The date of restoration for leave forfeited because of administrative error;
  2. A date fixed by FEMA management as the termination of the exigency; or
  3. The date the employee is determined to be recovered and able to return to duty.
  4. Restored annual leave that is not used within this time period cannot be restored again.

### **3-7. Annual Leave to Establish Retirement Eligibility**

An employee may use annual leave to qualify for retirement eligibility if the employee is subject to separation through a reduction-in-force, transfer of function, or when an employee declines to relocate to a different commuting area. An employee may use all accumulated, accrued, and restored annual leave to the employee's credit prior to the effective date of the reduction-in-force, transfer of function, or relocation, as well as any annual leave earned after the effective date of the reduction-in-force, transfer of function, or relocation. An employee may not use advanced annual leave after the effective date of the reduction-in-force or transfer of function to establish retirement eligibility.

### **3-8. Terminal Leave**

Terminal leave is annual leave taken at the conclusion of a period of service and immediately before separation or retirement without the employee returning to duty. FEMA may not grant an employee terminal leave immediately prior to separation from the Federal service when it is known in advance that the employee will separate. If an employee does not return to duty from a period of annual leave, the employee's last day on duty will be considered the effective date of separation (see Comp. Gen Opinion B-223876 dated June 12, 1987).

An exception to this rule will be made for employees involuntarily separated because of a reduction-in-force or a transfer of function. In such cases, an employee may elect to use accrued annual leave to remain in service after the

date the employee would otherwise have been separated if, and only to the extent that, such additional service credit will enable the employee to qualify for an immediate retirement annuity or to qualify for health benefits coverage into retirement.

### **3-9. Lump Sum Payment of Annual Leave**

- A. When an employee separates from the Federal service, the employee will receive a lump-sum payment for accumulated and current accrued unused annual leave. The lump-sum payment will equal the pay the employee would have received if the employee remained in the Federal service and exhausted the amount of accumulated annual leave (holidays are counted as workdays in projecting the lump-sum leave period). The lump-sum payment period will not extend an employee's service period. (See 5 U.S.C. § 5551 and 5 C.F.R. Part 550, subpart L).
- B. The employee's lump-sum payment is calculated by multiplying the number of hours of accumulated and accrued annual leave by the employee's applicable hourly rate of pay. The following types of pay are included in the lump-sum payment calculations (See 5 C.F.R. § 550.1205):
  1. Rate of basic pay;
  2. Locality pay or other similar geographic adjustments;
  3. Any statutory adjustments in pay or any general system-wide increases that become effective during the lump-sum period (FEMA will adjust the lump-sum payment to reflect the increased rate on and after the effective date of the pay adjustment);
  4. A within-grade increase if the employee meets the requirements for an increase prior to the date the employee becomes eligible for a lump-sum payment;
  5. Premium pay to the extent such premium pay was payable to the employee:
    - i. Night differential at the applicable rate for a prevailing rate employee for all regularly scheduled periods of night shift duty;
    - ii. Premium pay if the employee received premium pay for the pay period immediately prior to the date the employee became eligible for a lump-sum payment, subject to any salary caps;
    - iii. Overtime pay for overtime work that is regularly scheduled during an employee's established uncommon tour of duty (the uncommon tour of duty must be applicable for the pay period immediately prior to the date the employee became eligible for a lump-sum payment);
  6. A supervisory differential (if applicable);
  7. Non-foreign area cost-of-living allowance and/or post differentials; and

8. A post allowance if the employee's official duty station is in a foreign area.
- C. If an employee is called to active military duty in the armed forces, the employee is entitled to (see 5 U.S.C. § 5552):
  1. Receive a lump-sum payment for accumulated and current accrued annual leave in accordance with this section; or
  2. Elect to have the annual leave remain to his or her credit until returning from active duty.

## **CHAPTER 4: SICK LEAVE**

### **4-1. Use of Sick Leave**

- A. FEMA must grant sick leave to an employee, subject to exceptions listed in section 4-5 Abuse of Sick Leave Privileges, when an employee:
  1. Receives medical, dental, or optical examination or treatment;
  2. Is incapacitated from the performance of position duties by physical or mental illness, injury, pregnancy, or childbirth;
  3. Provides care for a family member who is incapacitated by a medical or mental condition, or attends to a family member receiving medical, dental, or optical examination or treatment;
  4. Provides care for a family member with a serious health condition;
  5. Makes arrangements funeral arrangements or attends the funeral of a family member;
  6. Would, because of communicable disease, jeopardize the health of other employees and/or the general public by being on the job (when there is uncertainty as to whether a particular ailment meets the definition of a "communicable disease" and it is not addressed by local health regulations, the employee should be asked to provide a statement from the patient's physician that the ailment is contagious. This statement should contain the period of time for which the patient must be confined or isolated); or
  7. Must be absent from work for adoption-related activities (e.g., appointments with adoption agencies, social workers and attorneys, court proceedings, required travel, periods of time adoptive parents are required by court or agency to care for the adopted child.).
- B. Full-time employees may use a total of 12 weeks (480 hours) of sick leave per year to care for a family member with a serious health condition. For a part-time employee or an employee with an uncommon tour of duty, an employee may use 12 times the average number of hours in his or her scheduled tour of duty each week to care for a member with a serious health condition.
- C. Part-time employees are covered by the regulation, but their sick-leave benefits are pro-rated. For instance, a part-time employee who works 20 hours a week, could use 20 hours of sick leave or from 21 to 240 hours if they maintained a sick leave balance of at least 40 hours.

### **4-2. Earning Rates for Sick Leave**

Earning of sick leave is not affected by length of service. Full-time employees earn sick leave at a rate of 4 hours for each full biweekly pay period. Part-time employees with an established tour of duty earn sick leave at a rate of 1 hour for

each 20 hours of duty they are in pay status (with a maximum of 4 hours of sick leave per pay period). Employees are not limited in the amount of sick leave they may accumulate and carryover from one year to the next.

#### **4-3. Requesting Sick Leave**

Employees should request sick leave to attend medical appointments as soon as possible after the appointment is scheduled or when they are reasonably certain of the time an appointment will be made. Except for emergencies, employees must request advance approval of sick leave for medical, dental, or optical examinations or treatment. Employees who are unable to report for duty because of personal illness or injury will notify the supervisors as soon as possible. Normally, an employee shall notify their supervisor according to the procedures established by his or her supervisor or applicable bargaining agreement at the onset of an illness or injury. The employee will provide the supervisor with an estimate of the time that he or she expects to be absent because of the illness. If the employee expects to deviate from the previously approved estimate of time for sick leave, the employee will contact the supervisor. Failure to properly notify the supervisor of the use of sick leave or an incapacitation can lead to the placement of an employee in an AWOL status or other disciplinary measures.

#### **4-4. Medical Certificates**

Employees are required to provide "administratively acceptable" evidence to their supervisor when requesting sick leave. Normally, the only thing needed to satisfy this requirement is an employee's certification as to the reason for the absence. However, for an absence in excess of three workdays (or for shorter absences where there are reasonable suspicions about the circumstances of the leave or where it is unclear whether the employee is totally incapacitated for duty), supervisors may require an employee who misses work to submit a doctor's certification of the medical reason for the leave or other satisfactory evidence as to the reason for the absence. If a supervisor has a reasonable basis to suspect an employee is abusing sick leave, the employee may be required to support all incidences of sick leave with a medical certificate regardless of duration. The employee must provide the required certification within a reasonable amount of time. Unapproved sick leave may be charged to annual leave or as AWOL.

#### **4-5. Abuse of Sick Leave Privileges**

Sick leave abuse can create morale problems with other employees who are forced to cover for absent employees and also costs FEMA in terms of both excessive and unwarranted leave payments and lost productivity.

Each supervisor should periodically review the sick leave records of employees who show a pattern of repeated sick leave. An employee whose record is questionable may be required to submit a medical certificate in support of any

future absence, regardless of length, for which a request for sick leave is made. An employee who misuses sick leave may receive a charge to AWOL which may result in disciplinary action.

#### **4-6. Advancing Sick Leave**

- A. An employee may, at the supervisor's discretion, be granted sick leave in advance of accrual in the event of serious disability or ailment, defined as one which usually lasts for at least 3 consecutive work days and is supported by a medical certificate.
- B. A supervisor should not advance sick leave to an employee when it is known (or reasonably expected) that the employee will not return to duty (e.g., when the employee has applied for disability retirement).
- C. Supervisors should consider the need for the employee's service, the expectation of a return to duty, the employee's history of leave usage, and the availability of other leave, such as annual leave or LWOP, in their determinations.
- D. The maximum amount of sick leave that may be granted to a requesting full time employee is 240 hours, and will be restricted to:
  - 1. An employee who is incapacitated for the performance of duties by physical or mental illness, injury, pregnancy, or childbirth;
  - 2. For a serious health condition of the employee or a family member;
  - 3. When an employee would jeopardize the health of others with his or her presence on the job because of exposure to a communicable disease;
  - 4. For purposes relating to the adoption of a child; or
  - 5. For the care of a covered service member with a serious injury or illness if the employee is exercising an entitlement right under 5 U.S.C. 6382(a)(3).
- E. FEMA may, at the supervisor's discretion, advance up to 104 hours to a full-time employee:
  - 1. For medical, dental, or optical examination or treatment;
  - 2. To provide care for a family member who is incapacitated by a medical or mental condition, or to attend to a family member receiving medical, dental, or optical examination or treatment;
  - 3. To provide care for a family member who would jeopardize the health of others by that family member's presence because of exposure to a communicable disease; or
  - 4. To make arrangements necessitated by the death of a family member or to attend the funeral of a family member.
- F. The maximum amount of sick leave FEMA may advance to part-time employees is prorated by the number of hours in the employee's regularly

scheduled administrative workweek.

- G. The maximum amount of advanced sick leave that an employee may have on balance at any time, no matter the reason for the leave, is 240 hours. For example, if an employee is given 104 hours of advanced sick leave in order to make funeral arrangements for a family member in July, and requests 240 hours of advanced sick leave for a serious health condition that requires treatment in August, the employee will only be able to receive 136 hours of advanced leave to treat their serious health condition.
- H. Sick leave may be advanced only if an employee has exhausted his or her annual leave or compensatory time off balance.
- I. Employees may not be advanced sick leave during a period of active military duty.
- J. Employees cannot be advanced sick leave for care of a covered service member, unless the employee invokes FMLA to care for the covered service member.
- K. Advance sick leave should not be granted to a probationary employee beyond what the employee would be expected to earn during the probationary period until the supervisor has had an opportunity to reach a decision about the employee's continued employment.
- L. When an employee who is indebted for advanced sick leave separates from Federal Service, he or she is required to refund the amount of advanced sick leave or the agency may deduct that amount from any pay due to the employee upon separation, and then proceed to reclaim the remaining balance.
- M. When an employee who has been advanced sick leave leaves FEMA without having made up the balance of advance leave, the supervisor must immediately call the OCCHCO to report that the employee will be resigning from the Federal Government. The supervisor is then required to send a follow-up letter to the payroll office.
- N. Once an advance has been granted, further use of sick leave constitutes an additional advance and must meet all the criteria of this section before it can be approved. If an employee cannot be granted additional advanced sick leave or the employee is not approved for an additional advance of sick leave, absences due to illnesses must be charged to annual leave or LWOP.
- O. Upon return to active duty status from a period of extended sick leave, the employee must repay the advance sick leave during the period of his or her continued employment. The advance of sick leave may be liquidated by subsequently earned sick leave. The employee may also choose to liquidate the indebtedness by a charge against annual leave (provided this action is not for the purpose of avoiding a forfeiture of annual leave at the end of the leave year), or by a charge against annual leave received by the employee as an approved leave recipient. The employee may arrange to pay for advanced annual or sick leave in cash at any time if such an arrangement is approved

by OCCHCO.

- P. Indebtedness related to advance sick leave is waived for employees approved for disability retirement and for deceased employees.

**4-7. Substitution of Sick Leave for Annual Leave**

When sickness occurs within a period of annual leave, an employee may be granted sick leave for the period of illness, provided the employee notifies his/her supervisor within a reasonable period of time, within one pay period, to request sick leave via WebTA. In circumstances in which it is unclear whether the employee is incapacitated, FEMA may request more information or medical documentation, as appropriate prior to approving the substitution.

**4-8. Sick Leave Used in the Computation of an Annuity**

If an employee retires from the Federal service on an immediate annuity or dies leaving a survivor entitled to an annuity, any unused sick leave will be used in the calculation of the employee's or survivor's annuity. Sick leave used to calculate an annuity will be charged against the employee's sick leave account and may not thereafter be used, transferred, or recredited. All sick leave in the employee's sick leave account on the date of his or her retirement or death, will be credited towards the annuity calculation and will be considered used.

**4-9. Records on the Use of Sick Leave**

FEMA must maintain records of the amount of sick leave used by an employee for family care purposes and to make arrangements for or attend the funeral of a family member under section 630.401(a)(3) and (4). The records must be sufficient to ensure an employee does not exceed the limitations in section 630.401(b) and (c).

## CHAPTER 5: FAMILY MEDICAL LEAVE ACT

### **5-1. Leave Entitlement**

The Family Medical Leave Act (FMLA) entitles eligible employees to take up to 12 administrative workweeks of unpaid leave in certain situations. Employees who take unpaid leave through FMLA will be returned to their same or equivalent position at the end of the period of leave, with the same benefits, pay, status, and other conditions of employment. Employees interested in taking leave under FMLA should discuss their leave plans with their supervisor as early as possible to ensure the employee's leave request is allowable under FMLA and an orderly transfer of duties and responsibilities during the employee's absence.

- A. An employee is entitled to a total of 12 administrative workweeks of unpaid leave during any 12 month period for one of the following purposes:
  1. The birth of a son or daughter of the employee and the care of such son or daughter;
  2. The placement of a son or daughter with the employee for adoption or foster care;
  3. The care of a spouse, son, daughter, or parent of the employee with a serious health condition;
  4. In response to a serious health condition of the employee who is unable to perform any one or more of the essential functions of his or her position; or
  5. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has received notice to be called to active duty) in the Armed Forces (see 5 C.F.R. § 630.1204 for more information).
- B. An employee (or an employee's representative) must invoke his or her right to take leave under FMLA before taking leave. An employee cannot retroactively invoke his or her right to take leave under FMLA, unless the employee is mentally or physically incapable of providing notice of his or her intent to take FMLA leave during the entire time the employee is absent from duty. In such cases, the employee may be required to provide documentation explaining the employee's and/or representative's inability to notify FEMA of the employee's absence. A supervisor may ask an employee if it is his or her intent to invoke his or her FMLA protection when he or she is requesting qualifying leave.
- C. The 12 month period begins on the date an employee first takes leave under FMLA. An employee is not entitled to an additional 12 weeks of FMLA leave until the previous 12 month period ends and the employee experiences an event that will entitle the employee to leave under FMLA.
- D. The 12 administrative workweeks of leave are based on the employee's regularly scheduled workweek. The 12 administrative workweeks of leave

equals 12 times the average number of hours in the employee's regularly scheduled administrative workweek.

## **5-2. Applicability and Eligibility**

- A. Permanent employees and employees serving under a temporary appointment of more than one year are covered by the regulations under 5 C.F.R. Part 630, Subpart L.
  1. Employees must have at least 12 months of Federal service with a regular tour of duty to receive the protections and benefits under FMLA.
  2. The service does not need to be continuous.
  3. Service under temporary appointments of one year or less or on an intermittent duty basis does not count towards meeting the eligibility requirement.
- B. Employees who do not have a scheduled tour of duty (i.e., employees with an intermittent duty schedule) and employees serving under a temporary appointment of one year or less are covered by the regulations under 29 C.F.R. Part 825 (see FD 010-6, FEMA Reservist Program, June 14, 2012).
  1. Employees must have at least 12 months of Federal service.
  2. The service does not need to be continuous.
  3. The employee must have worked for at least 1,250 hours during the previous 12 months prior to the period for which FMLA is to be used.

## **5-3. Serious Health Condition**

- A. FMLA allows employees to take up to 12 administrative workweeks of unpaid leave for serious health conditions. A serious health condition under FMLA means an illness, injury, impairment, or other physical or mental condition that involves inpatient care (i.e., an overnight stay in a hospital), or continuing treatment by a health care provider. Continuing treatment by a health care provider may include one or more of the following:
  1. A period of incapacity of more than 3 consecutive calendar days (including any subsequent treatment or period of incapacity relating to the same condition) that also involves:
    - i. Treatment two or more times by a health care provider, or by a provider of health care services under orders of, or on referral by a health care provider; or
    - ii. Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider (e.g., a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition);

2. Any period of incapacity due to pregnancy or pre-natal care, even if the affected individual does not receive active treatment from a health care provider during the period of incapacity or the period of incapacity does not last more than three consecutive calendar days;
  3. A chronic serious condition requiring treatment by a health care provider that continues over an extended period of time which may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy);
  4. Permanent or long-term conditions requiring supervision by a health care provider;
  5. Multiple treatments for non-chronic conditions.
- B. Employees may not use FMLA for routine or minor medical appointments or illnesses. Employees may use sick leave in response to short-term, routine, or other minor health conditions (see chapter 4). Employees may not use FMLA for the following purposes:
1. Routine physical, eye, or dental examinations;
  2. A regimen of continuing treatment involving over-the-counter medications, bed-rest, exercise, or other similar activities that can be initiated without a visit to a health care provider;
  3. Voluntary cosmetic surgery, unless inpatient care is required or complications develop;
  4. Absences due to an employee's use of an illegal substance, unless the employee is receiving treatment for substance abuse by or on referral from a health care provider;
  5. The common cold, the flu, earaches, upset stomach, minor ulcers, headaches, routine dental or orthodontia problems, and periodontal disease, unless complications arise; or
  6. Allergies, restorative dental or plastic surgery after an injury, removal of cancerous growth, or mental illness resulting from stress may be serious health conditions only if such conditions require inpatient care or continuing treatment by a health care provider.

#### **5-4. Notice to Take Leave**

If the need to take leave under FMLA is foreseeable (i.e., expected childbirth, adoption, foster care, or planned medical procedure), the employee (or the employee's representative) shall notify his or her supervisor at least 30 calendar days before the start of the planned leave. If the need for the leave is unforeseeable, and the employee cannot provide a full 30 calendar days' notice, the employee shall notify his or her supervisor as soon as practical. If the need for the leave is foreseeable, and the employee fails to provide sufficient notice with no reasonable excuse, the employee's supervisor may require the employee

to delay taking leave under FMLA until the employee provides at least 30 calendar days' notice.

**5-5. Intermittent or Reduced Leave Schedule**

An employee may take intermittent FMLA leave or reduced leave for the birth of a son or daughter, the care of a newborn son or daughter, or the placement of a son or daughter with the employee for adoption or foster care with the approval of the employee's supervisor. An employee may take intermittent FMLA leave or reduced leave for the care of a spouse, son, daughter, or parent with a serious health condition, or in response to the employee's own serious health condition when medically necessary. If an employee invokes FMLA on an intermittent or reduced leave schedule for a serious health condition, FEMA may place the employee in an alternate position that can accommodate the employee's leave schedule (see 5 C.F.R. § 620.1205).

**5-6. Substitution of Paid Leave**

Once an employee invokes his or her right to leave under FMLA, an employee may substitute future scheduled periods of unpaid leave with paid leave (i.e., an employee may not retroactively substitute paid leave for unpaid leave). An employee may substitute annual leave, sick leave, advanced annual leave, advanced sick leave, or any donated leave under the Voluntary Leave Transfer Program. An employee may not be forced to substitute paid leave for LWOP. An employee may not substitute compensatory time or credit hours for unpaid leave. If an employee substitutes paid sick leave for unpaid leave, the normal rules for using sick leave apply (i.e., an employee cannot use sick leave to bond with a newborn child).

**5-7. Medical Certification and Supporting Documentation**

If an employee invokes his or her right to unpaid leave under FMLA, the employee will be required to submit sufficient documentation to support the leave. If an employee takes leave in response to a serious health condition, the employee will be required to submit written medical certification from the appropriate health care provider. The medical certification must include:

- A. The start date of the medical condition;
- B. The probable duration of the medical condition;
- C. The appropriate medical facts, including a general statement as to the incapacitation, examination, or treatment that may be required by a health care provider;
- D. If the leave is to care for a spouse, son, daughter, or parent with a serious health condition, a statement that the family member requires psychological

- and/or physical care, and needs assistance for basic medical, hygienic, nutritional, safety, or transportation needs in response to such a condition;
- E. If the leave is in response to the employee's serious health condition, a statement that the employee is unable to perform one or more of the essential functions of the employee's position or requires medical treatment for a serious condition; and
  - F. In the event of intermittent leave or a reduced leave schedule for planned medical treatments, the dates of the treatments (actual or estimates), the duration of the treatments, and the period of recovery if applicable; or a statement that the serious health condition is a chronic or continuing condition with an unknown duration, whether the patient is currently incapacitated, and the estimated duration and frequency of the episodes of incapacity.

#### **5-8. Continued Employment and Health Benefits**

- A. An employee who takes leave under FMLA is entitled, upon return to duty, to be returned to the same position the employee held before taking FMLA leave or an equivalent position with the same benefits, pay, status, and other terms and conditions of employment. FEMA may not return an employee to an equivalent position that is subject to a written notification of a reduction-in-force, if the employee's previous position is not affected by a reduction-in-force.
- B. An employee enrolled in a health plan through the Federal Employees Health Benefits Program (FEHB) who invokes his or her right to take unpaid leave under FMLA, may continue his or her health benefits if the employee pays his or her appropriate employee share of the insurance premiums.
- C. The supervisor of record may require an employee to report periodically on his or her status and intention to return to work.

#### **5-9. Return to Work**

If an employee takes leave under FMLA to respond to a serious health condition, the employee may be required to provide a written medical certification from the employee's health care provider that the employee is able to perform the essential functions of his or her position before the employee will be allowed to return to work. The employee's supervisor must gain OCCHCO's approval to request such certification before giving notice to the employee of the requirement. The employee's supervisor will inform the employee of the need to provide such documentation before the employee takes leave. If the need for the leave is unforeseeable, the employee will be given notice of the certification requirement as soon as practicable under the circumstances. If an employee is required to provide written certification before returning to work, FEMA must apply the requirement to all similarly situated employees (i.e., employees in the same occupation or with the same serious health condition).

#### **5-10. Records and Reporting**

OCCHCO will maintain and provide records on the use of FMLA as appropriate. At a minimum, the records will state the employee's basic rate of pay, occupational series, the number of hours taken, and the reason for the FMLA leave.

## **CHAPTER 6: ABSENCE FOR MATERNITY AND PATERNITY**

### **6-1. Eligibility and Use of Leave for Maternity and Paternity Reasons**

- A. Absence due to pregnancy is treated like any other period of medical incapacitation.
- B. Employees are eligible to use a combination of annual leave, sick leave, compensatory time off or credit time if available, LWOP, FMLA, and/or donated leave for maternity or paternity related absences. Parents may use annual leave, compensatory time off if available, FMLA, and LWOP to prepare for the birth of a child (e.g., to attend birthing classes), to bond with or care for a healthy newborn child, or to care for other children in the household.
- C. Parents may not use sick leave or donated leave to be absent from work to bond with or care for a healthy newborn child.
- D. The Federal Government, including FEMA, does not offer a separate leave benefit for maternity or paternity purposes (i.e., maternity leave or paternity leave).
- E. State regulations and policies covering maternity or paternity leave do not supersede the policies, rules, and regulations of the Federal Government.

### **6-2. Leave Requests**

- A. Employees requesting leave for maternity or paternity reasons shall submit a written request to their supervisor. For planning purposes, the written request should specify the precise nature of leave being requested; i.e., sick leave, annual leave, FMLA, and/or LWOP.
- B. Employees should submit a physician's or practitioner's written certification stating that the employee or mother is pregnant, the expected delivery date, the approximate time period for which the employee or mother will be incapacitated because of pregnancy, and the date on which the employee can be expected, under normal conditions, to return to work.
- C. When submitting the request, the employee should indicate whether or not the employee intends to return to duty after delivery. If the employee does not intend to return to duty after the delivery, the employee's resignation should be obtained in advance to be effective at the expiration of the period of paid leave.
- D. The employee should report pregnancy in a reasonable time after it is known so that steps can be taken to protect the mother's health, adjust her working conditions if necessary, and to plan for any staffing adjustments. When there is doubt concerning the employee's ability to continue to perform the duties of the position safely, the supervisor should have her furnish a medical certificate authorizing continued work and should take whatever precautionary

measures appear necessary. OCCHCO can provide guidance on available leave options.

#### **6-3. Leave for Maternity Reasons**

- A. A birth mother is entitled to use sick leave for medical appointments, hospitalization, and for her period of incapacitation following childbirth.
- B. A mother may use accrued annual leave for pregnancy, childbirth, and to bond with or care for a healthy newborn child.
- C. A mother is entitled to use up to 12 weeks (480 hours) unpaid leave under FMLA for absences related to pregnancy and childbirth, to provide care to a newborn child with a serious health condition, or to bond with a newborn child.
- D. An employee may not use sick leave or donated leave to extend an absence related to pregnancy or childbirth beyond the period of physical incapacitation.

#### **6-4. Leave for Paternity Reasons**

- A. A birth father may use up to 12 weeks (480 hours) of accrued sick leave each year to accompany the mother to prenatal appointments, during periods when the mother or newborn child is hospitalized, and/or during the mother's recovery periods (see section 4-1).
- B. A father may use accrued annual leave to care for the mother of a newborn child during pregnancy and childbirth, or to bond with or care for a healthy newborn child.
- C. A father is entitled to use up to 12 weeks (480 hours) of unpaid leave under FMLA to care for the mother of a newborn child during her period of incapacitation, to provide care if the mother or child has a serious health condition, or to bond with a newborn child.
- D. With supervisory approval, a father may use LWOP for absences related to pregnancy and childbirth, or to bond with or care for a healthy newborn child.

#### **6-5. Advance of Annual and/or Sick Leave**

- A. FEMA may advance the amount of annual leave a mother or father would accrue during the remainder of the leave year for purposes related to childbirth.
- B. FEMA must advance a maximum of 30 days (240 hours) of sick leave to a mother or father during the mother's period of incapacitation from pregnancy, childbirth, or to care for a child with a serious health condition.

- C. An employee is required to repay advanced annual or sick leave, except in very limited circumstances (e.g., disability retirement or death). An employee who requests advanced annual or sick leave will be indebted to FEMA until the debt is repaid (usually through earning annual or sick leave). FEMA will not advance annual or sick leave to an employee who will not or is not expected to return to duty after taking leave.
- D. See sections 3-3 and 4-6 for specific rules on advancing annual or sick leave.

#### **6-6. FMLA for Maternity and Paternity Purposes**

- A. An employee may begin to use FMLA protected leave before the actual date of the birth which will also begin the 12 month period to use leave under FMLA. If an employee does invoke the right to leave under FMLA prior to the date of birth, the employee's 12 month period to use leave under FMLA begins on the date the employee first takes leave under FMLA and may end before the child's first birthday.
- B. If an employee wishes to use FMLA to bond with a newborn child, the employee must invoke the use of FMLA before the child's first birthday.
- C. With supervisor approval, an employee may use leave under FMLA on an intermittent basis for care or bonding with a newborn child.
- D. Employees must adhere to all procedures for the use of leave under FMLA. For additional information on the use of FMLA, see Chapter 5.

#### **6-7. VLTP for Maternity and Paternity Purposes**

- A. Pregnancy is treated as a short-term illness for the purpose of the Voluntary Leave Transfer Program (VLTP).
- B. Employees may not use donated leave to care for or bond with a healthy newborn child, or to care for healthy children in the home.
- C. Employees may apply to become a leave recipient under the VLTP for maternity or paternity related absences including periods when a mother is under doctor ordered bed rest, periods when the mother is incapacitated following childbirth, absences related to medical complications arising from pregnancy or childbirth, or absences to care for a newborn child with a serious health condition.
- D. Donated leave may be substituted retroactively for any period of leave without pay used because of a medical emergency or used to liquidate a debt incurred by an employee for receiving advanced annual or sick leave.

#### **6-8. Adoption and Foster Care**

Employees may use the following leave flexibilities to adopt or foster a child:

- A. Sick leave
  - 1. An employee may use sick leave for:
    - i. Appointments with adoption agencies, social workers, or attorneys;
    - ii. Court proceedings;
    - iii. Required travel;
    - iv. Any periods when the employee is required by the adoption agency or a court to take time off from work to care for an adopted child; or
    - v. Any other activities necessary to complete an adoption;
  - 2. An employee may not use sick leave to bond with or care for a healthy child.
  - 3. An employee, who is fostering a child, can only use sick leave for adoption-related purposes if the employee is adopting the child.
  - 4. An employee who is accompanying a family member to activities related to an adoption is not entitled to use sick leave for adoption.
  - 5. FEMA may request administratively acceptable evidence for the use of sick leave for adoption-related purposes.
  - 6. Upon request, employees must be granted up to 240 hours of advanced sick leave for purposes related to adopting or fostering a child with a serious health condition, or up to 104 hours of advanced sick leave to care for a child with a routine illness, or for medical, dental, or optical appointments.
- B. Annual and Paid leave
  - 1. Annual leave may be used for any purpose relating to adopting or fostering a child.
  - 2. FEMA may advance an employee the amount of annual leave an employee would accrue during the remainder of the leave year.
- C. An employee's entitlement to FMLA leave for adoption or foster care expires 12 months after the placement of the child with the employee.
- D. Voluntary Leave Transfer Program (VLTP)
  - 1. Employees may apply to receive donated leave only in response to medical emergencies (e.g., care of an adopted or foster child with a serious health condition).
  - 2. Donated leave may be substituted retroactively for any period of leave without pay used because of a medical emergency.

## CHAPTER 7: COURT LEAVE

### **7-1. Eligibility and Use of Court Leave**

- A. Court leave is not charged to leave and will not result in a loss of pay to employees who serve as a juror.
- B. If the employee is a party to a suit with only private parties, the employee cannot use court leave, but must use annual leave, credit or compensatory leave, or LWOP.
- C. Court leave must be requested in advance, and a copy of the summons or subpoena must be included in the request. Employees may be required to provide proof of attendance as a juror or witness.
- D. There is no limit on the amount of court leave that may be granted to an employee.
- E. Unless the time or distance involved make it impractical, employees are expected to leave their duty station no earlier than necessary to arrive on time for court service, and to return to work at the end of each day's court service if the employee can return to work at least one hour before the end of the employee's normal tour of duty.
- F. An employee released from jury or witness duty who is required to return to duty during the workday may request annual leave, credit or compensatory time off if available, or LWOP in lieu of returning to duty for the remainder of the workday.
- G. An employee will be charged with AWOL if:
  - 1. The employee is dismissed from jury or witness duty and is directed to return to duty but does not; or
  - 2. The employee's service as a juror or witness is cancelled for the day but the employee does not report to work as scheduled.
- H. For court leave purposes, applicable judicial proceedings includes any trial, action, suit, or other matter before a court, but does not include an administrative proceeding such as an arbitration hearing or a hearing or appeal before the Merit Systems Protection Board, the Federal Labor Relations Authority, or the Equal Employment Opportunity Commission.

### **7-2. Jury Duty**

FEMA's policy is to not seek to have employees excused from jury duty, except for key officials whose services cannot be spared for an extended period of time.

- A. If an employee is on a period of scheduled annual leave when called to serve as a juror, court leave must be substituted and used if the employee is otherwise eligible. Jury duty is considered an "exigency of public business," and annual leave which has been forfeited because of a period of court leave may be restored if it otherwise meets the criteria for restoration (e.g., had

- been scheduled and approved in writing at least three pay periods before the end of the leave year).
- B. When a holiday occurs during the period an employee is called to jury duty or and the employee is normally required to work on the holiday, the employee receives holiday (leave) pay. The employee does not receive holiday premium pay.
  - C. Employees in a non-pay status (LWOP, AWOL, suspension, or furlough) when called for jury duty are not entitled to court leave. An employee must be scheduled for paid leave or normal duty in order to qualify for court leave.

### **7-3. Serving as a Witness**

- A. When an employee is called to appear as a witness, the employee's leave status depends on whether the employee is testifying in an official or non-official status, which party is requesting the employee's testimony, and whether the United States, a State, or local government is a party to the action.
- B. An employee called to testify in an official capacity (i.e., the testimony is related to current or former official duties), or assigned by FEMA to produce official records is in official duty status and does not use court leave, regardless of who the parties are to a case.
  - 1. An employee required to testify in an official capacity on a regular day off must be compensated accordingly.
  - 2. While testifying in an official duty status, an employee is eligible for government travel expenses, including per diem, as appropriate.
- C. An employee called as a witness in a non-official capacity on behalf of a state or local government, or on behalf of any party in connection with any judicial proceeding in which the United States, the District of Columbia, a state, or local government is a party must be given court leave.
- D. If an employee is called to give a deposition in a case which a party in the proceeding is the United States, the District of Columbia, a state, or local government, the employee is entitled to court leave for the time involved in giving the deposition.
- E. An employee appearing in court for a traffic violation is not entitled to court leave in connection with his or her appearance in court as a defendant.
- F. An employee testifying on his or her behalf cannot use court leave and must use annual leave, LWOP, or credit or compensatory time off if available.
- G. If an employee is a party in a suit against the United States, the District of Columbia, a state, or local government, the time the employee spends in preparation for and during trial cannot be charged to court leave, but must be charged to annual leave, LWOP, or credit or compensatory time off if available.

1. Except if an employee is a plaintiff against a Federal agency in a civil action related to, or caused by, a violation of the Civil Rights Act of 1964, and the employee-plaintiff prevails in the civil action. Under such circumstances the employee should not be charged with leave and is entitled to official time for court appearances.
  2. If the employee-plaintiff does not prevail in such a civil rights action, any related absences must be charged to annual leave, LWOP, or credit or compensatory time off if available.
  3. Until the conclusion of the civil rights action, the leave status for an employee-plaintiff must tentatively be recorded as annual leave, accrued credit or compensatory leave, or LWOP.
- H. An employee called as a witness in a nonofficial capacity in a judicial proceeding involving only private parties is not entitled to court leave and must use annual leave, credit or compensatory leave, or LWOP for such appearances.
- I. An employee who is not summoned as a witness, but who appears before a court voluntarily and requests to testify is not entitled to court leave.
  - J. If an employee is on a period of scheduled annual leave when called to serve as a witness, court leave must be substituted and used if the employee is otherwise eligible. Serving as a witness service is considered an "exigency of public business," and annual leave which has been forfeited because of a period of court leave may be restored if it otherwise meets the criteria for restoration (e.g., had been scheduled and approved in writing at least three pay periods before the end of the leave year).
  - K. Employees do not receive court leave to serve as a witness on a regular day off (i.e., if the employee is on a compressed work schedule).
  - L. When a holiday occurs during the period an employee is called to serve as a witness and the employee is normally required to work on the holiday, the employee receives holiday (leave) pay. The employee does not receive holiday premium pay.
- M. Employees in a non-pay status (LWOP, AWOL, suspension, or furlough) when called to serve as a witness are not entitled to court leave. An employee must be scheduled for paid leave or normal duty in order to qualify for court leave.

#### **7-4. Court or Witness Fees**

- A. If a jurisdiction provides compensation or fees to jurors or witnesses to help make up for lost wages as a result of serving as a juror or witness and the employee uses court leave or is in an official duty status, the employee must collect any such compensation for their service and turn it in to FEMA. An employee who neglects to collect the fees for jury service will be indebted to FEMA.

- B. If a jurisdiction reimburses jurors or witnesses for costs associated with serving as a juror or witness (i.e., meals, parking, or transportation), the employee is entitled to retain any such reimbursements.
- C. An employee appearing as a witness in a nonofficial capacity in a judicial proceeding involving only private parties is entitled to retain any fees or expenses associated with such appearances.
- D. If an employee is in a non-pay status (i.e., LWOP, AWOL, suspension, or furlough) while serving as a juror or witness, the employee is entitled to retain all forms of compensation associated with service as a juror or witness.

#### **7-5. Court Leave and Other Leave Categories**

- A. If an employee is on a period of scheduled annual leave when called to serve as a juror or witness, court leave must be substituted and used if the employee is otherwise eligible. Jury duty or witness service is considered an “exigency of public business,” and annual leave which has been forfeited because of a period of court leave may be restored if it otherwise meets the criteria for restoration (e.g., had been scheduled and approved in writing at least three pay periods before the end of the leave year).
- B. Employees do not receive court leave to serve as a juror or witness on a regular day off (i.e., if the employee is on a compressed work schedule).
- C. When a holiday occurs during the period an employee is called to jury duty or to serve as a witness and the employee is normally required to work on the holiday, the employee receives holiday (leave) pay. The employee does not receive holiday premium pay.
- D. Employees in a non-pay status (LWOP, AWOL, suspension, or furlough) when called for jury duty or to serve as a witness are not entitled to court leave. An employee must be scheduled for paid leave or normal duty in order to qualify for court leave.

## CHAPTER 8: MILITARY LEAVE

### **8-1. Eligibility**

- A. Full-time permanent employees or non-permanent employees with appointments of one year or more are eligible for military leave.
- B. Employees dishonorably discharged from the military are not eligible for military leave.
- C. Part-time employees with a scheduled tour of duty between 16 and 32 hours per week are eligible for prorated military leave.
- D. Employees with temporary appointments of less than one year are not eligible for military leave. However, supervisors must approve requests from any employee servicing in one of the uniformed services to use annual leave, compensatory time off, LWOP, Absent-US to complete an obligation to the military.

### **8-2. Use of Military Leave**

- A. An employee is entitled to time off without a loss of pay for certain types of active or inactive duty in the National Guard or as a Reserve of the Armed Forces (see 5 U.S.C. § 6323).
- B. Employees should give advanced written or verbal notice to their supervisors according to their office procedures when called for military duty. If a military necessity prevents giving advance notice or giving advance notice is otherwise impossible or unreasonable, advance notice of military duty is not required. However, to use military leave (regular or emergency), the employee must provide the supervisor with a copy of the military orders, annual drill schedule, or other documentation identifying the dates of the military obligation.
  - 1. Employees must provide advance notice, but the failure to do so should not result in a denial of the leave request for military duty. However, management can require employees to follow certain guidelines in providing advance notice for future deployments.
  - 2. Managers can deny reemployment rights when an employee has failed to provide advance notice of a foreseeable military obligation or when feasible.
  - 3. According to the Department of Labor and the Department of Defense, advance notice means as early as possible or feasible, with a recommendation that notice should be given at least 30 days in advance.
- C. Military leave is charged in 1 hour increments. Military leave may only be charged for hours that the employee would otherwise have worked for FEMA in a pay status.

- D. Military leave cannot be charged for regular days off or holidays. When a holiday occurs during a period of military leave, the employee will not be charged for military leave, but will receive holiday leave for the holiday.
- E. Employees may not be advanced annual or sick leave during a period of active military duty.
- F. Employees serving on active military duty cannot perform work for FEMA or receive compensation for such work during the period of active duty.

### **8-3. Accumulation and Charging of Military Leave**

- A. Full-time employees receive 120 hours of military leave per fiscal year. Military leave is not accrued during the year, eligible employees are credited with the full 120 hours of military leave on the first day of employment and then at the start of each fiscal year on October 1.
- B. Employees may carry over a maximum of 120 hours of military leave into the next fiscal year. Eligible employees may use up to 240 hours of military leave in any given fiscal year. If an employee's military orders require service that extends across fiscal years, an employee has the potential to use up to 360 hours of military leave in a calendar year.
- C. Employees are not required to return from military duty to a civilian position before using military leave earned during a new fiscal year.
  - 1. Any new military leave must be associated with military duties.
  - 2. For service of 30 days or less, the employee must report to work no later than the first regularly scheduled work period on the first full calendar day after completion of service or as soon as possible after an 8 hour period if reporting (see 38 U.S.C. § 4312(e)(1)(A)(i) and (ii) and (B); 5 C.F.R. § 353.205(a)).
  - 3. For service of 31 to 180 days, employees must submit an application for reemployment no later than 14 days after completion of the service, or if impossible, the next full calendar day when submission is possible (see 38 U.S.C. § 4312(e)(1)(C); 5 C.F.R. § 353.205(b)).
  - 4. For service of 181 days or more, the employee must submit an application no later than 90 days after the completion of the service (see 38 U.S.C. § 4312(e)(1)(D); 5 C.F.R. § 353.205(c))
- D. The amounts of military leave accrued by part-time employees are pro-rated according to their scheduled tour of duty.
- E. Absences for military duty in excess of an employee's available military leave may be charged to annual leave, compensatory time off, or LWOP at the request of the employee. In such circumstances, if an employee does not specify a paid leave category, the employee will be placed in a LWOP status.

1. Supervisors must grant an employee's request to use accrued annual leave, compensatory time, or LWOP for absences for military duty in excess of available military leave.
2. Supervisors must grant an employee's request to use sick leave for absences for military duty in excess of available military leave, but only to the extent that the sick leave request complies with statutes, regulations, and FEMA policy on the use of sick leave.
3. Supervisors cannot require employees to use accrued leave to cover his or her absence in excess of the employee's available military leave.

#### **8-4. Military Leave (Regular)**

- A. Regular military leave allows employees to participate in active duty, active duty training, and inactive duty training. Inactive duty training is authorized training performed by members of a Reserve component not on active duty and performed in connection with the prescribed activities of the Reserve component.
- B. Employees using annual leave or compensatory time off during applicable periods of military duty may be entitled to their full civilian pay, as well as their military pay if they meet the requirements of 5 U.S.C. § 6323. Generally, if an employee chooses to use his or her military leave, then the employee's civilian pay will be reduced by the amount of military pay the employee receives for military leave.

#### **8-5. Military Leave (Emergency)**

- A. Eligible employees may receive up to 22 workdays of military leave per calendar year for emergency duty ordered by the President, the Secretary of Defense, or a State Governor. Supervisors must grant leave for absences due to military obligations.
- B. The 22 workdays of emergency military leave is in addition to the 15 workdays of regular military leave.
- C. Emergency leave is provided to employees who perform military duties in support of civil authorities in the protection of life and property, or who perform full-time military service in response to a contingency operation (see 5 U.S.C. § 6323(b) and 10 U.S.C. § 101(a)(13)). Contingency operations are military operations that:
  1. Are designated by the Secretary of Defense as an operation in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
  2. Results in the call or order to, or retention on, active duty of members of the uniformed services under 10 U.S.C. § 688, 12301(a), 12302, 12304,

12305, 12406; 10 U.S.C. Chapter 15; or any other provision of law during a war or during a national emergency declared by the President or Congress.

- D. Employees will have their civilian pay reduced by any military pay received during periods of emergency military leave. However, an employee may choose not to take military leave and instead use annual leave, compensatory time off, or sick leave in order to retain both civilian and military pay.

## CHAPTER 9: HOME LEAVE

### **9-1. Earning Home Leave**

- A. Home leave is earned in the very limited situation where an employee is on a foreign duty assignment for the specific purpose of visiting the United States, the Commonwealth of Puerto Rico, or the territories or possessions of the United States.
- B. Home leave is earned in addition to annual and sick leave.
- C. Employees begin earning home leave on the date of the employee's arrival at a duty post outside of the United States, or on the date of entrance on duty when recruited abroad.
- D. Employees stop earning home leave on the employee's date of departure from the duty post outside of the United States for separation or reassignment in the United States, or the date of separation if the employee separates when abroad, whichever occurs first.
- E. Employees will earn home leave while on a foreign duty assignment including periods of:
  - 1. Absence in a non-pay status up to 2 workweeks (80 hours) within each 12 month service period abroad;
  - 2. Authorized leave with pay;
  - 3. Time spent in the United States Armed Forces which interrupts service abroad (but only for eligibility, not leave-earning purposes, see section 9-1.G.6.); and
  - 4. A period of detail.
- F. Home leave is earned in daily units and will be credited to an employee's leave account in multiples of one day increments (based on an 8 hour day).
- G. For each 12 months of service abroad, an employee earns home leave at the following rate:
  - 1. 15 days for appointments or positions FEMA requires the incumbent to accept assignments anywhere in the world as the needs of FEMA dictate;
  - 2. 15 days for employees serving with a United States mission to a public international organization;
  - 3. 15 days for serving at foreign posts which FEMA pays a foreign or non-foreign (but not a tropical) differential of 20 percent or more;
  - 4. 10 days for posts not covered by 1, 2, or 3, and which FEMA pays a foreign or territorial (but not a tropical) differential of at least 10 percent but less than 20 percent;
  - 5. 5 days for posts not included in 1, 2, 3, or 4.

6. 0 days for employees who would earn home leave according to 1, 2, 3, 4, or 5, but whose service is interrupted by a tour of duty in the Armed Forces for the duration of the tour abroad.
- H. Home leave may accumulate to a maximum of 45 days.
  - I. For an employee whose foreign duty assignment is interrupted by a tour of duty in the Armed Forces of the United States will not accrue home leave during the period of active military service.
  - J. When an employee returns to a position in the United States, any unused home leave is held in abeyance. If the employee receives another foreign duty assignment, the unused home leave will be recrated.
  - K. All unused home leave is forfeited when an employee has a break in Federal service of more than 90 calendar days.

## **9-2. Use of Home Leave**

- A. An employee must complete a basis service period of 24 months of continuous creditable service outside of the United States before using home leave. To use home leave, an employee must be expected to return to the foreign duty assignment after a period of home leave. An employee cannot terminate a foreign duty assignment while on home leave.
- B. Home leave may not be the basis for terminal leave or a lump sum payment upon separation from FEMA or the Federal Service.
- C. Home leave is approved at the discretion of the official responsible for authorizing leave for the employee.
- D. The minimum charge for home leave is 1 day and home leave is charged in 1 day increments.
- E. Home leave can only be used to visit United States, the Commonwealth of Puerto Rico, or the territories or possessions of the United States.
- F. Home leave may not be charged for holidays, regular non-workdays, and non-workdays authorized by administrative order.
- G. Home leave may be used in conjunction with annual leave, compensatory time off, or leave without pay.
- H. An employee cannot substitute annual leave for periods previously charged to home leave to avoid forfeiture of annual leave at the end of the leave year.
- I. The granting of home leave does not entitle the employee to payment or reimbursement of travel or transportation expenses.

**9-3. Refund of Home Leave**

- A. An employee who does not return to service abroad after a period of home leave, or after the completion of an assignment in the United States is indebted for the used home leave.
- B. An employee can satisfy a debt due to used home leave by:
  1. A charge against the employee's annual leave;
  2. A charge against any final salary payments;
  3. A charge against any other financial assets administered by the Federal government; or
  4. Reimbursing FEMA for the monetary value of the used home leave.
- C. A refund for this indebtedness is not required if:
  1. The employee completes more than six months of service in an assignment in the United States following the period of home leave;
  2. When FEMA determines that the employee's failure to return was due to compelling personal reasons of a humanitarian or compassionate nature, such as issues involving physical or mental health, or circumstances over which the employee has no control; or
  3. FEMA determines that it is in the public interest to not return the employee to an overseas assignment.

## CHAPTER 10: EXCUSED ABSENCE

### **10-1. Purpose of Excused Absences**

Employees may be excused from performing their regular duties for certain activities which are considered to be in the interest of the Government. Absences may also be granted in certain other special circumstances, such as hazardous weather conditions. The administrative leave categories described in this Chapter are the only allowable administrative leave categories. Employees shall record their time during such absences as either the appropriate administrative leave category or official time according to the policies established by this Chapter.

### **10-2. Time-Off Awards**

A Time-Off Award (TOA) is an excused absence granted to an employee to be used without charge to leave or loss of pay in recognition of individual or group contributions or accomplishments. (See FEMA Manual 255-4-1, Employee Awards and Recognition, for more information on the process and limits for granting Time-Off Awards).

- A. TOAs must be granted and used in one hour increments.
- B. TOAs must be scheduled and used within 26 pay periods from the date the TOA was awarded. After the 26<sup>th</sup> pay period, any unused time off will be automatically forfeited and may not be restored or otherwise substituted.
- C. TOAs have no effect on annual leave carryover limitations.
- D. TOAs cannot be converted into cash payments under any circumstances (5 C.F.R. 451.104(f)).
- E. If an employee separates from FEMA or the Federal service before using all time-off hours, any unused time off will be forfeited.
- F. If an employee transfers to or from another DHS Component, any available TOAs will be honored at the employee's new position. FEMA will not transfer TOAs to or from other Federal agencies.
- G. TOA's shall not be granted to create the effect of a holiday or treated as administrative excusals or leave (i.e., granting the entire organization or office a TOA to be used on a specific day).

### **10-3. Voting**

FEMA's policy is to encourage employees to exercise their voting rights and permits a limited amount of excused absence for voting.

- A. Employees are not allowed administrative leave for voting by absentee ballot. Most states allow absentee voting for both primary and general elections. Employees are responsible for knowing the election laws for their state.

- B. Employees must request administrative leave for voting or registering to vote in advance.
- C. As a general rule, where the polls are not open at least 3 hours either before or after an employee's regular hours of work he or she may be granted an amount of administrative leave which will permit him or her to report for work 3 hours after the polls open or leave work 3 hours before the polls close, whichever requires the lesser amount of time off.
- D. Under exceptional circumstances, where it is necessary to enable the employee to vote, a greater amount of administrative leave may be granted, but not to exceed a full day. These exceptions must be noted under "Other Leave" on FEMA WebTA and approved by the supervisor in advance.
- E. If an employee's voting place is beyond a normal commuting distance and voting by absentee ballot is either not permitted or not possible, the employee may be granted a maximum of one workday to make the trip to the voting place to vote at the discretion of the supervisor. If more than one workday is needed the employee may request annual leave, compensatory time off, or LWOP for the additional period of absence. Under such circumstances employees must request administrative leave at least seven calendar days in advance and provide administratively acceptable documentation that demonstrates the employee is not permitted to vote absentee.
- F. Where employees vote in jurisdictions that require registration in person, administrative leave may be granted under the same conditions as administrative leave for voting. Administrative leave may not be granted if registration can be accomplished on a non-work day and the place of registration is within a reasonable one day round trip travel distance of the employee's place of residence.
- G. Employees who take time off to participate in other electoral activities, such as serving as election officers, precinct inspectors or clerks, or poll workers may not be granted administrative leave for these activities. Any time spent during regular duty hours for these activities must be charged to annual leave, compensatory time, credit hours, or LWOP if granted.

#### **10-4. Absences to Take Examinations**

Employees taking noncompetitive civil service examinations for positions in FEMA, examinations established by operating units to determine qualifications for promotion, or competitive examinations to qualify for competitive status in the positions which they hold in FEMA may be granted administrative leave for the time necessary to take the examination, including the time it takes the employee to travel to and from the examination site, if that site is not the employee's normal duty station.

Supervisors may grant administrative leave for the time necessary to take other examinations (e.g., a CPA exam, bar exam) which are directly related to the employee's current or prospective duties within FEMA.

#### **10-5. Absences for Job Required Medical Examinations**

An employee may be granted administrative leave to take a medical examination officially required in connection with the employee's continued employment with FEMA.

#### **10-6. Immediate Treatment of On-the-Job Injuries**

An employee injured on-the-job may be granted administrative leave for an initial examination and for immediate treatment by a physician of the employee's choice on the day of the injury. Where local treatment is not available, or for employees who are duty stationed outside the continental United States, an employee may be excused for a reasonable period for travel to and from the nearest medical facility for necessary treatment.

#### **10-7. Changes in Tour of Duty During Disasters**

During disasters, some employees may be required to immediately change their tour of duty hours. The FEMA Administrator may authorize up to one day of administrative leave for employees who are required to change their normal duty hours to prepare for or execute emergency response or recovery assignments.

For example, an employee with a normal tour of duty of Monday through Friday, 8:30 am to 5:30 pm, is given an emergency assignment on Tuesday from 7:00 pm to 7:00 am through the rest of the week. On Thursday at noon, the emergency is cancelled and the employee is told not to report to the emergency assignment, but to report back to his or her normal workplace at 8:30 am on Friday. The employee may be granted administrative leave for the Thursday, so the employee does not suffer a loss of leave or pay due to the emergency assignment.

#### **10-8. Emergency or Hazardous Weather Conditions**

Administrative Leave may be granted, subject to the restrictions found in FEMA's Telework and CORE Manuals, due to hazardous weather conditions or other emergencies.

- A. When weather or emergency conditions result in OPM announcing a delayed arrival, non-emergency employees will be excused without charge to leave or loss of pay for the period from normal arrival time at work until the revised expected arrival time at work. Employees who arrive later than their expected arrival time will be charged annual leave or LWOP for the additional period of absence from work. Tardiness beyond the expected arrival time may be excused at the discretion of the leave-approving official if the employee made a reasonably diligent effort to arrive at work on time. Employees on previously approved scheduled leave for the entire day remain in the same leave status

and are not granted excused absence for the period from their normal departure time to the revised arrival time.

- B. When weather or emergency conditions result in OPM announcing an early dismissal in which employees will be dismissed a set period of time earlier than their normal departure times. Employees who are in a duty status at the time an early dismissal is announced will be excused without charge to leave or loss of pay for the remainder of the work day, even if they were scheduled to take leave later in the day.
  - 1. Employees who are in a duty status at the time an early dismissal is announced but leave before their authorized dismissal with supervisor approval (but not due to a hardship) shall be charged annual leave or LWOP for the remainder of the scheduled workday.
  - 2. Employees who fail to report to work before the authorized early dismissal shall be charged annual leave or AWOL for the entire workday.
  - 3. Employees on previously approved leave shall continue to be charged for leave for the entire workday.
  - 4. Employees scheduled to return from leave after an early dismissal is announced but before their authorized dismissal, shall continue to be charged with leave until their dismissal time. Absence after the dismissal time shall be charged as excused absence even if the employee is scheduled to take leave later in the day.
  - 5. Employees scheduled to report to work after an early dismissal is announced may be granted excused absence for the remainder of the workday even if they were scheduled to take leave later in the day.
- C. When a weather or emergency conditions results in the closing of all or part of FEMA's activities, employees who work in the offices affected by the closing may be granted administrative leave, subject to the policies detailed in this Section, FEMA's Telework Manual (see Telework Manual, 123-9-1) and CORE Manual (see CORE Manual, 252-11-1).
  - 1. Employees on pre-approved paid leave on a day when a FEMA office is closed will not have their leave cancelled and granted administrative leave. In such cases, employees will remain in their pre-approved leave category. Employees on LWOP pending disability, in receipt of workers' compensation, military leave, on suspension, or in a non-pay status on the workday immediately before and the first workday after the closure will also not be granted administrative leave.
  - 2. If a FEMA facility is closed due to inclement weather or other emergencies, COREs who would normally work at that location will be directed to work at an alternate work location or their telework site if they have a current telework agreement. In such circumstances, COREs will only be granted administrative leave if an emergency affects their alternate or telework location (*i.e.*, loss of power, loss of heat, loss of internet connectivity, etc.).

3. Unscheduled telework is incorporated into FEMA's emergency preparedness operations to maintain productivity and help ensure the safety of the Federal workforce and the public.
  - a. When a FEMA facility is open, but employees are given the option of unscheduled annual leave, LWOP, or telework, the following procedures apply:
    - i. Emergency Employees must report for duty as directed unless they are telework ready and permitted to telework by their supervisors.
    - ii. Non-Emergency Employees shall report to work or notify their supervisors in advance if they intend to take unscheduled leave.
    - iii. Non-Emergency Telework Ready Employees must report to work, commence telework, or request unscheduled leave.
  - b. When a FEMA facility is closed employees will be granted administrative leave for the number of hours they were scheduled to work unless they are covered by one of the following categories:
    - i. Emergency Employees must report for duty as directed unless they are telework ready and permitted to telework by their supervisors.
    - ii. Non-Emergency Telework Ready Employees who are already scheduled to telework or who are directed by FEMA to perform unscheduled telework must telework the entire work day. If directed to telework, such employees may request the use of annual leave, compensatory time off, credit hours, or sick leave, as appropriate; leave without pay; their flexible work schedule day off or revision of their work hours under flexible work schedules.
    - iii. COREs will be directed to work at an alternate work location or at their approved telework site if they have a current telework agreement.
4. Supervisors may excuse telework ready employees from work and grant annual or administrative leave, as appropriate, when an emergency adversely affects an employee's telework site (e.g., disruption of electricity, loss of heat, loss of connectivity, etc.), or if the teleworker faces a personal hardship that prevents him or her from teleworking effectively. Dependent care needs do not ordinarily entitle a teleworker to administrative leave; annual leave will be granted as appropriate.

#### **10-9. Veterans Attending Funeral Services**

An employee who is a veteran of a war, a veteran of a campaign or expedition for which a campaign badge has been authorized, or a member of an honor or ceremonial group of an organization of those veterans, may be granted administrative leave for the time necessary, not to exceed 4 hours in any one day, to participate as an active pallbearer, a member of a firing squad, or a guard

of honor in a funeral ceremony for a member of the Armed Forces whose remains are returned from abroad for final internment in the United States (5 U.S.C. 6321).

#### **10-10. Funerals of Immediate Relatives in the Armed Forces**

- A. An employee is entitled to up to 3 days of administrative leave to make arrangements for, or attend the funeral or memorial service of a family member who died as a result of wounds, disease, or injury incurred while serving as a member of the Armed Forces in a combat zone (5 U.S.C. 6326).
- B. The 3 days must be within the employee's established tour of duty, including regularly scheduled overtime. The 3 days need not be taken on consecutive days, but the employee must provide a justification for use of funeral leave on nonconsecutive days.

#### **10-11. Attending Funerals of Fellow Federal Law Enforcement Officers**

A Federal law enforcement officer or a Federal firefighter may be excused from duty to attend the funeral of a fellow Federal law enforcement officer or Federal firefighter who was killed in the line of duty. When an employee is excused from duty, attendance at such a memorial service shall be considered to be an official duty of the officer or firefighter (5 U.S.C. 6328).

#### **10-12. Return from Active Military Service**

- A. Employees who are members of the National Guard or Reserves that are called to active duty in support of the Overseas Contingency Operations (OCO) (formerly the Global War on Terrorism) are entitled to 5 days of administrative leave upon their return from active duty. The entitlement applies to all employees, regardless of whether they are deployed overseas or stateside. The 5 days of excused absence are prorated for employees on uncommon tours of duty (see Executive Order 13223).
- B. Employees must have been on active duty in support of OCO for at least 42 consecutive days to be eligible for leave.
- C. Employees may not be granted more than 5 days of administrative leave in a 12 month period. The 12 month period begins on the first day of the excused absence and ends 365 days later.
- D. The 5 days of leave must be used for a continuous period immediately upon an employee's return to civilian duty.
- E. The 5 days of leave must be granted as soon as an employee reports back for civilian duty or notifies FEMA of an intent to return to civilian duty.
- F. The 5 days of leave may not be "banked" for use at a future time.

G. Employees who separate prior to being granted the excused absence for this purpose do not have an entitlement to payment for any time not granted.

#### **10-13. Notice Period Preceding a Reduction in Force**

Employees who have received a general or specific notice of reduction in force may be granted administrative leave to attend interviews for other prospective positions within FEMA or another DHS component during the notice period. If administrative leave is granted, the amount of administrative leave is limited to the duration of the scheduled interview. Administrative leave may not be granted for any travel associated with attending an interview.

#### **10-14. Health and Fitness Programs**

To the extent FEMA has a current health and fitness program policy (FD 119-6, Employee Physical Fitness Program, February 1, 2012), supervisors may, at their discretion, grant limited leave for participation subject to the provisions of that policy.

#### **10-15. Blood Donations**

Employees who donate blood, including platelet donations, to the Red Cross, local hospitals, blood banks, or similar nonprofit organizations, may be granted administrative leave of up to 4 hours, once every three months. The 4 hours includes the time required to travel to and from the donation center, and to actually give the donation. If the employee is not accepted for blood donation, only the time necessary for the trip to and from the blood center is allowed as an excused absence. Time in excess of four hours may be granted at the employee's request as annual leave, sick leave, compensatory time off if available, or LWOP.

#### **10-16. Bone Marrow and Organ Donations**

- A. An employee is entitled to up to 30 days of leave per calendar year in addition to annual leave, sick leave, LWOP, or any other applicable leave categories available to an employee for organ donation and recovery.
- B. An employee is entitled to up to 7 days of leave per calendar year in addition to annual leave, sick leave, LWOP, or any other applicable leave categories available to an employee for bone marrow donation and recovery. An employee may not be excused for bone marrow donation for their own future use.
- C. With supervisory approval, employees may use annual leave, sick leave, advanced annual or sick leave, accrued compensatory or credit time off if

- available, or LWOP for additional recovery time in excess of the 30 days for organ donation or 7 days for bone marrow donation.
- D. Supervisors may approve, at their discretion, short periods of annual or sick leave for employees to participate in screening activities to become potential bone marrow or organ donors.
  - E. Leave for bone marrow or organ donation, but not screening activities, is a separate category of leave that is in addition to annual and sick leave.

#### **10-17. Absence to Perform Community Service**

Employee absence to perform community or other voluntary service should be charged to annual leave, compensatory time off if available, credit hours if available, or LWOP. However, in some rare circumstances it may be appropriate to grant employees administrative leave to participate in community service activities if:

- 1. It is directly related to FEMA's mission;
- 2. It is officially sponsored or sanctioned by the FEMA Administrator (i.e., specific disaster relief activities.);
- 3. It will clearly enhance the professional development or skills of the employee in his/her current position;
- 4. The employee's supervisor determines, in his or her discretion, that the employee's absence will not adversely affect the operations of the office; and
- 5. The absence is brief and is determined to be in the interest of FEMA.

#### **10-18. Administrative Proceedings**

Employees called to testify or provide sworn statements at hearings conducted by the Office of Special Counsel, the Merit Systems Protection Board, the Equal Employment Opportunity Commission, or arbitrators or grievance examiners appointed in federal agency employment disputes are in official duty status while testifying and no grant of excused absence will be recorded. Employees are in official duty status for the presentation of, but not the preparation for administrative grievances.

#### **10-19. Equal Employment Opportunity Complaints**

- A. A reasonable amount official time must be granted to employees who are pursuing their own EEO complaint against FEMA, or who have been approved to represent other FEMA employees who are pursuing an EEO complaint against FEMA to file a complaint, respond to agency or EEOC requests, and when the employee's presence is authorized or required by the EEOC if otherwise on duty. Employees are considered in official duty status for such activities and no grant of excused absence will be recorded.

- B. The employee and his or her supervisor should discuss the amount of time is reasonable for preparation at least five business days prior to the employee using such time. The employee should notify their supervisor of the need for official time and the amount of time needed for upcoming meetings and hearings with agency officials or with EEOC Administrative Judges within three business days after the meeting or hearing is scheduled to allow the supervisor to schedule for the normal operations of the office.
- C. Official time will not be granted to employees pursuing EEO complaints against other Federal agencies, or serving as representatives in such complaints. Absences related to such complaints must be charged to annual leave, compensatory time if available, or LWOP.

## **CHAPTER 11: LEAVE WITHOUT PAY**

### **11-1. Use of LWOP**

- A. Leave without pay (LWOP) is a temporary non-pay status and absence from duty that may be granted at the employee's request. In most instances, granting LWOP is a matter of supervisory discretion and granting LWOP should be done sparingly, however, there are certain situations when employees are entitled to LWOP (see section 11-2).
- B. LWOP must be requested and approved in advance before taking LWOP. Failure to do so will result in an unauthorized absence.
- C. LWOP may not be charged for periods of unauthorized absence. Absence Without Leave (AWOL) is used for unauthorized absences.
- D. Employees may be required to exhaust available annual leave before being granted LWOP if the absence is primarily for the personal convenience of the employee.
- E. LWOP is charged in 15 minute increments.
- F. LWOP is not ordinarily approved for periods longer than 12 months at a time, except in situations which are in the best interests of FEMA or the U.S. Government, such as Peace Corps volunteers.
- G. LWOP may not be retroactively substituted for annual or sick leave (see 58 Comp. Gen. 661).
- H. Employees may not be granted LWOP for the sole purpose of pursuing or engaging in outside employment. Outside employment includes any position or opportunity, including internships, for which the employee receives a monetary payment.

### **11-2. Required LWOP Situations**

Employees are entitled to LWOP under the following circumstances:

- A. The Family and Medical Leave Act of 1993 (FMLA), provides covered employees with an entitlement to a total of up to 12 weeks of unpaid leave (LWOP) during any 12-month period for certain family and medical needs (see Chapters 5 and 6 and 5 C.F.R. Part 630, Subpart L).
- B. The Uniformed Services Employment and Reemployment Rights Act of 1994, provides employees with an entitlement to LWOP when employment with FEMA is interrupted by a period of service in the uniformed service (see 5 C.F.R. § 353.106).
- C. Executive Order 5396, dated July 17, 1930, provides that disabled veterans are entitled to LWOP for necessary medical treatment.
- D. Employees receiving workers' compensation payments from the Department of Labor must be placed in an LWOP status.

### **11-3. Approving LWOP**

- A. An employee's immediate supervisor may only approve LWOP of up to 80 hours.
- B. Heads of Offices or Directorates must approve any periods of LWOP exceeding 80 hours.
- C. Heads of Offices or Directorates may approve up to six months of LWOP. Extensions of LWOP over six months must be approved by OCCHCO.
- D. If the period of LWOP is more than 30 calendar days, an SF-52 is required to provide documentation in the employee's Official Personnel Folder.
- E. When approving extended periods of LWOP, there should be a reasonable expectation that the employee will return to duty at the conclusion of the period of LWOP.

### **11-4. LWOP for Family Obligations**

Supervisors are allowed, at their discretion, to approve up to 24 hours of LWOP per year for employees to balance the demands of family and work. LWOP for general family care purposes differs from LWOP under FMLA in that LWOP for general family purposes is not an entitlement and must be approved by an employee's supervisor, and there is no right to substitute paid leave for unpaid leave used. An employee may be granted up to 24 hours of LWOP, if other leave is not available to:

- A. Attend school and early childhood educational activities that are directly related to the educational advancement of an employee's child, such as tutoring or attending school board meetings. Schools under this heading refer to elementary and secondary schools, Head Start programs, or child-care facilities.
- B. Accompany child to routine medical, dental, or optical appointments when no sick leave is available.
- C. Accompany elderly relatives to routine medical, dental, optical, or other professional service appointments that are directly related to the care of an elderly relative. LWOP for this purpose is in addition to an employee's entitlement to sick leave for general family care and LWOP under FMLA.

### **11-5. Extended Use of LWOP**

Extended periods of LWOP may be authorized sparingly if the value to FEMA, the U.S. Government, or the serious personal needs of the employee are sufficient to offset the costs and administrative inconveniences involved, including encumbrance of a position, loss of needed services, complication of retention registers for reduction in force, obligation to provide employment at the end of the period of leave, and credit for six months of each year of absence

toward retirement (or full credit for those in receipt of disability compensation). If the circumstances warrant an extended LWOP subject to the approving requirements above, extended periods of LWOP may be authorized for:

- A. Education that contributes to the interests or mission of FEMA;
- B. Recovery from illness or disability not of a permanent nature, when continued employment or immediate return to employment might impair the employee's health or the health of other employees; or
- C. If the disability or disease is one for which the employee is being compensated by the Department of Labor under 5 U.S.C. Chapter 81, LWOP in excess of one year may be granted in increments appropriate to the employee's prospects for recovery.

#### **11-6. Effect of LWOP on Employee Benefits**

- A. If an employee is in a non-pay status for an entire pay period, the employee will not earn annual or sick leave for that pay period. Periods in a non-pay status are calculated on a cumulative basis during a leave year. For every 80 hours in a LWOP status, an employee's annual and sick leave amounts will be reduced by the amount of leave the employee would have earned during that pay period.
- B. Employees on LWOP due to a compensable on-the-job injury will not earn annual or sick leave while in a LWOP status.
- C. Employees cannot be paid for a legal holiday if they are in a non-pay status on the workday before and workday after a holiday. Employees who are on extended periods of LWOP may not return to duty for the sole reason of being paid for a holiday.
- D. Employees may continue to receive health insurance under the Federal Employees Health Benefit (FEHB) program for up to 365 days while in a LWOP status. Employees are still obligated to pay their portion of their health premiums while they are in a non-pay status.
- E. Employees covered by the Federal Employees Group Life Insurance (FEGLI) will automatically retain their coverage at no cost for up to 365 days while in a LWOP status. After 365 days, employees will have the option to convert their FEGLI coverage to an individual life insurance policy and pay all premiums.
- F. Periods of LWOP in excess of six months in a calendar year will be deducted from creditable service toward retirement, except for absences for military duty or caused by a compensable on-the-job injury (see 5 U.S.C § 8332(f)).
- G. Employees will not be able to contribute to their Thrift Savings Plan (TSP) during periods of LWOP.
- H. For employees covered by the Federal Employees Retirement System (FERS), the Federal Government will discontinue contributions, both automatic and matching, to an employee's account.

- I. Unless the LWOP is taken for military duty or as a result of a compensable on-the-job injury, the waiting period for a within grade increase will be extended by the amount of time which exceeds (see 5 C.F.R. § 531.406):
  - 1. Two work weeks if the employee is at step 1, 2, or 3;
  - 2. Four work weeks if the employee is at step 4, 5, or 6; or
  - 3. Six work weeks if the employee is at step 7, 8, or 9.
- J. For more information on the effects of LWOP and other non-pay categories have on salary and benefits see Appendix C.

## **CHAPTER 12: VOLUNTARY LEAVE TRANSFER PROGRAM**

### **12-1. Program Description and Eligibility**

- A. The Voluntary Leave Transfer Program (VLTP) allows eligible employees to donate annual leave or receive donated annual leave from other Federal employees in response to a medical emergency.
- B. A leave recipient must face a substantial loss of income and use or expect to use all of his or her accrued annual and sick leave in response to a medical emergency.
- C. Employees cannot donate leave to an immediate supervisor, any individual in their supervisory or management chain of command, or any other management official within FEMA having an influence or input on personnel actions involving the leave donor.
- D. Employees may not solicit personal donations for leave, directly or indirectly, from other employees.
- E. Employees will not be eligible for the VLTP for any of the following purposes:
  1. Caring for or bonding with a healthy newborn child;
  2. Recuperating from elective or cosmetic surgery; or
  3. Absences related to bereavement.

### **12-2. Application to be a Leave Recipient**

- A. Employees seeking donated leave must submit an application including:
  1. The name, position title, and grade or pay level of the leave recipient;
  2. The reasons why donated leave is requested, including a description of the nature, severity, and anticipated duration of the medical emergency. If the medical emergency is a reoccurring condition, the employee must state the approximate frequency and duration of each reoccurrence;
  3. A copy of the employee's current annual and sick leave balance; and
  4. Certification by the employee's physician(s) or experts attesting to the nature of the medical emergency.
- B. If the employee is unable to complete the application, a personal representative of the employee may prepare and submit an application on the employee's behalf.

### **12-3. Approval**

- A. Employees, or their representative, will submit an application to become a leave recipient to the employee's supervisor of record.

- B. The supervisor of record will review the application to ensure the employee meets the eligibility criteria: the employee will be absent from duty without available paid leave for at least 24 hours or 30% of the employee's average biweekly scheduled tour of duty (for part-time employees or employees with an uncommon tour of duty), and the absence is due to a medical emergency affecting the employee or a covered family member.
- C. The employee's supervisor of record will submit approved applications to OCCHCO. OCCHCO will review the application and notify the employee or representative if the application is approved. If the application is not approved, OCCHCO will state the reason(s) for the disapproval.
- D. Leave donors may only donate leave to an employee after an employee's application is approved.

#### **12-4. Transfer of Annual Leave**

- A. Once an employee is approved to receive donated leave, other FEMA employees may submit a written request to donate a specified number of annual leave hours to an eligible leave recipient.
- B. Transferred annual leave may be used retroactively for periods of LWOP or to liquidate a debt of advanced annual or sick leave associated with the medical emergency.
- C. Usually, FEMA will only transfer donated leave between FEMA employees. However, FEMA will accept leave donations through the VLTP under the following circumstances:
  1. When a family member of the leave recipient is employed by another agency and requests to transfer annual leave to the leave recipient;
  2. When OCCHCO determines that the amount of leave available for transfer from other FEMA employees may not be sufficient to meet the needs of the leave recipient; or
  3. When OCCHCO determines that accepting leave donations from other agencies would further the purpose of the VLTP.

#### **12-5. Donations of Annual Leave**

- A. A leave donor must donate at least one hour of leave and in increments of one hour.
- B. A leave donor can only donate annual leave.
- C. A leave donor may donate no more than one-half of the amount of annual leave he or she will earn during the leave year.
- D. A leave donor who is projected to have leave subject to forfeiture may donate the lesser of one-half of the amount of leave the donor will accrue during the

leave year or the amount of leave the donor is scheduled to accrue until the end of the leave year.

#### **12-6. Use of Transferred Annual Leave**

- A. A leave recipient must use all of his or her annual, sick, or other available paid leave accrued or accumulated before using any transferred leave.
- B. Leave recipients may only use donated leave for the medical emergency stated in the leave application.

#### **12-7. Accrual of Annual and Sick Leave**

An employee using donated leave will continue to accrue annual and sick leave, at the employee's normal rate, until the employee accrues forty hours of annual and sick leave (or in the case of an employee with an uncommon tour of duty, the average number of hours in the employee's weekly scheduled tour of duty). In the case of annual leave, the employee will accrue annual leave to the extent necessary to reduce any indebtedness caused by an advance of annual leave. The accrued annual and sick leave will be placed in a set aside account during the period of the medical emergency. A leave recipient may use such leave after the end of the medical emergency or if all donated leave is exhausted.

#### **12-8. Termination of the Medical Emergency**

The medical emergency ends when:

- A. The leave recipient notifies OCCHCO in writing that the medical emergency no longer exists;
- B. OCCHCO determines, after written notice and opportunity for the leave recipient (or, if appropriate, another person acting on behalf of the leave recipient) to answer orally or in writing, that the medical emergency no longer exists;
- C. OCCHCO receives notice that the leave recipient is approved for a disability retirement; or
- D. The leave recipient separates from FEMA.

#### **12-9. Restoration of Transferred Annual Leave**

- A. When the medical emergency affecting a leave recipient ends, any remaining donated leave shall be restored on a prorated basis to the appropriate leave donors.
- B. Donated leave will not be restored if:
  1. The amount of leave to be restored is less than one hour; or

2. If the leave donor retires, dies, or separates from FEMA before the date OCCHCO is notified that donated leave is eligible for restoration.
- C. The leave donor may elect to receive the restored leave by:
  1. Crediting such leave to the annual leave account for the current leave year;
  2. Crediting such leave to annual leave account effective as of the first day of the first leave year beginning after the date of the election; or
  3. Donating such leave, in whole or in part, to another leave recipient.

#### **12-10. Prohibition of Coercion**

- A. The decision to donate leave must be completely voluntary. An employee may not directly or indirectly intimidate, threaten, coerce, or promise any benefit to any other employee for the purpose of influencing or interfering with any employee's decision to donate, receive, or use annual leave.
- B. For the purpose of paragraph A of this section, the terms "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as an appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

## **CHAPTER 13: TRANSFER AND RECREDIT OF LEAVE**

### **13-1. Transfer of Leave**

- A. When an employee transfers between positions with the same leave system as FEMA, without a break in service, the agency the employee is transferring from shall certify the employee's annual leave account to the employing agency for credit or recharge (see 5 U.S.C. 6306, 5 C.F.R. 630.501, and 5 C.F.R. 630.502).
- B. When an employee transfers between positions with a different leave system than FEMA's, without a break in service, 7 calendar days of annual leave are deemed equal to 5 workdays of annual leave (5 C.F.R. 630.501).
- C. Only annual leave in whole hour units may be transferred between Federal agencies.

### **13-2. Recredit of Sick Leave**

- A. When an employee transfers between positions with the same sick leave system as FEMA, without a break in service, the agency the employee is transferring from shall certify the employee's sick leave account to the employing agency for credit or recharge (see 5 C.F.R. § 630.502(a)).
- B. When an employee transfers between positions with a different leave system than FEMA's, without a break in service, 7 calendar days of annual leave are deemed equal to 5 workdays of annual leave (5 C.F.R. 630.502 (d)).
- C. An employee who has had a break in service is entitled to a recredit to sick leave (without regard to the date of his or her separation), if he or she returns to Federal employment on or after December 2, 1, 1994, unless the sick leave was forfeited upon reemployment in the Federal Government before December 2, 1994 (5 C.F.R. 630.502 (b)).
- D. Only sick leave in whole hour units may be transferred between Federal agencies.

## APPENDIX A: LEAVE AT A GLANCE

The following chart provides descriptions and examples for some of the leave categories available to employees.

Leave	Description	Example
Annual Leave	Paid absence from duty for vacations, rest, relaxation, conducting personal business, sickness and injuries, and family needs.	<ul style="list-style-type: none"> <li>• Developing a close relationship with an infant or making child care arrangements.</li> <li>• Attend the funeral of a friend.</li> <li>• Taking your car to be repaired.</li> </ul>
Sick Leave	Paid absence from duty for medical, dental, or optical examinations or treatment; incapacitation by physical or mental illness, injuries, pregnancy, or childbirth; preventing the spread of communicable diseases that would jeopardize the health of others while on duty; or adoption-related activities.	<ul style="list-style-type: none"> <li>• Being incapacitated or recuperating from child birth.</li> <li>• Meeting with adoption lawyer.</li> <li>• Developing a close relationship with newly adopted child when required by the courts or an adoption agency.</li> <li>• Making funeral arrangements or attending a memorial service of a family member.</li> <li>• Taking a family member to medical, dental, or optical appointments.</li> <li>• Caring for a family member with an illness.</li> <li>• Caring for your spouse or partner who is recovering from childbirth.</li> </ul>
FMLA	Employees are entitled to 12 administrative work weeks of unpaid leave during a 12-month period, if FMLA is invoked, for birth and care for a newborn; adopting a son or daughter; becoming a foster parent; care of a spouse, son, daughter, or parent with a serious health condition; treatment or care of the employee's	<ul style="list-style-type: none"> <li>• The birth and care for a newborn child.</li> <li>• The placement of a son or daughter with the employee for adoption or foster care.</li> <li>• The care of a spouse, son, daughter, or parent with a serious health condition.</li> <li>• Recovering from a serious health condition.</li> </ul>

	serious health condition. Paid leave may be substituted.	<ul style="list-style-type: none"> <li>• Responding to a qualifying exigency associated with the employee's spouse, son, daughter, or parent active duty in the military.</li> </ul>
LWOP for Family Needs	Supervisors are encouraged to allow employees to take up to 24 hours of LWOP per year, if the employee exhausts his or her paid leave, to participate in school activities directly related to the educational advancement of their children; accompany their children to routine medical appointments; care for an elderly relative who may require daily care or assistance.	<ul style="list-style-type: none"> <li>• Parent/Teacher conferences.</li> <li>• School sponsored activities such as sports and recreation programs, field trips, class plays, "career day", or other volunteer activities.</li> <li>• Interviewing for a new school/child care facility.</li> <li>• Helping an elderly relative who may require daily care or assistance in making arrangements for housing, meals, telephones, banking service, and other similar activities.</li> </ul>

## **APPENDIX B: HOME LEAVE**

The following chart outlines the number of Home Leave days earned after each month of service abroad based on appointment type.

Months of service abroad	Home Leave Days Earned After Each Month of Service		
	Maximum 15 days	Maximum 10 days	Maximum 5 days
1	1	0	0
2	2	1	0
3	3	2	1
4	5	3	1
5	6	4	2
6	7	5	2
7	8	5	2
8	10	6	3
9	11	7	3
10	12	8	4
11	13	9	4
12	15	10	5

## APPENDIX C: LWOP

The following chart outlines some of the effects that the use of LWOP and other non-pay categories have on salary and benefits.

Topic	Number of Days/Hours in a Non-Pay Status Allowed Without a Penalty	
Initial Appointment Probationary Period	Any non-pay time in excess of 22 workdays extends the probationary period by that number of days.	
Supervisory/Managerial Probationary Period	Any non-pay time in excess of 22 workdays extends the probationary period by that number of days.	
Career Tenure	Any non-pay time in excess of 30 calendar days for each period of absence extends the service date for career tenure by that number of days.	
Leave	<p>If an employee is in a non-pay status for an entire pay period, no annual or sick leave is earned for that pay period. If non-pay time occurs during part of one or more of a full-time employee's pay periods, the employee continues to earn leave until the non-pay time totals 80 hours. Then leave is reduced by the amount the employee earns during a pay period.</p>	
Service Credit for Annual Leave Accrual (advancement to earning 6 and 8 hours per pay period)	6 months of non-pay time is creditable. Advancement to higher leave accrual category is delayed by the amount of non-pay time in excess of 6 months in one calendar year.	
General Schedule Within-grade Increases	<u>Waiting Period</u> For steps 2/3/4- 52 weeks For steps 5/6/7- 104 weeks For steps 8/9/10-156 weeks	<u>Non-pay Time Allowed</u> 2 workweeks (80 hrs for FT employees) 4 workweeks (160 hrs for FT employees) 6 workweeks (240 hrs for FT employees)
Federal Wage System Within-grade Increases	<u>Waiting Period</u> For step 2 - 26 weeks For step 3 - 78 weeks For steps 4/5 - 104 weeks	<u>Non-pay Time Allowed</u> 1 workweek (40 hours for FT employees) 3 workweeks (120 hrs for FT employees) 4 workweeks (160 hrs for FT employees)

Federal Employees Group Life (FEGLI) Coverage	FEGLI Coverage continues without cost to the employee for up to 12 months in non-pay status. Coverage is terminated after employee has been in non-pay status for 12 months. (Previous time in non-pay status counts toward the 12 months if the employee does not return to duty in between periods of non-pay status for at least 4 consecutive months.)
Federal Employee Health Benefits (FEHB) Coverage	Unless the employee cancels or temporarily terminates the enrollment, coverage generally continues for up to 365 days in non-pay status. During periods of LWOP, the employee is liable for his or her full share of the premiums for this period.
Retirement	6 months of non-pay time is creditable service. Service credit is adjusted by the amount of non-pay time in excess of 6 months in one calendar year.

# FEMA MANUAL 252-0-1

## DETAIL PROGRAM

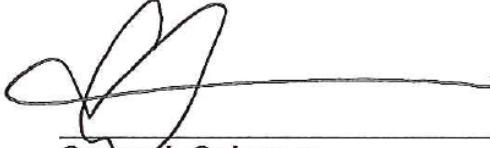
APPROVAL DATE: 09/22/2015



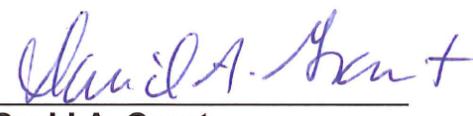
### DEPARTMENT OF HOMELAND SECURITY

### FEDERAL EMERGENCY MANAGEMENT AGENCY

### OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER



Corey J. Coleman  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer  
Date: 9/3/15



David A. Grant  
Associate Administrator  
Mission Support  
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## **Foreword**

This Manual provides guidance and policy direction for the administration, implementation, and oversight of the Federal Emergency Management Agency's (FEMA) Detail Program.

A detail is a temporary assignment to a different position or unclassified duties for a specified period when the employee is expected to return to his or her regular duties at the end of the assignment. Details are an effective tool to enable FEMA to meet mission requirements and allow employees to gain experience performing different roles and responsibilities. Details may be used to satisfy emergency workloads, complete short-term or special projects, minimize the use of overtime due to temporary staffing shortages, maintain positions pending a reduction-in-force or reorganization, or to accomplish FEMA or DHS operational needs.

Managers and supervisors must use the policies and procedures prescribed herein to ensure details are made in accordance with applicable Federal laws and regulations.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

This Manual establishes the policies and procedures for FEMA's Detail Program. FEMA will achieve consistency and effective management of employee details through the implementation of the policies and procedures set forth in this Manual.

### **1-2. Applicability and Scope**

This Manual covers details involving competitive and excepted service employees, and career SES members.

This Manual does not apply to details involving Schedule C, non-career SES, or Presidential Appointment with Senate confirmation (PAS) employees which require DHS and White House approval. This Manual also does not apply to Presidential Management Fellows or FEMA's Presidential Management Fellows Program.

This Manual does not apply to FEMA employees or assignees to FEMA who are participating in the Intergovernmental Personnel Act Mobility Program. For more information on assignments to or from State or local governments, institutions of higher education, or other eligible organizations under the Intergovernmental Act, refer to FEMA Directive 252-7, Intergovernmental Personnel Act (IPA), August 4, 2015.

This Manual does not apply to rotations, temporary promotions, reassignments, "acting" SES positions, "acting" officers, deployments, or instances of accretion of duties.

### **1-3. Supersession**

This Manual supersedes FEMA Instruction 3100.3, Interagency Reimbursable Details, October 3, 1983.

### **1-4. Authorities/References**

- A. Title 2, United States Code (U.S.C.) § 72a(f), Committee Staffs.
- B. Title 3, U.S.C. § 112, Details of Employees of Executive Departments.
- C. Title 3, U.S.C. § 113, Personnel Report.
- D. Title 5, U.S.C. § 3341, Details within Executive or Military Departments.
- E. Title 5, U.S.C. § 3343, Details to International Organizations.
- F. Title 5, U.S.C. § 3345, Acting Officer.
- G. Title 5, U.S.C. § 3395, Reassignment and Transfer within the Senior Executive Service.

- H. Title 22, U.S.C. §§ 2388-2390, Details of Personnel to International Organizations.
- I. Title 31, U.S.C. § 1535, Agency Agreements.
- J. Section 306 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288, as amended (Stafford Act), codified at 42 U.S.C. § 5149(b)(1).
- K. Title 5, Code of Federal Regulations (C.F.R.) Part 300, Subpart C, Details of Employees.
- L. Title 5, C.F.R. Part 317, Subpart I, Employment in the Senior Executive Service: Reassignments, Transfers, and Details.
- M. Title 5, C.F.R. § 330.501, General Restriction on Movement after Competitive Appointment.
- N. Title 5, C.F.R. Part 335, Promotion and Internal Placement.
- O. Title 5, C.F.R. Part 352, Subpart C, Detail and Transfer of Federal Employees to International Organizations.
- P. 21 Comp. Gen., B-211373, Non-Reimbursable Details, March 20, 1985.
- Q. Office of Personnel Management (OPM), Guide to the Senior Executive Service.
- R. OPM Guide to Processing Personnel Actions.
- S. Department of Homeland Security Management Directive 0450.1, Memoranda of Understanding (MOU) and Memoranda of Agreement (MOA), January 24, 2003.
- T. Department of Homeland Security Management Directive 3130.2, Employee Details, March 22, 2004.
- U. DHS Financial Management Policy Manual (FMPM), Section 3.7 Intragovernmental Actions, Transactions, and Reporting, January 27, 2015.
- V. FEMA Instruction 1030.2, Delegations of Authority for Personnel Administration, November 9, 1983.
- W. FEMA Manual (FM) 252-2-1, Position Management and Classification, June 19, 2014.
- X. FM 252-11-1, Cadre of On-Call Response/Recovery Employee (CORE) Program, August 25, 2015.
- Y. FM 253-11-1, Merit Promotion and Internal Placement, June 23, 2015.
- Z. FM 255-1-1, Employee Performance Management Program (EPMP), February 21, 2013.
- AA. FM 3100.2, Reduction-in-Force, October 7, 1986.
- BB. FM 3310.1, Disciplinary and Adverse Actions, September 16, 1981.

CC. FM 3700.2, Employee Performance System, May 15, 1996.

## **1-5. Policy**

A. It is FEMA's policy to:

1. Staff positions with the best qualified employees available;
2. Develop and use FEMA employees to the maximum extent possible consistent with the goals and objectives of FEMA;
3. Ensure that all personnel actions are taken without regard to political, religious, or labor organization affiliation or non-affiliation, marital or family status, race, color, gender, sexual orientation, national origin, disability, genetic information, age, or prior Equal Employment Opportunity (EEO) activity, and without regard to criteria unrelated to the position, such as personal friendship or patronage, and that details are based solely on job-related criteria;
4. Ensure applicable provisions of any collective bargaining agreement relating to details are followed; and
5. Use interagency details to effectively and efficiently fulfill FEMA's mission and essential functions, and to cooperate with other Federal agencies to carryout important government functions or programs.

B. FEMA will not use details to:

1. Circumvent the competitive selection or classification processes; or
2. Qualify or prepare employees for promotion; or
3. Reassign employees to positions with greater promotion potential.

## **1-6. Definitions**

- A. Deployment. The movement of personnel based on official orders to a temporary duty station to fulfill incident management or support requirements, including training related to those duties.
- B. Detail. The temporary assignment of an employee from his or her position of record to an established different position or set of unclassified duties for a specified period with the employee returning to his or her official position of record at the expiration of the detail. An employee who is on a detail is considered to be occupying his or her position of record for all purposes.
- C. Employing Organization. The original FEMA Office or Directorate, DHS Headquarters, DHS Component, or other Federal agency from which an employee is detailed.
- D. Gaining Organization. The FEMA Office or Directorate, DHS Headquarters, DHS Component, or other Federal agency to which an employee is detailed.

- E. Inter/Intra-Agency Reimbursable Work Agreement (IRWA). Occurs when one Federal agency (the employing organization) provides services or supplies to another agency (the gaining organization) without relying on its contracting personnel to issue a new contract, task, or delivery order to primarily satisfy the gaining organization's requirements. These transactions include reimbursable work performed by Federal employees (other than acquisition assistance), employee details, shared services, or interagency activities where contracting is incidental to the purpose of the transaction.
- F. Memorandum of Agreement. A document describing in detail the specific responsibilities of, and actions to be taken by, each of the parties so that their goals may be accomplished. A MOA may also indicate the goals of the parties, to help explain their actions and responsibilities.
- G. Non-reimbursable Detail. A temporary assignment to another Federal agency or other organization where the gaining organization is not responsible for reimbursing the employing organization for the employee's basic pay or benefits. The gaining organization may, however, be required to fund the employee's premium pay and/or travel, if agreed upon by the gaining and employing organizations.
- H. Office or Directorate. Offices or Directorates that are at or above Level three in FEMA's organizational structure: Office of the Administrator, Office of Chief Counsel, Office of the Chief Financial Officer, Office of External Affairs, Office of Policy and Program Analysis, Office of Response and Recovery, Response Directorate, Recovery Directorate, Logistics Management Directorate, Protection and National Preparedness, National Preparedness Directorate, National Continuity Programs Directorate, Grant Program Directorate, Mission Support, Office of the Chief Administrative Officer, Office of the Chief Component Human Capital Officer, Office of the Chief Information Officer, Office of the Chief Procurement Officer, Office of the Chief Security Officer, Federal Insurance and Mitigation Administration, Federal Insurance Administration (FIA) Mitigation, FIA Insurance, United States Fire Administration, and Offices of Regional Administrators.
- I. Position of Record. An employee's official position (defined by grade, occupational series, employing agency, law enforcement officer status, and any other condition that determines coverage under a pay schedule (other than official worksite), as documented on the employee's most recent Notification of Personnel Action (Standard Form 50 or equivalent) and current position description. A position to which an employee is temporary detailed or rotated is not documented as an official position of record.
- J. Reimbursable Detail. Temporary assignments to another Federal agency or other organization where the gaining organization reimburses the employing organization for the employee's basic pay and benefits.
- K. Rotation. A developmental opportunity in which an employee can build proficiency in technical and/or leader competencies associated with their position, career path, or level of responsibility.

- L. SES Career Reserved Position. A position which is required to be filled by a career appointee in the Senior Executive Service.
- M. Supervisor of Record. An employee with the delegated authority to assign work, discipline, and remove an employee from Federal employment.
- N. Temporary Promotion. A promotion to a higher graded position on a time limited basis.
- O. Unclassified Duties. A set of duties and responsibilities that have not been officially classified and assigned a title, series, and pay level or grade.

## **1-7. Responsibilities**

- A. DHS Office of the Chief Human Capital Officer (OCHCO) is responsible for:
  - 1. Developing overall DHS policy and guidance on details consistent with applicable Federal laws and regulations;
  - 2. Reviewing MOAs for details between FEMA and other Federal agencies outside of DHS and international organizations;
  - 3. Reviewing requests to detail excepted service employees to competitive service positions when those details require OPM approval;
  - 4. Reviewing requests to detail an employee within 90 days of the employee's non-temporary competitive appointment which requires OPM approval;
  - 5. Reviewing requests to detail non-SES employees to an SES position for more than 240 days which requires OPM approval;
  - 6. Reviewing requests to detail SES employees to GS level positions for more than 240 days;
  - 7. Concurring on details to:
    - i. Congress, with concurrence from the DHS Office of Legislative Affairs;
    - ii. The White House, with concurrence from the DHS White House Liaison Office;
    - iii. Foreign governments, countries, or locations where the detail is defined by an interagency agreement and danger pay is authorized, with concurrence from the DHS Office of International Affairs; and
  - 8. Approving all details of employees to a DHS Headquarters office.
- B. FEMA Administrator is responsible for:
  - 1. Providing overall guidance and oversight of FEMA's detail program;
  - 2. Ensuring details comply with DHS and FEMA policy;
  - 3. Approving the detail of a FEMA employee to another Federal agency outside of DHS;

4. Approving memoranda justifying non-reimbursable external details;
  5. Approving requests to detail an employee which requires DHS or OPM approval; and
  6. Approving a non-Stafford Act mission, operational, or training detail for a CORE.
- C. Office of Chief Counsel (OCC) is responsible for:
1. Approving memoranda justifying non-reimbursable details;
  2. Reviewing and approving any non-Stafford Act detail of a CORE prior to submitting the request to the Administrator for final approval; and
  3. Reviewing and approving MOAs for details.
- D. Office of the Chief Financial Officer (OCFO) is responsible for:
1. Drafting and executing interagency agreements for external details that require the exchange of funds;
  2. Certifying the availability of funds if a detail agreement obligates FEMA to pay any portion of the salary, benefits, or other expenses for a detailee to FEMA;
  3. Certifying the availability of funds if a detail agreement obligates FEMA to pay any additional expenses associated with a FEMA employee's detail to another Federal agency or international organization; and
  4. Supporting any financial arrangements relating to the implementation of a detail agreement.
- E. Office of External Affairs (OEA) is responsible for reviewing and approving details of employees to the Senate or House of Representatives.
- F. Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
1. Providing policy direction and oversight for FEMA's detail program;
  2. Ensuring details are documented in accordance with FEMA policy and procedures;
  3. Ensuring compliance with applicable collective bargaining agreements relating to details;
  4. Providing technical direction to supervisors and managers on the proper use of details, the process for creating and approving details, and the terms of details to consider prior to executing a detail;
  5. Reviewing and approving extensions of details;
  6. Coordinating with Offices and Directorates to advertise and compete details as prescribed herein;
  7. Reviewing and approving any detail request that requires DHS or OPM approval;

8. Reviewing, approving, and submitting any waiver request which requires DHS or OPM approval;
9. Reviewing and approving details involving SES members;
10. Approving and monitoring any instance of a non-SES employee detailed to an SES position or an SES employee detailed to a non-SES position;
11. Coordinating with an employee's supervisor of record to resolve instances of poor performance or misconduct;
12. Approving a CORE detail to a Stafford Act position that is in excess of 120 days or to a position at a higher pay level;
13. Reviewing and approving any non-Stafford Act detail of a CORE prior to submitting the request to the Administrator for final approval;
14. Reviewing and approving details of employees between FEMA and DHS Headquarters or DHS Components;
15. Reviewing and approving MOAs for details;
16. Maintaining and providing records and reports as necessary regarding FEMA's detail program; and
17. Granting a waiver or exception of any provision in this manual which is allowed by law or regulation that does not require DHS or OPM approval.

G. Office of the Chief Security Officer (OCSO) is responsible for:

1. Ensuring that all detailees who require access to DHS or FEMA information systems, routine access to DHS or FEMA facilities, or access to sensitive information, undergo a suitability or fitness investigation and determination commensurate with the level of risk associated with the job function or work being performed during the detail; and
2. Authorizing facility access and working with the employing organization on the issuance of identification badges for Federal employees detailed to FEMA.

H. Office or Directorate Heads are responsible for:

1. Preparing a statement of work for details to unclassified duties;
2. Coordinating with the gaining and employing Office and Directorate on the reimbursement of expenses relating to internal FEMA details;
3. Negotiating and preparing required MOAs for details;
4. Unless delegated, signing Interagency and Intra-agency Agreements;
5. Preparing required memoranda justifying non-reimbursable details in coordination with OCC;
6. Requesting extensions for details;
7. Coordinating with OCCHCO and the appropriate HR Specialist to advertise and compete a detail as required;

8. Reviewing and approving details between FEMA and DHS Headquarters, DHS Components, or other Federal agencies;
  9. Ensuring employees on details receive appropriate consideration for promotions, and are kept informed of training opportunities; and
  10. Terminating a detail due to performance or misconduct of the detailed employee or if the detail conflicts with the operational needs of FEMA.
- I. Second Level Supervisors are responsible for approving a detail for more than 30 days.
- J. Supervisors of Record are responsible for:
1. Making detail selections or approving an employee under his or her direct purview for a detail, and following the correct procedures to affect temporary or permanent changes in an employee's position of record, or roles and responsibilities, as necessary, in accordance with this Manual and FEMA policy;
  2. Terminating a detail due to performance or misconduct of the detailed employee or if the detail conflicts with the operational needs of FEMA;
  3. Approving, modifying, suspending, or terminating a detailed employee's work or telework schedule as necessary to meet performance or operational needs of the detail;
  4. Establishing and updating performance and development plans for employees in accordance with FM 255-1-1 and FM 3700.2;
  5. Considering the feedback from a detail supervisor when determining an employee's annual appraisal;
  6. Notifying OCCHCO of any instances of misconduct or poor performance by a detailed employee;
  7. Coordinating with the detail supervisor and OCCHCO to resolve instances of poor performance or misconduct; and
  8. Certifying, in coordination with the detail supervisor, time and attendance records and any applicable premium pay requests.
- K. Detail Supervisors are responsible for:
1. Providing day-to-day technical direction of the performance and conduct of detailed employees;
  2. Communicating proper work and performance expectations to detailed employees;
  3. Coordinating with the supervisor of record to approve, modify, or terminate an employee's work or telework schedule as necessary during a detail;
  4. Providing feedback to the supervisor of record on the employee's detail performance;

5. Notifying the supervisor of record of any instances of misconduct or poor performance by detailees; and
  6. Referring allegations of misconduct to the employee's supervisor of record.
- L. HR Liaisons are responsible for ensuring that supervisors of record and Offices and Directorates follow the proper procedures for detailing employees.
- M. Timekeepers are responsible for:
1. Recording and reporting employee time and attendance in accordance with FEMA policy; and
  2. Maintaining time and attendance records for each FEMA employee, including a copy of approved work schedules for employees who are on a detail.
- N. Employees are responsible for:
1. Performing assigned duties and responsibilities;
  2. Complying with FEMA's performance and conduct standards;
  3. Completing any required ethics training or financial disclosures to participate in a detail prior to the start date of the detail; and
  4. Adhering to their approved work schedule during a detail, or requesting leave.

**1-8. Forms Prescribed**

- A. Standard Form (SF) 50, Notice of Personnel Action.
- B. Standard Form (SF) 52, Request for Personnel Action.
- C. Optional Form (OF) 8, Position Description.
- D. Office of Government Ethics Form (OGE) 278, Public Financial Disclosure Report.
- E. Office of Government Ethics Form (OGE) 450, Confidential Financial Disclosure Report.

**1-9. Questions**

Questions concerning details should be addressed to the Office of the Chief Component Human Capital Officer at (202) 212-3962.

## **CHAPTER 2: INTRODUCTION TO DETAILS**

### **2-1. Purpose of Details**

Details may be used to complete emergency or short-term projects; satisfy temporary unmet workload requirements; maintain office functions during a reorganization, reduction-in-force, or rightsizing; or to accomplish the mission requirements of FEMA or other Federal agencies. Supervisors and managers must follow the proper policies and procedures to fairly and accurately affect personnel actions.

### **2-2. Types of Details**

- A. Internal or External Details. Internal details involve FEMA employees detailed to another position within FEMA or to perform unclassified duties within FEMA (the policies and procedures for internal details are discussed in Chapter 3). External details involve FEMA employees detailed to, or a non-FEMA employee detailed from the White House, Congress, DHS Headquarters, another DHS Component, other Federal agencies, or international organizations (specific policies and procedures applicable for such details are discussed in Chapter 5).
- B. Details to Classified Positions or Unclassified Duties. A detail may be made to fill a vacant classified position or complete a set of unclassified duties. If a detail is to a classified position, the classified position must be documented through a position description. If a detail is to unclassified duties, a statement of duties must be prepared by the gaining organization prior to the start date of the detail, outlining:
  1. The duties and responsibilities of the position;
  2. The purpose of the unclassified duties; and
  3. The expected duration of the detail.
- C. Reimbursable or Non-Reimbursable Details. Internal FEMA details will be made on a non-reimbursable basis for salary and benefits if the funding source does not change. If the detailee's funding source must be changed for an internal FEMA detail, the detail must be made on a reimbursable basis. Subject to the exceptions listed below, the employing organization is reimbursed by the gaining organization for salaries and expenses that stem from a detail. An Office or Directorate that believes that a proposed detail falls into one of the exceptions below must seek a legal opinion from OCC prior to executing the detail.
  1. Absent specific statutory authority, all internal details involving a change in funding sources, and external details of FEMA employees to other Federal agencies should be on a reimbursable basis, unless the detail:

- i. Involves a matter relating to the employing organization's appropriations and will aid in the purpose for which the appropriations were provided;
  - ii. Is legislatively mandated as non-reimbursable;
  - iii. Is documented in a Memorandum of Agreement; or
  - iv. Involves the detail of a CORE to a non-Stafford Act function as described in sections 4-2 and 4-3.
2. Details to the White House, Congress, or to other Federal agencies (including DHS Headquarters and DHS Components) may be made on a non-reimbursable basis. If a detail is authorized on a non-reimbursable basis, the employing Office or Directorate must prepare a memorandum, approved by OCC and, the Administrator or Deputy Administrator, justifying the detail. The memorandum must address, at a minimum, the following issues:
  - i. How the detail will support or advance FEMA's mission or operations;
  - ii. How the detail falls into one of the exceptions listed in section 2-2.C.1.;
  - iii. The impact on the Office's or Directorate's workload and operations;
  - iv. The impact of the detail on the Office's or Directorate's budget;
  - v. How the detail will benefit the employee's professional or career development;
  - vi. How any potential conflicts of interest and ethical issues will be addressed; and
  - vii. The impact of the detail on similarly situated employees.
3. Reimbursable external details must be accompanied by an MOA and an Inter/Intra-Agency Reimbursable Work Agreement (IRWA). The applicable FEMA Office or Directorate will be responsible for negotiating and finalizing an MOA and IRWA with the other agency or component, in coordination with OCFO, OCCHCO, and OCC. For details between FEMA and other Federal agencies outside of DHS or international organizations, the completed MOA and IRWA must be provided to DHS OCHCO. For more information on the requirements for the MOA see Section 5-8.

## **CHAPTER 3: INTERNAL FEMA DETAILS**

### **3-1. General Provisions**

- A. The servicing HR Liaison must be consulted prior to detailing any employee.
- B. Supervisors should seek input from employees regarding details, but employee consent is not required when placing an employee on a detail.
- C. Supervisors and managers have the discretion to detail an employee. The decision to detail an employee should be based on the employing organization's ability to spare the services of the employee without detriment to the organization or hiring additional staff.
- D. The gaining organization shall initiate the request for a detail assignment by providing an SF-52 and a position description or statement of work to the organization's servicing HR Liaison (for internal details) or OCCHCO (for external details).
- E. Detailed employees must meet the position sensitivity or risk designation of the detail position.
- F. An employee does not need to meet the minimum qualification requirements of the position to which he or she is detailed. An employee does need to meet any minimum educational, licensure, or certification requirements of a position.
- G. Employees must have an "Achieved Expectations" or equivalent on their last performance review, and not be subject to an ongoing investigation into allegations of misconduct to be eligible for a detail. Employees employed for more than 90 days without an official performance rating will be considered to be at the "Achieved Expectations" or equivalent level.
- H. An employee may be detailed to a position that is classified at the same, lower, or higher grade as the employee's permanent position of record. If an employee is detailed to a higher graded position, FEMA is not required to pay the employee at a higher rate of pay. If the Office or Directorate decides to pay a detailee at a higher rate, the Office or Directorate must state that the selected employee will receive a higher rate of pay before the start of the detail, and the action will be processed as a temporary promotion according to the Merit Promotion Manual (see FM 253-11-1, Merit Promotion and Internal Placement).
- I. Details may be approved for up to 120 day increments. A detail will automatically terminate after a 120 day period unless the gaining organization requests and is granted an extension. Requests to extend a detail must be made 30 days prior to the end of the detail to OCCHCO and the employee's supervisor of record for review and approval. Upon a written request, OCCHCO may grant a waiver of this requirement.

- J. The total duration of all noncompetitive details to higher-graded positions and noncompetitive time-limited promotions within the prior 12-month period will count toward the 120-day total for time served on a detail.
- K. Service while on a detail is credited for time-in-grade purposes at the grade of the employee's position of record.
- L. A detail will not change an employee's position of record, conditions of employment, or benefits.
- M. OCCHCO will ensure employees on a detail assignment receive notice of vacancy announcements and training opportunities.
- N. Details may be terminated at any time at the request of the employee's supervisor of record or the gaining organization.
- O. Employees hired under a new Federal competitive service appointment are subject to the 90 day restriction on movement after a competitive appointment (see 5 C.F.R. § 330.502). As such, they may not be detailed during the first 90 days of their appointment, without OPM approval.

### **3-2. Ability to Detail an Employee**

- A. FEMA may detail an employee in the competitive service to a position in either the competitive or excepted service.
- B. FEMA may detail an employee in the excepted service to another position in the excepted service. If the employee was hired under Schedule A, Schedule B, or through a Veterans Recruitment Appointment, FEMA may detail the employee to a position in the competitive or excepted service.
- C. Absent OPM approval after DHS OCHCO review and concurrence, FEMA may only detail an employee in the excepted service not hired under Schedule A, Schedule B, or through a Veterans Recruitment Appointment to another position in the excepted service.

### **3-3. Non-Competitive Details**

- A. Supervisors of record or managers in the employee's supervisory chain of command may approve a detail for up to 30 days. Details in excess of 30 days must be approved at least by the employee's second level supervisor. Upon written request, OCCHCO may grant a waiver of this requirement.
- B. An employee may be detailed to a position at the same grade, lower grade, higher grade, or to a position with greater promotion potential than the employee's permanent position of record without competition for up to 120 days in total if the employee has not served an aggregate of 120 days in the detail position in the previous 12 months. Any extension beyond 120 days must be advertised and competed.

- C. An employee may be detailed to a position with unclassified duties for up to 120 days without competition in total. Any extension beyond 120 days must be advertised and competed.

#### **3-4. Competitive Details**

- A. Details in excess of 120 days or extended beyond the initial 120 day period must be advertised and made through competitive procedures.
- B. The advertisement must state whether the incumbent of the position can be non-competitively converted to the position at the end of the detail period.

#### **3-5. Competitive Procedures**

When a detail is required to be advertised and competed, the gaining Office or Directorate must consult with the appropriate servicing HR Specialist to advertise and compete the detail.

#### **3-6. SES Details**

- A. Details of SES members may be made for up to 240 days, in no more than 120 day increments.
- B. Pursuant to 5 U.S.C. § 3395, details of career SES members cannot be used to circumvent the advance notice requirement for reassignments, or the 120 day moratorium on involuntary reassignments following the appointment of a new Administrator or other non-career supervisor.
- C. FEMA may not detail an SES member to unclassified duties for more than 120 days.
- D. Only career SES and non-SES employees may be detailed to an SES career reserved position.
- E. Details of Non-SES Employees to SES Positions and SES Employees to Non-SES Positions.
  1. Details of non-SES employees to SES positions and SES employees to non-SES positions should be rare and must be approved by OCCHCO.
  2. Merit promotion procedures must be used to detail a non-SES employee to an SES position for more than 240 days. Competition is not required if the non-SES employee is eligible for a noncompetitive SES appointment (e.g., a Qualifications Review Board certified graduate of an SES Candidate Development Program).
  3. A non-SES employee detailed to an SES position must complete all ethics and financial disclosure statements necessary for the position prior to beginning the detail.

4. The duties and responsibilities of a vacant SES position may be temporarily restructured to classify the position as a non-SES position, so that a non-SES employee may be detailed to the vacant position.
- F. FEMA must gain OPM approval, through the DHS CHCO, to:
1. Detail a non-SES employee to an SES position that supervises other SES positions for more than 240 days; or
  2. Detail an SES employee to a position at the GS-15 or equivalent level or below for more than 240 days.

### **3-7. Supervisory Status**

Employees may be non-competitively detailed to a supervisory position for up to 120 days. If managers and supervisors detail an employee to a supervisory or managerial position for more than 30 days, consideration should be given to all eligible, similarly situated employees (i.e., rotate the detail among eligible employees) or consider the use of a temporary promotion. Employees detailed to such positions will continue to encumber their position of record, and will not become the official supervisor of record for any employees who would normally report to the position. In such instances, either the employee holding the supervisory position as his or her position of record, or the second level supervisor, will serve as the supervisor of record.

### **3-8. Work Schedule and Telework**

The mission and operational requirements of a detail may require modification to an employee's current work or telework schedules. The employee's supervisor of record and detail supervisor should coordinate any necessary modifications to an employee's existing work or telework schedule; however, the supervisor of record retains the authority to approve, modify, or rescind an employee's work or telework schedule while on a detail. The supervisor of record and the employee's permanent timekeeper will be responsible for certifying and maintaining an employee's time and attendance records during a detail, including approval of leave.

### **3-9. Performance Management**

Any employee who is expected to be on detail for more than 90 days will be provided an updated performance plan by the employee's supervisor of record. The plan must be adjusted to account for performance goals associated with the employee's position of record, and incorporating performance goals related to the detail. Employees who are expected to be on a detail for more than 90 days will also be provided with performance feedback and detail supervisor. The supervisor of record maintains the responsibility for completing an employee's quarterly and annual appraisals. At the end of a performance cycle the official supervisor of record will complete the rating of record, giving consideration to any feedback received from the detail supervisor. For details of 90 days or less, the

employee's performance plan may be updated by the supervisor of record to incorporate goals related to the detail, and the supervisor of record may seek feedback from the detail supervisor in order to complete the employee's quarterly and annual appraisals.

### **3-10. Discipline and Adverse Actions**

Detail supervisors will document allegations of misconduct or poor performance according to FEMA policy and procedures. Detail supervisors must consult with the official permanent supervisor of record who shall consult with OCCHCO Employee Relations to receive guidance on how to resolve the allegation. The supervisor of record will coordinate with OCCHCO/Employee Relations for guidance before initiating disciplinary action.

### **3-11. Reduction-in-Force, Transfer of Function, and Rightsizing**

- A. An employee's position, competitive area, and duty station is determined by the employee's permanent position description and official duty station.
- B. Positions or duty stations assigned to an employee through a detail do not establish an employee's official position, competitive area, or duty station for Reduction-in-Force, Transfer of Function, or Rightsizing actions.

## CHAPTER 4: CORE DETAILS

### **4-1. Details to Perform Stafford Act Activities**

- A. COREs are hired on a temporary basis under FEMA's Stafford Act appointment authority. The salary and benefits paid to a CORE are funded by the DRF, thus the duties and responsibilities of a CORE must predominately support Stafford Act activities. COREs may be detailed to a position to perform other Stafford Act activities (in rare circumstances, COREs may be detailed to perform non-Stafford Act activities, see sections 4-2 and 4-3).
- B. COREs may be temporarily placed on a detail to carry out a discrete function. Absent approval from OPM, a CORE may not be detailed to a competitive service position. An Office or Directorate requesting a CORE detail must have an available CORE position (see section 2-2 of FM 252-11-1, Cadre of On-Call Response/Recovery Employee (CORE)).
- C. A CORE may be placed on a detail for up to 120 days that may be renewed for one additional 120 day period. OCCHCO must approve a CORE detailed to a position for more than 120 days or to positions at a higher grade for any duration. If exceeding 120 days, the detail must be advertised and competed. A CORE placed on a detail may not be detailed to a position beyond his or her appointment term unless the CORE's appointment is renewed.

### **4-2. Non-Stafford Act Mission and Operational Details**

The Administrator is vested with the authority to carry out all of FEMA's statutory missions and functions. Upon a determination by the Administrator that urgent and compelling circumstances exist in order to carry out FEMA's mission or to support other Federal agency incident operations, a CORE may be placed on a detail to perform non-Stafford Act activities under the following conditions:

- A. The detail shall not exceed 90 days per appointment term;
- B. The detailed CORE's salary, benefits, and associated expenses must be paid from the account normally charged for carrying out the gaining program or activity for the duration of the detail; and
- C. Training activities and other duties needed to prepare a CORE for a mission or operational detail may be conducted outside of the 90 day detail period, but must be justified and approved in advance. In such circumstances, the training time and the detail time, will be charged to the gaining organization.

### **4-3. Non-Stafford Act Training Details**

With OCCHCO and OCC approval, a CORE may be authorized to complete a non-Stafford Act training detail under the following conditions:

- A. A determination must be made that the training of the CORE, and thus the increased ability of that CORE to carry out future Stafford Act activities, is the primary purpose and benefit of the non-Stafford Act detail;

- B. The detail may not exceed 30 days without a determination that a detail of more than 30 days is warranted;
- C. Extensions beyond the initial 30 days must be approved every 30 days thereafter and shall not exceed 90 days per appointment term; and
- D. The detailed CORE's salary, benefits, and expenses, must be reimbursed by the gaining program, office, or agency.

**4-4. Restrictions on the Use of Non-Stafford Act Details**

COREs performing non-Stafford Act activities must be justified as either an urgent and compelling mission or operational detail or a training detail. Under no circumstances, may FEMA use both justifications for the same non-Stafford Act detail. In both instances, the CORE is limited to one non-Stafford Act detail per appointment.

## **CHAPTER 5: EXTERNAL DETAILS**

### **5-1. Introduction**

The policies and procedures of this Chapter are in addition to, or modify the procedures outlined in Chapter 3 when detailing employees to or from organizations external to FEMA, including DHS Headquarters and other DHS Components. All FEMA employees detailed outside of DHS Headquarters or another DHS Component, as well as all non-DHS employees detailed to FEMA, are subject to Federal statutory and regulatory provisions governing ethical conduct, conflict of interests, suitability, fitness, access to classified information, limitations on political activity, and any applicable non-Federal rules or restrictions.

### **5-2. White House**

Employees may be placed on a detail to the White House. The employee selected for the detail must be approved by OCCHCO, the Administrator, and the DHS CHCO.

### **5-3. Congress**

- A. Requests for details to the Senate or the House of Representatives must be submitted in writing by the Committee on Rules and Administration of the Senate or the Committee on House Oversight of the House of Representatives. The detail request must state the purpose of the detail, any qualification requirements of the detailed employee, and the length of the detail, and whether the detail will be made on a reimbursable or non-reimbursable basis.
- B. The employee selected for the detail must be approved by OCCHCO, Office of External Affairs/Congressional Affairs Division, the Administrator, and the DHS CHCO.

### **5-4. DHS or DHS Components**

- A. DHS employees, including FEMA employees, may be detailed to DHS Headquarters or other DHS Components with the mutual agreement of the participating DHS office or Component.
- B. FEMA employees detailed to DHS Headquarters or a DHS Component will follow the policies and procedures outlined in Chapters 3 and 4.
- C. Detailing employees between FEMA and other DHS offices and DHS Components may be made on a reimbursable or non-reimbursable basis. If a FEMA Office or Directorate details an employee on a non-reimbursable basis, a memorandum justifying the detail must be prepared and approved (see Section 2-2.C.). For details of employees from DHS Headquarters or a DHS Component, OCCHCO and the head of the receiving Office or Directorate

must review and approve the detail. Review and approval by DHS OCHCO is not required for details between DHS Components. Prior to the commencement of the detail, a MOA must also be prepared and approved according to the procedures in Section 5-8, as well as an IRWA if the detail involves the exchange of funds.

#### **5-5. Other Federal Agencies**

- A. FEMA may detail employees to or accept employees detailed from other Federal agencies with the mutual agreement of FEMA and the participating agency.
- B. FEMA employees detailed to a Federal agency will follow the policies and procedures outlined in Chapters 3 and 4.
- C. Details of FEMA employees to other Federal agencies should be made on a reimbursable basis. If the detail is not made on a non-reimbursable basis, a memorandum justifying the detail must be prepared and approved (see Section 2-2.C.). Prior to the commencement of the detail, a MOA must also be prepared and approved according to the procedures in Section 5-8, as well as an IRWA if the detail involves the exchange of funds.
- D. For details of FEMA employees to a Federal agency, the employee's supervisor of record, the head of the employee's Office or Directorate, OCCHCO, the Administrator or designee, DHS CHCO, and the responsible official within the participating Federal agency must review and approve the detail. For details of employees from other Federal agencies to FEMA, the head of the gaining Office or Directorate, OCCHCO, and the Administrator or designee must review and approve the detail.

#### **5-6. International Organizations**

- A. FEMA may detail an employee to an international organization approved by the Department of State upon written request.
- B. Details to an international organization must be approved by the employee's supervisor of record, the head of the employee's Office or Directorate, OCCHCO, the Administrator, and the DHS CHCO. Details are made for up to five years and may be extended for an additional three years.

#### **5-7. Intergovernmental Personnel Act Assignments**

FEMA employees participating in an IPA assignment may be placed in a detail or LWOP status during the assignment period. The policies and procedures for placing a FEMA employee on an IPA assignment are discussed in FEMA Directive 252-7, Intergovernmental Personnel Act (IPA), dated August 4, 2015.

## **5-8. Memorandums of Agreement**

- A. When a MOA is required to document a detail, the terms of the agreement should at least address the following issues:
1. The purpose of the detail;
  2. How the detail will support FEMA's mission or operations;
  3. The name, current job title, salary, classification, and address of the detailed employee;
  4. The duties or activities the detailee will perform during the detail period;
  5. The status of the employee's permanent position of record;
  6. The background investigation and badging requirements of the detail;
  7. The applicability of any conflicts of interest or ethics rules or regulations;
  8. Whether the detail will be made on a reimbursable or non-reimbursable basis. If the detail will be made on a reimbursable basis, which party, in whole or in part, will be responsible for funding the detailee's salary, benefits, and other expenses during the detail period.
  9. If FEMA will cover any contributions to a detailee's retirement program, life insurance, or health benefits, if the detailee chooses to maintain such benefits while on a detail to an international organization;
  10. If travel and relocation expenses will be paid to the detailee, and which party, in whole or in part, will be responsible for paying such expenses;
  11. The procedures for how and when reimbursements will be made;
  12. The length of the detail;
  13. If the employee will be subject to disaster deployments during the detail period;
  14. How the detailee's performance expectations will be established and managed;
  15. How the detailee's work and telework (if applicable) schedule will be established, managed, and documented;
  16. How the detailee's time and attendance will be monitored and approved (including leave requests);
  17. How the detailee will be disciplined if the detailee commits misconduct during the detail period and by whom;
  18. The process for extending the detail. Requests to extend a detail must be approved and documented prior to the expiration of the detail;
  19. How any disputes regarding the detail will be resolved;
  20. How funding will be arranged for any necessary training, equipment, premium pay, or other expenses incurred during the detail;

21. Any foreseeable termination provisions; and
  22. A privacy statement.
- B. The Office or Directorate seeking to detail an employee to or from another Federal agency or international organization shall negotiate and draft the MOA with the participating entity. If the detail involves an exchange of funds, the Office or Directorate will confer with OCFO to draft and execute an IRWA.
- C. The MOA must be reviewed and approved by OCCHCO and OCC before the MOA is finalized. The MOA must then be approved by the head of the participating Office or Directorate; the responsible official from the participating entity; and if a FEMA employee will be detailed from FEMA, the employee's supervisor of record.
- D. If the MOA obligates FEMA to pay for any portion of the costs associated with hosting a detailee, including but not limited to, the salary, benefits, expenses, or other costs associated with the detailee, OCFO must certify the availability of the funds.

## **CHAPTER 6: RECORDKEEPING AND REPORTING**

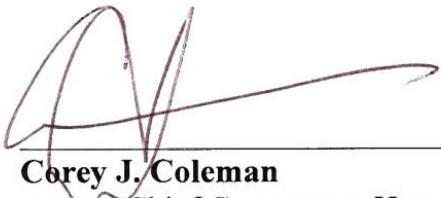
### **6-1. Recordkeeping and Reporting**

- A. On a quarterly basis, Offices and Directorates must certify the current status of the employees permanently assigned to their offices. Offices and Directorates must state whether an employee is performing duties according to their official position description, on a detail, or on a rotation. For all employees on a detail, the Office or Directorate must state:
  - 1. The name, official title, series, grade, organization, and duty station of the detailed employee;
  - 2. The date of the employee's appointment;
  - 3. The employee's appointment type (i.e., competitive service, exempted service, CORE, or SES);
  - 4. The detail title, series, grade, organization, and duty station of the detail;
  - 5. Whether the detail is to a higher, lower, or same grade as the employee;
  - 6. Whether the detail is to unclassified duties or to a position with a higher full performance level than the employee's permanent position;
  - 7. The start date for the detail;
  - 8. The number of days of the initial detail period, and the increment of days the detail may be extended;
  - 9. The number of extensions for the detail;
  - 10. Whether and how the detail was advertised (if applicable);
  - 11. Whether the detail was competed;
  - 12. If there are any similarly situated employees (i.e., other employees who were eligible for the detail); and
  - 13. When the detail is scheduled to end.
- B. OCCHCO will be responsible for maintaining records of all personnel detailed within, to, or from FEMA in accordance with 29 C.F.R. §1602.14.
- C. All internal details over 30 days will be documented with an SF-52. All details over 90 days and all FEMA employees detailed to positions outside of FEMA will be documented with an SF-50.
- D. OCCHCO will provide all necessary documentation or reports regarding FEMA's detail program as requested by DHS, OPM, or other authorized agencies.

**FEMA MANUAL 123-9-1  
TELEWORK  
APPROVAL DATE: 1/9/2013**



**DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER**

  
**Corey J. Coleman**  
Acting Chief Component Human Capital  
Officer  
Mission Support Bureau  
Date: 1/11/13

  
**David M. Robinson**  
Associate Administrator  
Mission Support Bureau  
Date: 1/11/13

## **Foreword**

This Manual provides guidance and policy direction for the administration, implementation, and oversight of the Federal Emergency Management Agency's (FEMA) Telework Program. FEMA considers telecommuting to be a viable alternative work arrangement in cases where individual, job, and supervisor characteristics are best suited to such an arrangement. Teleworking allows an employee to work at home or other approved alternative work locations during regular working hours. Teleworking is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement and in no way changes the terms and conditions of employment with the Agency.

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## **CHAPTER 1: GENERAL INFORMATION**

### **1-1. Purpose**

The purpose of telework is to complete the duties, responsibilities, and other authorized activities (such as online training) of an employee's official position from an alternative worksite, other than at the location an employee normally works. The availability of telework promotes recruitment and retention; helps employees manage commutes and other work/life issues; reduces traffic congestion, fuel consumption and vehicle emissions; reduces real estate costs; and ensures continuity of essential governmental functions in the event of an emergency. This Manual prescribes policy and assigns responsibility for telework. It details position and employee eligibility determinations for teleworking. It also addresses performance management of the teleworker and provides guidance on security considerations for teleworking.

### **1-2. Applicability and Scope**

This Manual applies to all FEMA employees as defined in Title 5 Section 2105 of the United States Code, except those excluded from coverage under Pub. L. No. 111-292, Section 6502, and those employees deemed ineligible by the Agency to participate in the telework program.

### **1-3. Supersession**

This Telework policy supersedes FEMA Manual 3000.3, Program Guidance for FEMA Telework Program, dated July 31, 2000.

### **1-4. Authorities/ References**

- A. P.L. 111-292, "Telework Enhancement Act of 2010," December 9, 2010.
- B. P.L. 106-346, "Making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes," Section 359 and accompanying conference report.
- C. P.L. 105-277, "Making omnibus consolidated and emergency appropriations for the fiscal year ending September 30, 1999, and for other purposes," Title IV, "Domestic Food Programs," Section 630, "Flexiplace Work Telecommuting Programs."
- D. P.L. 104-52, "Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes," Section 620.
- E. U.S. Office of Personnel Management (OPM) Guide to Telework in the Federal Government.
- F. U.S. Office of Personnel Management (OPM) Washington, DC, Area Dismissal and Closure Procedures.
- G. U.S. Office of Personnel Management (OPM) Pandemic Information.
- H. FMR Bulletin 2006-B3: Guidelines for Alternative Workplace Arrangements, March 17, 2006.
- I. FMR Bulletin 2007-B1: Information Technology and Telecommunications Guidelines for Federal Telework and Other Alternative Workplace Arrangement Program, March 2, 2007.
- J. Office of Management and Budget Memorandum, "Protection of Sensitive Agency Information," June 24, 2006.
- K. DHS Continuity of Operations Programs and Continuity of Government Programs, MD 9300.1.
- L. Federal Employees' Compensation Act (FECA), 5 U.S.C., Chapter 8.
- M. The Privacy Act of 1974, 5 U.S.C. § 552a.

- N. Title 5, Code of Federal Regulations (CFR) 531.605, Determining an Employee's Official Worksite.
- O. Office of Management and Budget Memorandum, "Implementing Telework Enhancement Act of 2010 IT Purchasing Requirements".
- P. EEOC Enforcement Guidance, "Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act," No. 915.002 (October 17, 2002).
- Q. EEOC Work at Home/Telework as a Reasonable Accommodation, <http://www.eeoc.gov.facts/telework.html> (Oct. 27, 2005).
- R. DHS MD 250-05 and DHS MD 250-05-001, "Designation of Essential and Exempt Personnel".

## **1-5. Policy**

- A. FEMA promotes telework (also known as flexiplace, telecommuting, or work-from-home) as a workplace flexibility for recruiting top talent; retaining current employees; reducing the cost of office space, absenteeism, and use of workers compensation; and to ensure continuity of essential governmental functions in the event of an emergency.
- B. The FEMA telework program embraces the premise that all positions are presumed suitable for telework, unless the official duties require, on a daily basis, an employee to be physically present at a worksite because the employee's duties cannot be performed remotely or from an alternate worksite, or that the employee's duties require the frequent and direct handling of sensitive materials inappropriate for telework.
- C. All eligible employees will be afforded every opportunity to participate in the telework program. Employees in occupations typically deemed ineligible for telework who are working on rotations or temporary details that include work that is eligible for telework may participate in the telework program. See criteria in Section 2-2, Determining Eligibility, for further discussion of eligibility requirements.
- D. Employees participating in the telework program will be provided with the necessary government equipment and supplies to adequately perform their tasks at an alternate worksite as detailed in Section 3-6, Security and Equipment.
- E. Telework may be executed either 1) on a regular and recurring basis, meaning that the employee teleworks at least one day or more a pay period or 2) on a situational or episodic basis, that occurs on an occasional, non-routine circumstance and/or during COOP/pandemic health crisis, individual employee medical reasons, or other emergency situations.
- F. Telework for more than one day a pay period may be appropriate for attracting potential applicants, retaining current employees, and providing reasonable accommodations for employees in accordance with guidance by Office of Equal Rights (OER), as well as for accommodating employees housed in Federal buildings undergoing renovation projects and for addressing other agency or employee needs.
- G. Unscheduled situational telework is an important component of FEMA's ability to operate in emergencies. Telework should be incorporated into emergency preparedness operations to the broadest extent possible. Unscheduled telework is a way for FEMA and its employees

to maintain productivity and help ensure safety of the Federal workforce and the public. For example, telework will be considered for situational inclement weather as well as emergency situations that involve national security, extended emergencies, or other unique situations (See Section 3-9 Emergency Situations).

- H. As part of FEMA Continuity of Operations Plan (COOP), positions may be designated as Mission Critical. These designations should be an integral part of the COOP planning and emergency occupant plans. As such, each organization should test its preparedness at least annually for an all-staff telework emergency by conducting an exercise where all eligible employees telework for at least one day (See Section 3-10). Designation as Mission Critical means the employee in the position is deemed an Emergency Employee for purposes of Para. 1-6.H.
- I. Telework will be considered when planning for any building renovation in any agency location, especially where workspace sharing (e.g., hoteling) is required.
- J. An approved and up-to-date agreement is required for any teleworking arrangement. The agreement should outline emergency designations when applicable and allow easy implementation for unscheduled telework in emergency or unforeseen situations where teleworking may be appropriate.
- K. Telework training is required for all new teleworkers and their managers before he/she begins a telework arrangement. Employees with telework agreements may also be required to undergo periodic retraining.
- L. Agencies/staff offices must include an appropriate notice in all eligible vacancy announcements when the position is eligible for telework. For example, "The duties of this position can be performed while teleworking" or "This position is eligible for telework and other flexible work arrangements."
- M. Telework may be considered appropriate as an accommodation for employees who meet reasonable accommodation guidelines in alignment with the Office of Equal Rights (OER).
- N. If an employee teleworks full time, supervisors must coordinate with Office of Chief Component Human Capital Officer (OCCHCO) to ensure the employee is aware of any impact to pay or benefits that may result from the arrangement (See Section 3-3, Official Duty Station).
- O. Employee performance for teleworkers and non-teleworkers will be evaluated using the same performance management program and standards that cover workers at traditional office/duty locations. This includes providing all employees the same opportunities and treatment with regards to work assignments, periodic appraisal of job performance, awards, recognition, training and developmental opportunities, promotions, and retention incentives.
- P. Teleworking employees are subject to ensuring that records subject to Privacy Act and sensitive or classified data are not disclosed to anyone except those who are authorized access to such information in order to perform their duties. Individuals may not remove classified data from employees' official work sites to alternate worksite locations.
- Q. Teleworking employees continue to be bound by DHS and FEMA standards of conduct and performance directives and policies while working at the alternate worksite.

- R. Employees rights provided for in the collective bargaining agreement are not affected by participation in the telework program.
- S. Employees can both telework and participate in an Alternate Work Schedule (AWS). However, a program office can restrict the combination of the usage of both programs by an employee if it negatively impacts mission accomplishment.

## **1-6. Definitions**

- A. Alternative Work Schedules (AWS): Work schedules that differ from traditional fixed work schedules (e.g., 8 hours per day, 40 hours per week). There are two categories of AWS: Flexible Work Schedules (FWS) or Compressed Work Schedules (CWS).
- B. Alternate Worksite/Location (AWL): A location where official duties are performed away from the traditional worksite. An alternate worksite may be the employee's residence, a satellite office, or another approved location. For an employee covered by a telework agreement, the alternate worksite may be the employee's official worksite.
- C. Compressed Work Schedule (CWS): A schedule in which the biweekly 80-hour requirement for a full-time employee is fulfilled in less than 10 workdays. For a part-time employee, the biweekly requirement of LESS than 80 hours is completed in less than 10 workdays.
- D. Continuity Facility: Locations other than the primary facility used to carry out essential functions during continuity of operations events. In some cases, an employee's home or other virtual office options may be designated as a continuity facility if determined to have an acceptable risk level for the execution of essential functions continue.
- E. Continuity of Operations Plan (COOP): A plan containing procedures designed to ensure continuity of essential functions at FEMA under all emergency circumstances. Some of the major purposes of a COOP Plan include delineating essential Agency functions, specifying the order of succession of Agency leaders and delegations of authority, and providing for safekeeping of vital records/databases. Under a COOP, employees with and without Telework Agreements may be required to work at an alternate worksite.
- F. Emergency: Includes national and local security situations, extended emergencies, or other unique situations when the Agency is closed or access to an employee's official duty station or other agency facilities is limited.
- G. Emergency Employees: Employees who are assigned to positions required to sustain a facility or function in the event of a localized situation, such as inclement weather, interruption of power, or a dismissal or closure of DHS operations or services. These employees are expected to work even when DHS applies dismissal or closure procedures. The designation of Emergency Employees may vary according to the particular nature of an exigency. Emergency Employees may also be designated Mission Critical in Agency COOP plans. See Para. 1-5.H. FEMA employees have regular and recurring emergency management responsibilities; though not every position requires routine deployment to disaster sites, all positions may be subject to recall based on mission needs.
- H. Emergency Relocation Group (ERG): Staff assigned responsibility to continue essential

- functions from an alternate site in the event that their primary operating facilities are threatened or have been incapacitated by an incident.
- I. Executive Level Managers: Associate Administrators, Regional Administrators, Assistant Administrators, and Program Directors and other Office Chiefs.
  - J. FEMA Telework Managing Officer: The senior FEMA employee who serves as the Agency's point of contact to provide overall strategic direction on telework issues.
  - K. FEMA Telework Program Manager: The Program Manager serves as the Agency point of contact (POC) for Program Office/Regional Telework Coordinators, for senior managers, and for external organizations (e.g., the U.S. Office of Personnel Management, the General Services Administration, and the Department of Homeland Security). He/she provides leadership, guidance and interpretation, data analysis, training, and evaluation of the Agency's telework program and policy.
  - L. Flexible Work Schedule (FWS): A schedule in which an employee selects arrival and departure times that are outside business hours of, the FEMA activity to which assigned but within the flexible time band, and includes 8 hours of duty and a 30-minute lunch period each day.
  - M. Mission Essential Functions (MEFs): The limited set of department and agency level government functions that must be continued throughout, or resumed rapidly after, a disruption of normal activities.
  - N. Primary Mission Essential Functions (PMEFs): Those department and agency Mission Essential Functions, validated by the NCC, which must be performed in order to support the performance of MEFs before, during, and in the aftermath of an emergency. PMEFs need to be continuous or resumed within 12 hours after an event and maintained for up to 30 days or until normal operations can be resumed.
  - O. Official Discipline (Formal): An action pertaining to the reprimand, suspension, or removal of an employee which is documented and is present in an employee's electronic Official Personnel File (eOPF).
  - P. Official Duty Station: The official worksite is the location of an employee's position of record where the employee regularly performs his/her duties. Certain location-based pay entitlements (such as locality payments, special rate supplements, and non-foreign area cost-of-living allowances) are based on the location of the employee's official worksite associated with the employee's position of record (See Section 3-3, Official Duty Station). If the employee's work involves recurring travel or the employee's work location varies on a recurring basis (sometimes referred to as "mobile work"), the official worksite is the location where the work activities of the employee's position of record are based, as determined by the employing agency, subject to the requirement that the official worksite must be in a locality pay area in which the employee regularly performs work. Examples of mobile work include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY).
  - Q. Official Home of Record: The employee's residential address that is officially listed in the employee's Official Personnel Folder (OPF).

- R. Personal Identifiable Information (PII): Any information about an individual maintained in an agency system of records, including, but not limited to, financial transactions, medical history, criminal history, employment history, or any other information which can be retrieved using a personal identifier, such as name, Social Security Number, date and place of birth, mother's maiden name, biometric records, and any other personal information which is linked or linkable to an individual.
- S. Portable Work: Work normally performed at an employee's official worksite that can be performed with equal effectiveness at an Alternative Work Location with respect to quality, quantity, timeliness, efficiency, customer service, and other aspects of the Agency's mission accomplishment. This work is part of the employee's regular assignments and does not involve a change in duties or in the way assignments are performed.
- O. Program Office/Regional Telework Coordinators: FEMA employees who, as part of their official duties, serve as points of contact for providing guidance to employees and managers in their respective organizations, collect telework data for reports, and oversee implementation of the Agency's Telework Program in their organizations. In addition, they will ensure compliance of the Telework Program with appropriate DHS directives, FEMA policies, processes, and procedures, and to identify and implement Telework improvements or corrective actions. They work collaboratively with the Agency's Telework Coordinator.
- P. Re-certification of Telework Agreements: Annual review of an employee's Telework Agreement by the employee's supervisor to determine the employee's current eligibility for participating in the Telework Program. The employee's participation in the Telework Program may be amended or disapproved (terminated); otherwise agreements remain in force. Supervisors must document any amendment in writing by completing a new FEMA Form 123-9-0-1, Telework Application and Agreement with the employee.
- Q. Regular Telework (Core): Work that is performed on an established work schedule at an approved AWL on a regular, recurring, and ongoing basis. Telework arrangements may be determined by the Supervisor to be full-time or part-time based on eligible telework duties and portable work needs (full-time arrangements must consider Section 3-3, Official Duty Station). Employees with Regular Telework agreements may also apply for Situational Telework in order to work on specific projects and/or in response to an emergency.
- R. Situational Telework (Episodic): Telework that occurs on an occasional, non-routine basis and/or during COOP/pandemic health crisis or other emergency situations. Supervisors have discretion to establish timeframes for Situational Telework (Episodic) based on work-related factors such as work priority, deadlines, etc. When making an approval for a situational telework agreement for a medical reason, special project, or accommodation request, the agreement must be reviewed and reapproved every 30 days. Telework arrangements may be determined by the Supervisor to be full-time or part-time based on eligible telework duties and portable work needs (full-time arrangements must consider Section 3-3, Official Duty Station). The definition of situational telework includes "unscheduled telework" as defined separately. Situational telework may be used:

1. To allow an employee to perform work on a specific organizational project or a discrete portion of a project;
  2. To permit an employee to perform work at an AWL during inclement weather;
  3. To allow an employee to perform work when his/her official worksite is not accessible (e.g., building damage/emergency, or because of traffic disruption due to street closures, conventions, demonstrations, etc.);
  4. To enable an employee to perform work at an AWL during an agency closure or early dismissal (see Section 3-9, Emergency Situations for further detail); or
  5. For an employee who is recovering from illness or an injury and is temporarily unable to physically report to the traditional office, as supported by documentation from the employee's physician.
- S. Telework: A flexible work arrangement under which employees perform the duties and responsibilities of their positions from an approved worksite other than the location from which the employee would otherwise work.
- T. Telework Application and Agreement: A written agreement of the terms and conditions of the telework arrangement that is completed and signed by the participating employee and the supervisor or designee(s).
- U. Telework-Ready Employee: An employee who meets the eligibility criteria of the Telework Program, has completed the required training, has the appropriate space and equipment and work assignments needed to work at a location other than the official worksite, and has an approved Telework Agreement.
- V. Tour of Duty: The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek.
- W. Traditional Worksite: The location (i.e., workplace) where an employee would usually report for work absent a telework agreement.
- X. Unscheduled Telework: A term applied in the context of OPM's Washington, DC, Area Dismissal and Closure Procedures, in reference to telework that occurs on day(s) that a telework approved employee was not scheduled in advance to telework. This is considered a type of situational telework and applies to all FEMA locations.
- Y. Workspace Sharing (Hoteling): An arrangement involving two or more employees sharing one office/cubicle by coordinating the days each employee is on-site at the traditional worksite; or a shared use of non-dedicated workstations by employees (who telework the majority of their time) when they are on-site at the traditional worksite.

## 1-7 Responsibilities

- A. Chief Component Human Capital Officer (CCHCO) is responsible for:
1. Designating an Agency Telework Managing Officer to administer and oversee the telework program for FEMA; and
  2. Developing Agency specific guidelines on telework necessary to implement DHS policy.

B. Executive-Level Managers are responsible for:

1. Actively promoting telework within their respective organizations, consistent with accomplishing their assigned missions, making every effort to overcome artificial barriers to program implementation and integrating telework into continuity of operations (COOP) activities;
2. Serving as the final deciding authority regarding whether an employee will be allowed to telework if a supervisor's disapproval is appealed by an employee; and
3. Determining which employees are Emergency Employees, in coordination with the FEMA Telework Program Manager.

C. Office of Equal Rights (OER) is responsible for:

1. Providing technical resource information on reasonable accommodation; and
2. Advising on usage of telework as an accommodation.

D. Chief Information Officer in coordination with Chief Acquisition Officer is responsible for:

1. Procuring allowable Information Technology products and services, to include remote access servers, client devices, and internal resources accessible through remote access;
2. Deploying and modernizing IT systems and infrastructure to support agency telework requirements (as applicable to Section 3-6, Security and Equipment); and
3. Ensuring compliance of devices and infrastructure with federal security and privacy requirements.

E. FEMA Telework Managing Officer is responsible for:

1. Developing and evaluating program structure and resources;
2. Providing overall strategic program direction; and
3. Leveraging support for the telework program throughout the agency by collaborating with senior agency officials.

F. FEMA Telework Program Manager is responsible for:

1. Providing overall direction on the implementation of the FEMA telework program in accordance with law, this Instruction, and other applicable DHS policies; and program implementation, and operation of the telework program in accordance with law, this Instruction, and other applicable DHS policies;
2. Ensuring oversight for the Agency Telework program, monitoring, evaluating and providing guidance and training to all Telework Coordinators;
3. Actively promoting telework within the Agency, consistent with accomplishing assigned missions, and making every effort to overcome artificial barriers to program implementation through education and training for leadership and supervisors on telework benefits, performance management in a telework environment, and the value of integrating telework into COOP activities; and
4. Tracking employee participation and providing usage data at the end of each calendar year for submission to the DHS Chief Human Capital Officer or the U.S. Office of Personnel Management (OPM) for Annual Telework Reporting. Additionally a copy will be provided to the FEMA Labor Management Partnership Council.

G. Telework Coordinators are responsible for:

1. Reviewing all submitted Telework forms, agreements, and documents received for completeness and compliance;

2. Interpreting Telework policy application to regional, directorate, or division level;
  3. Maintaining accurate records of program participation at regional, directorate, or division level;
  4. Working with the Telework Program Manager to complete and submit regional, directorate, or division program reporting requirements; and
  5. Ensuring employees are fully trained on telework procedures including IT and data security and safety requirements.
- H. The FEMA Privacy Office is responsible for providing policy guidance and training for employees and managers to ensure that the use of AWL includes proper handling of information protected by the Privacy Act;
- I. The FEMA Office of the Chief Security Officer is responsible for providing policy guidance and training for employees and managers to ensure that the use of AWL does not risk the improper disclosure of sensitive but unclassified (For Official Use Only (FOUO)), or classified information;
- J. FEMA Supervisors are responsible for:
1. Ensuring there is adequate coverage during public business hours to enable operations to continue to be carried out in an efficient and economical manner and that participating and nonparticipating employees are treated equitably;
  2. Making the determination regarding whether requesting employees are eligible for telework;
  3. Determining whether employees' duties include sufficient portable work to permit regular telework for a given number of days per pay period;
  4. In collaboration with OCCHCO, ensure that, as appropriate, position descriptions are updated to reflect which positions are not suitable for telework and the reasons for such determinations;
  5. Approving or disapproving requests for telework (When making an approval for a situational telework agreement for a medical reason, special project, or accommodation request, the agreement must be reviewed and reapproved every 30 days. A request for approval for an employee to telework outside of their normal commuting area or in another geographical area should be handled as a request for change of duty location and not a telework request.);
  6. Justifying, in writing, the basis for the disapproval or termination of telework in the comments portion of the telework request; and communicating clearly to their employees the reasons for the disapproval of employees' telework requests;
  7. Monitoring and reviewing all telework arrangements annually to make sure mission requirements are being met;
  8. Monitoring employee performance and terminating telework arrangements if an employee's performance does not meet or exceed the "proficient," or "achieved expectations" standard, or if the teleworking arrangement fails to meet organizational needs;
  9. Ensuring proper accountability of government equipment assigned to teleworkers;
  10. In the event of lost or stolen equipment, conducting an inquiry into the facts and circumstances, and reporting findings in accordance with FEMA's Personal Property Manual 119-7-1, specifically FEMA Form 119-7-1-1, Report of Survey;
  11. Ensuring that employees comply with laws, policies, and directives to prevent the unauthorized disclosure of information that is confidential, sensitive, classified, or PII;

12. Contacting the Office of Equal Rights for additional guidance before approving an episodic and situational or regular and recurring telework agreement in cases where an employee requests telework as an accommodation for disability; and
13. Engaging and involving Agency Labor Representatives, where applicable, in determining the types of positions and tasks eligible for telework. Engaging and involving Equal Rights representatives where exclusive representation is not applicable in determining the types of positions and tasks eligible for telework.

**K. FEMA Employees are responsible for:**

1. Completing and signing a telework agreement detailing the location and requirements of the alternate worksite. (If requesting telework at home, designate one area in the home as the official work station for purposes of telework on the Telework Agreement (e.g., First Floor Office) and complete the attached self-certification safety checklist);
2. Maintaining a level of performance that is at the proficient or “achieved expectations” level or higher;
3. Protecting all government-provided equipment and software from loss, theft, or damage (including environmental damage);
4. Ensuring the security of all official, sensitive, and, in particular, for official use only (FOUO) data, and strictly adhering to Agency information and electronic security policies;
5. Agreeing to protect government records from unauthorized disclosure or damage and to comply with the requirements of all information security laws, rules, and regulations, including the Privacy Act of 1974;
6. Immediately notifying his or her supervisor and all appropriate Agency officials, including the Privacy Officer, when a loss, theft, or compromise of personal information or government equipment occurs;
7. Working at the traditional worksite on telework days if necessitated by work requirements, or as directed;
8. Updating his or her application for Transit Subsidy benefits within 10 working days of the approval of a regular telework agreement;
9. Ensuring the designated area in his or her home complies with safety requirements for work-at-home telework;
10. Notifying their supervisor immediately of any accident or injury at the alternate worksite and completing the required documentation;
11. Notifying their supervisor if equipment failure or other technical reasons affect their ability to telework efficiently;
12. Forwarding office telephones to the agency issued equipment; (this requirement will be dependent upon the phone system at the employee’s traditional worksite, as all systems do not have the call forwarding feature);
13. Adhering to the established work schedule and properly accounting for and reporting actual hours worked; and
14. Adhering to the same workday requirements when performing work at the AWL as they would be if they were performing work at the official duty station.

**1-8. Reporting Requirement**

OCCHCO will collect the appropriate information and report to DHS Chief Human Capital Officer and OPM as directed.

**1-9. Forms Prescribed**

- A. FEMA Form 123-9-0-1, Telework Application and Agreement Form

B. FEMA Form 123-9-0-2, Employee Self-Certification Safety and Health Checklist

**1-10. Questions**

Questions concerning Telework should be addressed to the Office of Chief Component Human Capital Officer at (202) 646-3962.

## **CHAPTER 2: PROCEDURES**

### **2-1. Telework Arrangements**

- A. While participation in telework is not an employee entitlement, FEMA assumes that all positions are eligible for telework unless the supervisor can document otherwise that official duties are not suitable for work in a remote or alternate worksite. An employee may participate in the program if the employee meets eligibility requirements as outlined in Section 2-2, Determining Eligibility.
- B. A complete telework documentation package must be submitted to the Telework Coordinator prior to the participation of an employee in the telework program including:
  1. A completed and signed FEMA Telework Program Application and Agreement Form, which has been prepared in accordance with this policy and attests to the validity of eligibility and program participation. This is required to document any form of telework arrangement and prior to the beginning of telework. Telework plan should be attached;
  2. The FEMA Telework Health and Safety Checklist must be completed and signed;
  3. Documentation of completed telework training program as described in Section 2-3, Training; and
  4. Completion of any documentation related to applicable telework equipment.
- C. A telework arrangement does not alter the terms and conditions of the appointment as specified on the employee's Notification of Personnel Action, SF-50. However, an employee's official duty station may change if he or she does not regularly commute into the agency office (See Section 3-3, Official Duty Station). The telework arrangement must not affect other conditions of employment (e.g., hours of work) unless otherwise specified in the telework agreement. Employees may be approved both to telework and to work an alternative work schedule.
- D. The telework arrangement may normally be terminated in writing by either management or by the employee with reasonable advance notice, generally fourteen calendar days, but not less than seven calendar days. Reasons for termination of an arrangement may be a decline in performance or productivity, or if the arrangement no longer benefits the organization's needs. Program Offices may establish specific termination provisions, as they deem necessary, for their operations and mission needs. When an arrangement is terminated by management, the supervisor must provide the employee with a brief, written explanation as to why.
- E. The telework agreement shall be for the performance of official duties or related activities (professional development, training) and shall not be treated as an opportunity to conduct personal business.
- F. Teleworkers are responsible for ensuring appropriate arrangements for the care of dependents at home if the home is their official telework duty location. That is, employees may not use telework to personally care for a dependent. However, this does not preclude a teleworker from having a caregiver working in the home providing care to the dependent(s) while he/she teleworks.
- G. Management reserves the right, normally with one day notice, to require employees to return to the official duty location on scheduled telework days, based on operational requirements. Exceptions for a lesser notification may be appropriate in certain unforeseen situations.
- H. Approved telework agreements should be coordinated with the Agency Transit Subsidy Manager. Notify the Agency Transit Subsidy Manager of the number of days the employee will telework so the transit subsidy coordinator can determine if the employee's subsidy should be reduced appropriately.

- I. Employees who telework must be available to their coworkers, supervisor, and customers in the same manner as if they were in their duty location. For example, phone calls and emails must be answered in the same timeframe as if the employee were working in their duty location. This means that phones may normally be forwarded to agency issued equipment. It may also mean that the employee should provide a secondary phone number to be reached at the telework site if possible. Specific communication expectations shall be addressed in the telework agreement, if necessary.
- J. During emergency situations, such as closures of the employee's official duty station, or during heightened periods of disaster work activity,, the agency may require employees with telework agreements to telework on short notice. See Paragraph 3-9.

## **2-2. Determining Eligibility**

- A. Positions eligible for telework are those involving tasks (may be one or more) and work activities that are portable, do not depend on the employee being at the official duty location worksite, are measureable, and are conducive to supervisory oversight at the alternate worksite. Job series and title do not determine eligibility as supervisors and managers are required to encourage all eligible employees the opportunity to Telework.
- B. Tasks and work activities generally suited for telework include, but are not limited to: reading, reviewing, editing, scheduling, planning, writing, and policy development; research; analysis (e.g., investigating, program analysis, policy analysis, and financial analysis); report writing; telephone-intensive tasks (excluding receptionist duties); computer-oriented tasks (e.g., required or developmental training, programming, data entry, word processing, web page design) and data processing. Tasks and work activities not generally suited for telework include, but are not limited to positions that: involve daily handling of classified materials; require the use of specialized equipment; require daily contact with other people; or where a daily physical presence is required per the official duties of the position. FEMA positions that are not typically suited for core telework include: inspectors, fire fighters, warehouse staff, and similar positions. However, these positions may still be suitable for Situational Telework on a case-by-case basis. The premise is that positions are eligible for telework and supervisors must document exceptions.
- C. An employee suitable for telework is one who has demonstrated personal characteristics that are well suited to telework, as determined by the supervisor, including as a minimum:
  - 1. Demonstrated dependability and the ability to handle responsibility;
  - 2. A proven record of high personal motivation, independence, dependability, good time management skills, ability to prioritize work effectively, and ability to work without close supervision;
  - 3. The ability to prioritize work effectively and utilize good time management skills;
  - 4. A proven, or on target for, a minimum current performance rating of at least "proficient," or "achieved expectations" in all performance criteria as designated by the FEMA performance management programs;
  - 5. The employee must not be on leave restriction; and,
  - 6. No adverse personnel actions within any of the following categories:
    - A. A Letter of Reprimand, a suspension without pay, or removal, imposed for absence without leave for more than 5 days in a calendar year or for violations of Subpart G of the Standards of Ethical Conduct of Employees of the Executive Branch for viewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties), to the extent that such action remains in the employee's OPF, precludes approval of telework.

- B. Imposition of any other disciplinary or adverse action not included in A., above, within the previous six months precludes approval of telework.
- C. Imposition of any other disciplinary or adverse action not included in A. or B., above, regardless of age of the action, may preclude approval of telework, in the discretion of the supervisor.
- D. An employee may not be approved for telework for one year from the date of commencement of a performance improvement plan (PIP).

### **2-3. Training**

- A. The employee must complete the telework awareness training prior to signing an initial telework agreement and prior to starting to telework. Training is available at:  
[http://www.telework.gov/tools\\_and\\_resources/training/employees/index.aspx](http://www.telework.gov/tools_and_resources/training/employees/index.aspx)
- B. Supervisors must complete telework awareness training in order to approve a telework arrangement. Training is available at:  
<http://www.telework.gov/toolsandresources/training/managers/index.aspx>

### **2-4. Appeals**

An employee denied a request to telework may appeal to the appropriate Executive Level Manager. The appeals process must ensure that the employee and management have a fair and equitable opportunity to be heard. Appeal decisions are binding for no more than six months unless circumstances change or are agreed upon by both parties involved in the appeal. It is FEMA policy that whenever possible, individuals be allowed to telework, so the burden in an appeal on why the agency would not allow telework is on the supervisor, not on the employee. With respect to employees covered by a collective bargaining agreement, appeals will be governed by the negotiated grievance procedure. The Telework Coordinator will notify the employee of the appeal decision.

## **CHAPTER 3: TERMS AND CONDITIONS OF THE TELEWORK PROGRAM**

### **3-1. Changes to Telework Agreement**

An employee who teleworks may be required to come into the office on their telework day when management makes a determination their presence is required. At least a one-day notice should be given to the employee, however unforeseen circumstances may require less notice. A teleworker who must report to the official duty station should do so in a reasonable amount of time. Items to take into consideration are traveling distance, mode of transportation, etc. Teleworkers and management should discuss these items. In some cases, there may not be sufficient time for the teleworker to report to the official duty station. Teleworkers who wish to change their scheduled telework day permanently should complete another agreement and obtain the proper approvals. Intermittent changes in a telework agreement do not require a change in the agreement; however teleworkers should make the request at least one day in advance.

### **3-2. Residential Telework Environment**

- A. It is the responsibility of the employee to ensure that all the requirements to do official work at their residence are met in an environment that allows the tasks to be performed safely (See attached FEMA Form 123-9-0-2, Employee Self-Certification Safety and Health Checklist).
- B. The employee must designate an area in the home as their official work area. The area designated must be documented on the telework agreement. The employee should check with their community associations, if one exists, to ensure there is not a restriction on working from home.
- C. Each teleworker must understand that telework is not a substitute for dependent care. A caregiver, however, may be present in the home to take care of a dependent (e.g., infant, non-school age child and/or an elder) while the teleworker is performing their official duties. Children who require no supervision may be present at the alternate worksite. Management may request documentation from the teleworker to substantiate a caregiver is providing on-site or off-site care during the teleworker's scheduled work.
- D. The Government is not responsible for any operating costs in the Residential Telework Environment that are associated with the employee's use of his or her personal residence as an alternate worksite. This includes home maintenance, insurance, or utilities.
- E. The employee agrees to permit access to their home by agency representatives when necessary to ensure proper maintenance of agency-owned equipment. Teleworkers should be given at least one day's advance notice of any such visit. Visits should only be done during regular working hours.

### **3-3. Official Duty Station**

- A. All pay, leave, and travel entitlements must be based on the employee's official duty station. The employee's official duty station for such purposes as special salary rates, locality pay adjustments, and travel is the city or town, county, and state in which the employee normally performs their official duties. Supervisors must consult with OCCHCO if there are any changes that warrant a change in the official duty station.
- B. An employee's official duty station must be documented on the employee's Notification of Personnel Action (Standard Form 50 or equivalent). (See "Duty Station" blocks

- 38 and 39 of the Standard Form 50 showing the city/county and state in which the official worksite is located.)
- C. An employee's official duty station would not change as long as the employee regularly commutes into the agency office at least twice each biweekly pay period on a regular and recurring basis.
  - D. If the employee **does not** regularly commute into the agency office at least twice each biweekly pay period, the official duty station must be changed to the alternate worksite. The official duty station would not generally be changed for employees who telework for medical reasons and/or in emergency situations (i.e. COOP, agency closures, urgent deadlines, etc.) as these types of telework arrangements are not intended as permanent, but on a temporary basis not to exceed six months.
  - E. When an employee's official worksite/duty station is reassigned from the traditional worksite to the alternate worksite, the affected employee and his/her supervisor should discuss the implications of the reassignment, to include:
    - 1. Certain location-based pay entitlements (e.g., locality pay, special rate supplements, and non-foreign cost of living allowances, etc.) are based on the location of the employee's official worksite/duty station.
    - 2. Reimbursement for official business travel is based on the location of the employee's official worksite/duty station. For example, when an employee whose alternate worksite is outside the commuting area of the traditional worksite is required to travel to the traditional worksite, the location of the employee's official worksite/duty station will determine whether the employee or the Component pays for the required travel.
    - 3. Generally, the official worksite/duty station is used to identify the competitive area during reduction-in-force determinations.

#### **3-4. Time and Attendance, Work and Performance, and Overtime**

- A. Time spent in a telework status must be accounted for and reported in the same manner as if the employee reported for duty at the official duty station. The employee is required to satisfactorily complete all assigned work, consistent with the approach adopted for all other employees in the work group, and according to standards and guidelines in the employee's performance plan.
- B. The employee agrees to follow their normal mission area/agency/staff office procedures regarding the requesting and approval of overtime, credit hours, and leave that are worked while in a telework status.
- C. All approved telework hours are to be reported in the WebTA Time Attendance and System. Employees should code use WebTA transaction code 01- Telework Home <=2 days if equal to or less than two days per work week and transaction code 01-Telework Home >2 days for three or more days per work week.

#### **3-5. Reimbursable Expenses**

The FEMA Office of the Chief Financial Officer will set policy for determining any applicable reimbursable expenses for eligible telework employees.

### **3-6. Security, Supplies, and Equipment**

- A. Classified documents (hard copy or electronic) and/or equipment (e.g., diskettes, computers, laptops, removable hard drives, and other media used for processing classified information) **must not** be taken to an employee's alternate worksite. For core telework, FOUO Information may be accessed using employee-owned equipment but may only be saved on government-issued equipment.
- B. All teleworkers are responsible for the security of all official data, and the protection of government-issued equipment/property while carrying out the mission of FEMA. Government-issued equipment must only be used for official duties and only by the teleworker. A FEMA approved remote access solution must be used (such as a virtual private network or Citrix solution). Authorization to telework is contingent upon the availability of equipment and connectivity at the alternate worksite sufficient to permit the employee reliable and secure access to email, telephone, and any other systems necessary to perform the duties of his or her position efficiently and without any detriment to mission accomplishment. The employee is responsible for the installation, repair, and maintenance of their own personal equipment in coordination with CIO guidance.
- C. If needed, the Agency will provide necessary office supplies (paper, pens, compact disc , etc.). Employees should obtain these items from the official duty station supply room or through the regular procedure at their official duty station. The Agency will not reimburse employees for any supplies purchased independently, nor will the Agency provide office furniture except as a reasonable accommodation.
- D. The agency is responsible for obtaining software licenses that are necessary to give the teleworker access on their personal equipment to perform their official duties. When the telework arrangement ends, the teleworker is responsible for removing and returning all government-owned software to the agency Software Manager or agency Chief Information Officer. The responsibilities for configuration management, patch and antivirus management, and other administrative requirements must be defined in this agreement to include the expectations of the teleworker in these matters. The agency is responsible for the maintenance of all Government-issued equipment. The teleworker may be required to bring such equipment into the office for maintenance. The employee must return all Government-issued equipment and material to the agency at the conclusion of the telework arrangement or at the agency's request.
- E. FOUO Information must be transported from the official duty station to the alternate worksite in a secure container (e.g., briefcase with lock). Sensitive But Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data and non-sensitive, unclassified data must be stored in a secure file cabinet at the alternate worksite. When such information is displayed on a computer screen, it must not be visible to others. Computer privacy screens which block computer screen visibility to others must be used when SSI is displayed on a computer monitor at an alternate worksite. Neither family members nor other individuals are authorized to handle and/or view any government Sensitive But Unclassified Information, including SSI, Privacy Act, and "For Official Use Only" data.

### **3-7. Worker's Compensation and Other Liabilities**

Employees are covered by the Federal Employees Compensation Act at the alternate worksite as long as the injury occurred while performing their official duties and in the designated work area identified on the telework agreement. If an injury occurs, the employee must notify the supervisor immediately, provide details of the accident or injury, and complete Department of Labor Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation. The government is not liable for damages to the employee's personal or real property while the employee is teleworking, except to the extent the government is held liable under the Federal Tort Claims Act or the Military and Civilian Employees Claims Act.

### **3-8. Standards of Conduct**

The employee acknowledges that he/she continues to be bound by the Standards of Ethical Conduct for Employees of the Executive Branch while teleworking and using government-issued equipment.

### **3-9. Emergency Telework.**

- A. Supervisors and managers shall classify their employees as emergency and non-emergency employees promptly and appropriately, and shall maximize telework readiness among their employees in a manner consistent with this policy.
- B. OPM Announcements. Employees shall monitor, read and comply with OPM announcements unless otherwise directed by the Agency or their supervisors. To the extent that OPM announcements conflict with FEMA and supervisory guidance, employees must follow FEMA and supervisory guidance.
- C. When OPM announces that Federal agencies in the Washington, DC, area are open and that employees have the options of unscheduled leave or unscheduled telework, the following procedures apply:
  1. Emergency Employees must report for duty as directed unless they are telework ready and permitted to telework by their supervisors.
  2. Non-Emergency Employees shall notify their supervisors in advance if they intend to take unscheduled leave.
  3. Non-Emergency Telework Ready Employees. The Agency may direct non-emergency, telework ready employees to perform unscheduled telework. If not directed to telework, they must report to work, take unscheduled leave or request their supervisor's permission to telework.
- D. When OPM announces that Federal agencies in the Washington, DC, area are closed, or when FEMA closes an employee's official duty station, non-emergency employees (including employees on pre-approved paid leave) will be granted excused absence (administrative leave) for the number of hours they were scheduled to work unless they are covered by one of the following categories:
  1. Emergency Employees must report for duty as directed unless they are telework ready and permitted to telework by their supervisors.
  2. Non-Emergency Telework Ready Employees who are already scheduled to telework or who are directed to perform unscheduled telework must telework the entire work day. If directed to telework, such employees may request the use of (1) earned annual leave, compensatory time off, credit hours, or sick leave, as

appropriate; (2) leave without pay; (3) their flexible work schedule day off or revision of their work hours under flexible work schedules. On a case-by-case basis, FEMA supervisors may excuse a telework ready employee from duty as outlined in ¶ 3-9 F.

4. The status of employees on Leave Without Pay, official travel, or an alternate work schedule day off is not affected by any such announcement.
- E. **COOP Activation**. The Agency may require any employee to telework in accordance with an activated COOP plan.
- F. **Excusal**. Supervisors may excuse telework ready employees from work and grant annual or administrative leave with pay, as appropriate, when an emergency adversely affects the telework site (e.g., disruption of electricity, loss of heat, loss of connectivity, etc.), or if the teleworker faces a personal hardship that prevents him or her from teleworking effectively. Dependent care needs do not ordinarily entitle a teleworker to administrative leave; annual leave will be granted as appropriate.

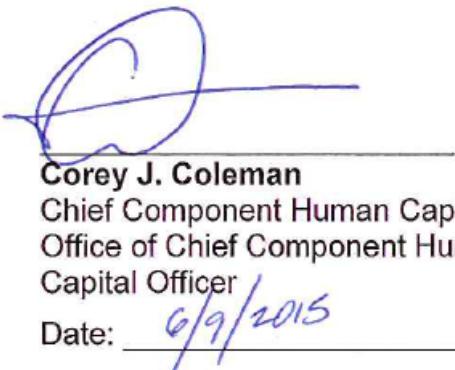
**3-10. Telework and COOP Planning.** All organizations must incorporate telework into their continuity plans and procedures by:

- A. Assessing the organization's essential functions to identify which functions the organization can conduct via telework, including evaluating the use of telework for supporting extended continuity operations and use by non-emergency response group (ERG) personnel;
- B. Establishing and maintaining plans and procedures to use telework as a primary or backup continuity strategy for those essential functions and supporting tasks that are telework authorized, based upon the assessment;
- C. Assessing the capability of situational telework agreements for both ERG and non-ERG personnel, to ensure that employees may be authorized to telework during a continuity event;
- D. Establishing situational telework agreements for all employees to determine their eligibility to telework during a continuity activation;
- E. Ensuring that each eligible employee is authorized to telework during a continuity activation by successfully completing the required telework training program (as described in Section 2-3, Training) and completing necessary documentation (as described in Section 2-1, Telework Arrangements, Part B); and
- F. Coordinating with FEMA's designated Telework Managing Officer when developing and integrating the organization's continuity plan.

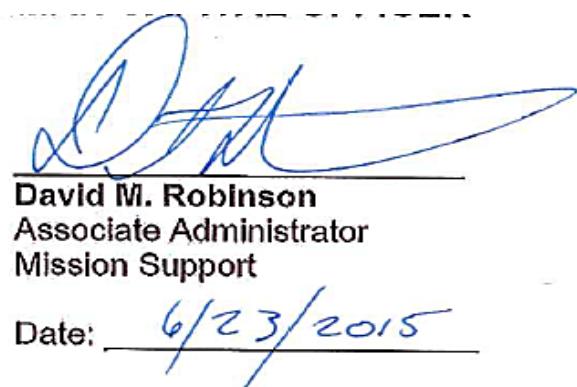
**FEMA MANUAL 253-11-1**  
**MERIT PROMOTION AND INTERNAL PLACEMENT**  
**APPROVAL DATE: 06/23/2015**



**DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**



Corey J. Coleman  
Chief Component Human Capital Officer  
Office of Chief Component Human  
Capital Officer  
Date: 6/9/2015



David M. Robinson  
Associate Administrator  
Mission Support  
Date: 6/23/2015

## **Foreword**

This Manual provides guidance and policy direction for the administration, implementation and oversight of the Federal Emergency Management Agency (FEMA) merit promotion and internal placement program as it applies to eligible competitive service employees in General Schedule (GS) (GS-1 through GS-15) positions, and their Federal Wage System (FWS) equivalents, both supervisory and nonsupervisory (including wage grade leaders and supervisors). The provisions of this Manual have been prepared in accordance with regulations set forth in Title 5, Code of Federal Regulations (C.F.R.), Part 335, Promotion and Internal Placement. This Manual establishes guidance for supervisors, managers, employees, and Human Resources (HR) Specialists on the methods and procedures to be followed for all competitive and noncompetitive promotions and other in-placement actions within FEMA.

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## **CHAPTER 1 - GENERAL INFORMATION**

### **1-1. Purpose**

This Manual establishes the Federal Emergency Management Agency (FEMA) policy and plan for the merit promotion and internal placement of its eligible competitive service employees in General Schedule (GS) and Federal Wage System (FWS) equivalent positions. The purposes of this Manual is to ensure promotions and other actions, either competitive or noncompetitive, are made on the basis of merit, and are based on systematic and equitable procedures.

### **1-2. Applicability and Scope**

This merit promotion and internal placement Manual covers all permanent General Schedule positions (GS-1 through GS-15) in the competitive service, and their Federal Wage System equivalents, both supervisory and nonsupervisory (including wage grade leaders and supervisors).

### **1-3. Supersession**

This Manual supersedes FEMA Manual 253-11-1, Merit Promotion and Internal Placement, dated July 28, 2014.

### **1-4. Authorities**

- A. Department of Homeland Security (DHS), Management Directive (MD) 255-05, dated May 31, 2007.
- B. Title 5, Code of Federal Regulations (C.F.R.), Part 335, Promotion and Internal Placement.
- C. 5 C.F.R., Part 330, Subpart F, Agency Career Transition Assistance Plan (CTAP) for Local Surplus and Displaced Employees, and Subpart G Interagency Career Transition Assistance Plan (ICTAP) for Displaced Employees.
- D. 5 C.F.R., Part 330, Subpart B, Reemployment Priority List (RPL).
- E. Title 5, United States Code (U.S.C.), Part III, Subpart B, Employment and Retention.
- F. 5 U.S.C. §§ 2301, Merit System Principles, and 2302, Prohibited Personnel Practices.

### **1-5. Policy**

It is the policy of FEMA to:

- A. Staff positions with the best qualified persons available.

- B. Develop and use FEMA employees to the maximum extent possible consistent with the goals and objectives of the Agency.
- C. Ensure that all personnel actions are effected without regard to political, religious, or labor organization affiliation or non-affiliation, marital or family status, race, color, gender, sexual orientation, national origin, disability, genetic information, age, or prior EEO activity, and without regard to criteria unrelated to the position, such as personal friendship or patronage, and that selections are based solely on job-related criteria.
- D. Keep employees informed of positions being staffed under this Manual so that they may indicate their interest in such positions.
- E. Fill positions under this Manual consistent with the Agency's Federal Equal Opportunity Recruitment Program (FEORP)
- F. Ensure that where a negotiated agreement contains an article concerning merit promotion, that the article in the negotiated agreement augments this policy for bargaining unit employees.

## 1-6. **Definitions**

- A. **Area of Consideration**. The geographical and/or organizational area from which applications for a specific job announcement are being accepted.
- B. **Career Ladder**. The formal grade progression of an employee within an occupational series that represents increasing levels of difficulty and responsibility.
- C. **Career Ladder Promotion**. The promotion of an employee without further competition when the competition was held at an earlier stage.
- D. **Career Transition Assistance Program (CTAP)**. The Agency's program that assists its surplus and displaced employees by providing selection priority for competitive service vacancies.
- E. **Competitive Service**. All civilian positions that are (a) in the executive branch of the Federal Government not specifically excepted from civil service laws by or pursuant to statute, by the President or by the Office of Personnel Management, and not in the Senior Executive Service and (b) all positions in the legislative and judicial branches of the Federal Government and in the District of Columbia Government specifically made subject to the civil service by statute.
- F. **Detail**. The temporary assignment of an employee to different duties or to a different position for a specified period of time. For pay purposes, the employee continues to occupy his or her permanent position of record.
- G. **Full Performance Level**. The highest level of work projected within a career ladder or in association with a position's established promotion potential.

- H. Interagency Career Transition Assistance Program (ICTAP). The Agency's plan that provides eligible, well-qualified surplus or displaced non-Agency employees selection priority over almost any other applicant from outside the Agency.
- I. Job Analysis. The systematic review of a position to identify the basic duties and responsibilities; the knowledge, skills, abilities, and competencies required to perform the duties and responsibilities; and the factors that are important in evaluating candidates for the position.
- J. Local Commuting Area. As defined in 5 C.F.R. § 351.203, the geographic locality that constitutes one area for employment purposes, as determined by the Agency. It includes any population center and the surrounding localities within which people live and can reasonably be expected to travel back and forth daily to their usual place of employment.
- K. Noncompetitive Action. As defined in 5 C.F.R. § 210.102(b)(8), a promotion, demotion, reassignment, transfer, reinstatement, or appointment based on prior service that does not require competition.
- L. Occupational Questionnaire. An instrument designated for the evaluation of candidates for a specific position. Assessment questions are developed based on the knowledge, skills, abilities, and competencies identified during the job analysis process.
- M. Promotion. The change of an employee to a higher grade when both the old and the new positions are under the General Schedule, or under the same type of graded wage schedule.
- N. Qualified Candidates. Those candidates who meet the minimum qualification requirements established by OPM, as well as any selective placement factors critical to successful performance in the position.
- O. Qualification Standards. The experience, education, training or other criteria developed by the Office of Personnel Management for a specific occupational series and grade level.
- P. Reassignment. The change of an employee from one position description to another position description within the Agency, and without promotion or demotion.
- Q. Reemployment Priority List (RPL). A list that the Agency maintains to give reemployment priority to any career or career-conditional competitive service employee who may have been separated through reduction-in-force or as a result of recovery from a compensable injury after more than one year.
- R. Reinstatement Eligibility. Individuals who previously held a competitive service career or career conditional appointment with the Federal government may be eligible for reinstatement, which allows reentry to the Federal competitive workforce without competing with the public.
- S. Selective Placement Factors. The specific knowledge, skills and abilities not prescribed by OPM's Qualification Standards, but which are essential to

successful job performance and cannot be learned on the job in a reasonable time period. The necessity for the particular factor must be documented in the position description and identified through the job analysis.

- T. Subject Matter Expert (SME). A person with expert knowledge about what it takes to do a particular job.
- U. Well-qualified. For the purposes of the CTAP and ICTAP, those applicants with a rating of 85.0 or greater and who meet all qualification requirements, including any selective placement factors.

## **1-7. Responsibilities**

- A. The Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
  1. Developing, administering, and implementing a written merit promotion program that ensures a systematic means of selection for promotion according to merit;
  2. Providing technical guidance, advice and assistance to supervisors and managers on the overall operation of the Manual;
  3. Providing timely and efficient service to operating officials on the recruitment, selection and placement of applicants referred under this Manual;
  4. Reviewing all actions taken under this Manual - whether identification, qualification, evaluation, or selection of candidates - and ensuring that they are made fairly and without regard to political, religious, or labor organization affiliation or non-affiliation, marital status, race, color, sex, sexual orientation, national origin, disability, genetic information, age, or prior EEO activity, without regard to criteria unrelated to the position such as friendship or patronage; and that selections made are based solely on job-related criteria;
  5. Ensuring that all candidates for placement who are evaluated under this Manual meet the minimum qualification standards as prescribed by OPM;
  6. Approving any modifications to the qualification requirements for in-service placement actions as prescribed in Section 8(c) of the OPM General Schedule Qualifications Policy;
  7. Ensuring that FEMA employees are provided with information on the basic principles and procedures available, and the means by which they can be considered for placement and promotion;
  8. Having procedures in place that allow those FEMA employees who are absent for legitimate reasons (e.g., on detail, on leave, at training courses, on active military duty, out due to a compensable injury, or serving in public international organizations or on Intergovernmental Personnel

- Mobility Act assignments), to receive appropriate consideration for promotion and placement;
9. Maintaining adequate recordkeeping of all promotion and placement actions, while ensuring that individuals' right to privacy are protected. Sufficient records of each promotion action will be maintained to allow reconstruction of the promotion action, including documentation on how candidates were rated and ranked; and
  10. Ensuring that FEMA HR specialists recuse themselves from participating in any merit promotion activities for which there is a conflict of interest.

B. Managers and supervisors are responsible for:

1. Acting in accordance with the provisions of this Manual and in compliance with the Merit System Principles and without violation of the Prohibited Personnel Practices;
2. Ensuring that selecting officials and subject matter experts (SMEs) provide HR Specialists with thorough position information and requisite program resources for proper recruitment, evaluation, and selection of candidates;
3. Considering candidates fairly, objectively, consistently, and in a timely manner;
4. Ensuring that all employees have access to this Manual's procedures and are fully informed of promotional opportunities as they arise;
5. Communicating merit promotion opportunities to employees who are absent for legitimate reasons (e.g., on detail, on leave, at training courses, on active military duty, out due to a compensable injury, or serving in public international organizations or on an Intergovernmental Personnel Mobility Act assignment), in order that they receive appropriate consideration for promotion and placement;
6. Making selections for appropriate vacancies from among the best qualified candidates; and
7. Upon request, providing guidance and advice on how an employee can improve or strengthen his/her qualifications.

C. FEMA employees are responsible for:

1. Managing their career progression and development;
2. Becoming familiar with the provisions and requirements of this Manual;
3. Applying for those promotion and placement opportunities for which they wish to be considered;
4. Providing current, accurate information regarding their knowledge, skills, abilities, work experience, training, education, and awards as required by the vacancy announcement; and
5. Participating on rating panels or serving as a SME as needed.

D. Human Resources (HR) Specialists are responsible for:

1. Acting in accordance with the provisions of this Manual and adhering to the Merit System Principles and preventing Prohibited Personnel Practices;
2. Counseling employees regarding merit promotion procedures, promotion opportunities, qualification requirements and the results of merit promotion actions;
3. Recruiting the best qualified and available candidates;
4. Guiding the resolution of merit promotion complaints and grievances;
5. Providing managers, supervisors and employees technically sound guidance regarding merit promotion and related staffing matters;
6. Ensuring that assessment questionnaires are job-related, objective, and measurable using the job analysis process;
7. Maintaining all merit promotion records as required by the provisions of this Manual; and
8. Recusing themselves from merit promotion activities for which there is a conflict of interest.

E. Director, Office of Equal Rights, is responsible for ensuring that actions taken under this Manual are in compliance with the Federal Equal Opportunity Recruitment Program, and are taken without regard to race, color, religion, age, gender, national origin, political affiliation, disability, genetic information, sex, sexual orientation, marital or family status, membership in an employee organization, prior EEO activity, or any other non-merit factor.

**1-8. Reporting Requirements**

OCCHCO will report data related to merit promotion and internal placement as required by DHS and OPM.

**1-9. Questions**

Questions concerning Merit Promotion & Internal Placement should be addressed to the Office of the Chief Component Human Capital Officer at (202) 646-3962.

## CHAPTER 2 - ACTIONS COVERED

### 2-1. Competitive Actions

The competitive procedures established by this Manual apply to the following placement actions:

- A. Time-limited promotions for more than 120 days to a higher-graded position.  
(Note: Prior service during the preceding 12 months under noncompetitive time-limited promotions and noncompetitive details to higher graded positions count toward the 120-day total.)
  1. A temporary promotion may be made permanent without further competition provided the temporary promotion was originally made under competitive procedures and that it might lead to a permanent promotion was made known to all candidates.
  2. The Agency must give the employee advance written notice of the conditions under which the time-limited promotion is given, including the time limit of the promotion; the requirement for competition beyond 120 days; and that the employee may be returned at any time to the position from which temporarily promoted, or to a different position of equivalent grade and pay, when the return is not subject to the procedures in 5 C.F.R., Part 351, Reduction in Force; Part 432, Performance Based Reduction in Grade and Removal Actions; Part 752, Adverse Actions; and Part 771, Agency Administrative Grievance System.
  3. A temporarily promoted employee may not be reassigned to a position with a higher grade or with promotion potential higher than his or her permanent position without the use of competitive procedures. A formal personnel action must be used to document all temporary promotions, including their termination.
  4. Employees who are temporarily promoted must meet all requirements of a permanent promotion, including time-in-grade and the Qualifications Standards for General Schedule Positions or Job Qualifications System for Trades and Labor Occupations System qualification requirements of the new position.
- B. Details for more than 120 days to a higher graded position or to a position with higher promotion potential. (Note: Prior service during the preceding 12 months under noncompetitive detail to higher graded positions and noncompetitive time-limited promotions count toward the 120-day total.)
- C. Selection for training that is part of an authorized training agreement, part of a promotion program, or required before an employee may be considered for a promotion.
- D. Reassignment or Change to Lower Grade to a position with more promotion potential than a position previously held on a permanent basis in the competitive service (except as permitted by reduction-in-force regulations).

- E. Transfer to a position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.
- F. Reinstatement to a permanent or temporary position at a higher grade or with more promotion potential than a position previously held on a permanent basis in the competitive service.
- G. Promotion, demotion or reassignment of an employee serving under an indefinite appointment in a competitive position, except that this authority may not be used to move an employee:
  - 1. From a position in which an initial overseas limited appointment is authorized to another position; or
  - 2. To a position in which an initial overseas limited appointment is authorized from another position.

## **2-2. Exceptions**

The following actions are exceptions to competitive procedures outlined in this Manual.

- A. A promotion resulting from the upgrading of a position without significant change in the duties and responsibilities due to the issuance of a new classification standard or the correction of an initial classification error.
- B. A position change permitted by reduction-in-force procedures.
- C. A promotion without current competition of an employee who was appointed in the competitive service from a civil service register, by direct hire, by noncompetitive appointment or noncompetitive conversion, or under competitive promotion procedures for an assignment intended to prepare the employee for the position being filled. (This is a career ladder promotion, the intent of which must be made a matter of record and documented in the promotion plan, and which requires the employee's current rating of record be "proficient" or higher.)
- D. A promotion resulting from an employee's position being classified at a higher grade based on accretion of duties and responsibilities.
- E. A temporary promotion, or detail to a higher graded position or to a position with known promotion potential of 120 days or less.
- F. Promotion to a grade previously held on a permanent basis in the competitive service from which the employee was separated or demoted for reasons other than performance or conduct.
- G. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having promotion potential no greater than the potential of a position an employee currently holds or previously held on a permanent basis in the competitive service and did not lose because of performance or conduct reasons.

- H. Consideration of a candidate not given proper consideration in a competitive promotion action.
- I. Appointments of career Senior Executive Service appointees with competitive service reinstatement eligibility to any position for which they qualify in the competitive service at any grade or salary level, including Senior-Level positions established under 5 C.F.R., Part 319—Employment in Senior-Level and Scientific and Professional positions.

## **2-3. Priority Placement**

Before taking any action to fill a vacancy, either competitively or noncompetitively, the HR Specialist, in conjunction with the selecting official, is responsible for ensuring the requirements pertaining to priority consideration are adhered to. Priority placement programs include the following:

Career Transition Assistance Program (CTAP) – When filling vacancies from within DHS, the HR Specialist and selecting official, will ensure consideration is first given to well-qualified CTAP eligibles in the local commuting area. A well-qualified CTAP eligible within the local commuting area must be selected before selecting any other candidate from within or outside DHS.

Department of Homeland Security Priority Placement Program (DPPP) – When seeking candidates outside FEMA's workforce for vacant positions, priority placement will be given to FEMA employees whose positions were downgraded and are entitled to grade retention. In rare instances, an individual exception may be granted.

Interagency Career Transition Assistance Program (ICTAP) - When filling vacancies from outside DHS workforce, the HR Specialist and selecting official will ensure priority consideration is given to well-qualified ICTAP eligibles in the local commuting area. Selection priority will be applied unless the personnel action to be taken is an exception to ICTAP, as defined in 5 C.F.R. § 330.707.

Reemployment Priority List (RPL) – When filling vacancies from outside DHS workforce, hiring preference will be given to eligible RPL registrants in the local commuting area who are deemed qualified for the position. When a qualified RPL registrant is available, the position may not be filled by a new appointment unless the individual appointed is a 10-point veteran, by transfer (outside of DHS), or by reemployment unless the individual is a preference eligible or is exercising restoration or reemployment rights.

## **CHAPTER 3 - AREA OF CONSIDERATION**

### **3-1. Methods for Filling Vacancies**

Vacancies may be filled by any appropriate method including special placement programs, new appointment, reassignment, transfer, reinstatement, promotion, etc.

### **3-2. Area of Consideration**

The area of consideration should be sufficiently broad to ensure a reasonable number of highly qualified candidates for the position to be filled. Area of consideration determinations must be made prior to announcing the position(s), documented in the merit promotion file, and clearly specified in the vacancy announcement.

- A. For positions at GS-13 and above, the minimum area of consideration will be FEMA nationwide.
- B. For positions at GS-12 and below, the minimum area of consideration will be the duty station in which the position is located.
- C. Exceptions that reduce the area of consideration must be approved in writing by the Chief Component Human Capital Officer.

### **3-3. Methods of Locating Candidates**

In its search for qualified applicants, the selecting official and OCCHCO should determine which source or sources to use, based on the Agency's mission, objectives, and its Federal Equal Opportunity Recruitment Program. The Agency may use any of the following options:

- A. Announce the vacancy to FEMA status candidates only.
- B. Announce the vacancy to FEMA employees and other status eligibles as determined in OPM regulations.
- C. In addition to the merit promotion process, request certification of eligibles from OPM or FEMA's Delegated Examining Unit (DEU) in addition to items A and/or B above.
- D. Consider other appropriate sources, such as reinstatement, transfer, persons with disabilities, or Veterans Recruitment Appointment eligibles, etc.

## **CHAPTER 4 - INITIATING RECRUITMENT**

### **4-1. Job Analysis**

Prior to initiating a recruitment action, the selecting official or his/her designated subject matter expert, in conjunction with the HR Specialist, will conduct a job analysis. The job analysis will identify the basic duties and responsibilities of the position, knowledge, skills, abilities, and/or competencies required to perform those duties and responsibilities, and the importance of each knowledge, skill, ability, or competency. The use of any selective placement factors will be documented in the job analysis to show the relevancy or the specific proficiency or factor as being essential for successful performance of the job.

The job analysis must be approved by the selecting official or subject matter expert and the HR Specialist prior to issuance of the vacancy announcement.

### **4-2. Occupational Questionnaire**

The selecting official or subject matter expert, in conjunction with the HR Specialist, will develop questions for each knowledge, skill, ability, or competency identified in the job analysis. The HR Specialist will ensure that the questions make clear distinctions between creditable levels of qualifications and contain appropriate measures.

The scoring of the occupational questionnaire will be based on the importance of each knowledge, skill, ability and competency, as identified by the selecting official or subject matter expert in the job analysis. The assessment questionnaire scoring will be clearly documented for each merit promotion action.

The occupational questionnaire and associated scoring must be approved by the selecting official or subject matter expert and the HR Specialist prior to issuance of the vacancy announcement.

### **4-3. Recruitment package**

To initiate a vacancy, the selecting official will submit a recruitment package to OCCHCO. Failure to submit a complete recruitment package will result in the HR Specialist returning the package to the Program Office. The following documents are required in the recruitment package:

- A. SF-52, Request for Personnel Action, with the necessary approvals within the Program Office and the Office of the Chief Financial Officer;
- B. Classified position description(s);
- C. Job analysis, including justification for a selective placement factor (if applicable); and
- D. Occupational questionnaire.

## **CHAPTER 5 - VACANCY ANNOUNCEMENTS**

### **5-1. Job Opportunity Announcement Information**

Job Opportunity Announcements (JOAs) will be open for a minimum of 5 calendar days and posted on [USAJOBS](#). At a minimum, each JOA must include the following:

- A. Agency name and the announcement number;
- B. Opening and closing dates, including any cut-off dates, if applicable;
- C. Position title, series, grade, and salary range;
- D. Duty location and number of vacancies;
- E. Promotion potential, if any;
- F. Principal job duties;
- G. Qualification requirements including any selective factors (if applicable);
- H. Basis for rating, including knowledge, skills, abilities and/or competencies;
- I. An explanation of how to apply, including a point of contact with a telephone number and email address;
- J. Required application materials (e.g., resume, SF-50, DD-214);
- K. FEMA's definition of "well-qualified," for CTAP and ICTAP;
- L. Equal Employment Opportunity statement;
- M. Reasonable Accommodation Statement;
- N. Privacy Act Notice;
- O. A link to the Common Definitions under the "Who May Apply" section;
- P. The DHS Branding Statement under the "Job Summary" section;
- Q. The National Service Experience Language under the "Qualifications" section;
- R. The Benefits Language under the "Benefits" section;
- S. The E-Verify Language under the "Other Information" section;
- T. Emergency Assignment Statement that reads as follows: Every FEMA employee has regular and recurring emergency management responsibilities, though not every position requires routine deployment to disaster sites. All positions are subject to recall around the clock for emergency management operations, which may require irregular work hours, work at locations other than the official duty station, and may include duties other than those specified in the employee's official position description. Travel requirements in support of emergency operations may be extensive in nature (weeks to months), with little advance notice, and may require employees to relocate to emergency sites with physically austere and operationally challenging conditions; and

U. Other essential information, such as tour of duty, telework eligibility, hazardous conditions, travel required, need for a security clearance, Financial Disclosure Statement requirement, moving expenses being paid/not paid, and managerial/supervisory probationary period requirement.

## CHAPTER 6 - APPLICATIONS

### **6-1. Applications for Vacancy Announcement Consideration**

In order to receive consideration, the following required documentation must be submitted online by 11:59 pm Eastern Time on the closing date of the announcement:

- A. Resume from any source and in the format of applicants' choice.
- B. Answers to a set of job-related questions (occupational questionnaire).
- C. Program specific supporting documents
  1. All Federal employees serving under a career or career-conditional appointment in the competitive service – A copy of the employee's latest SF-50, Notification of Personnel Action reflecting grade, step, tenure, position occupied, and salary information. Applicants who do not provide this documentation by the closing date will not be considered for the position.
  2. CTAP/ICTAP eligibles - A copy of the Agency notice, most recent performance rating, and SF-50, Notification of Personnel Action, identifying your current position, grade level, and duty location. Applicants who not provide this documentation by the closing date will not be considered as CTAP/ICTAP eligibles and therefore will not receive priority consideration.
  3. Veterans Employment Opportunities Act and/or Veterans Recruitment Act eligibles – Member copy 4 of the DD-214 (Certificate of Release or Discharge from Active Duty) and/or documentation of service-connected disability. Applicants who have been discharged or released from active duty service may submit written documentation from the armed forces that certifies they are expected to be discharged or released under honorable conditions no later than 120 days after the date the documentation is signed. Applicants who do not provide this documentation by the closing date will not be considered for the position.
  4. Schedule A eligibles - Documentation regarding Schedule A eligibility from a licensed medical professional, a licensed vocational rehabilitation specialist or any Federal agency, state agency or agency of the District of Columbia or a US territory that provides disability benefits. Applicants who do not provide this documentation by the closing date will not be considered as a Schedule A eligible and therefore will not receive consideration as a non-competitive eligible.
  5. Other non-competitive eligibles (e.g., Peace Corps volunteers) – Documentation reflecting non-competitive eligibility must be submitted. Applicants who do not provide this documentation by the closing date will not receive consideration as a non-competitive eligible.
- D. Other required documentation

Applicants must submit any other required documentation as listed in the vacancy announcement. This includes but is not limited to transcripts or listing of completed coursework for positions which require education as a minimum requirement.

## **6-2. Additional Documentation**

At any point in the application process, the applicant may be required to submit additional documentation including a current performance appraisal and references.

## **6-3. Requirements for Employees on Extended Absences**

Supervisors and managers will ensure that employees within the area of consideration who are absent from their positions for legitimate reasons (e.g. compensable injury, Intergovernmental Personnel Act assignments, military service, etc.) receive appropriate consideration for positions for which they have indicated in writing before departure that they wish to receive consideration. The employee is responsible for informing his/her supervisor or manager of those job opportunities for which he/she wishes to be considered during periods of absence, and for providing his/her supervisor or manager with contact information (*i.e.*, email address, phone number, fax number). The supervisor or manager will be responsible for contacting the employee to provide vacancy information.

## **CHAPTER 7 - EVALUATION AND REFERRAL OF CANDIDATES**

### **7-1. Evaluation**

Upon the vacancy announcement closing, completed application packages will be reviewed to ensure they meet the necessary eligibility and qualification requirements. All eligibility and qualification determinations will be fully documented in the case file. For technical positions, the HR Specialist may request the assistance of a subject matter expert in the review of applications for qualification requirements. The subject matter expert, who assists in the review of applications, must be at the equivalent or higher grade level than the full performance level of the position being filled and may not be the supervisor and/or selecting official of the position to be reviewed and filled.

#### **A. Eligibility**

All candidates must satisfy all legal and regulatory requirements, including time-in-grade and time-after-competitive appointment, within 30 days of the closing date of the announcement. In addition, candidates must have submitted the necessary supporting documentation in order to receive consideration (e.g., CTAP/ICTAP eligibility).

#### **B. Qualifications**

Candidates must meet the minimum qualification requirements as prescribed by OPM, as well as any selective factors (if applicable), within 30 days of the closing date of the announcement in order to receive consideration.

Candidates will be evaluated solely on submitted application materials.

### **7-2. Referral**

A certificate will be issued for each grade level for which the position was advertised and qualified candidates exist.

#### **A. Merit Promotion Certificate**

Merit promotion candidates are eligible to be considered either competitively or non-competitively based on the requirements outlined in Chapter 2 of this manual. Candidates eligible for consideration competitively are placed on the merit promotion certificate. Candidates eligible for consideration non-competitively are placed on the non-competitive certificate. Competitive candidates eligible for consideration under a special hiring authority (*i.e.*, 30 percent or more disabled veterans, Schedule A – appointment of individuals with disabilities, Peace Corps volunteers, Veterans Recruitment Appointment, etc.) can also be placed on a non-competitive certificate.

Up to fifteen candidates, with a rating of 85.00 or above and who are solely eligible to be considered competitively, will be referred on a Merit Promotion certificate for any one vacant position. Two additional candidates will be referred for each additional vacancy. Candidates will be referred in alphabetical order by last name.

In cases where there are more than fifteen candidates and tied ratings are present, a tie-breaker will be used to determine the fifteen best qualified candidates. Any of the following tie breaking methods may be used.

Regardless which procedure(s) is/are utilized, the case file will be documented for reconstruction purposes.

1. Name Request: The selecting official may submit a name request within the tied range.
  2. Random Number: Ties are broken randomly using the last digit of eligibles' social security numbers in conjunction with random numbers.
- B. Non-Competitive Certificate: All qualified candidates that are eligible to be considered non-competitively (*i.e.*, laterals/reassignments, non-competitive reinstatements, or transfers) and those eligible for consideration under a special hiring authority (*e.g.*, 30 percent or more disabled veterans, Schedule A – appointment of individuals with disabilities, Peace Corps volunteers, etc.) will be separately referred in alphabetical order by last name on a Non-Competitive referral list.

All qualified candidates eligible for consideration under the Veterans Recruitment Appointment hiring authority will be referred in veterans preference order on a separate non-competitive referral list.

### **7-3. Certificate Expiration**

Certificates will be valid for 15 days from the date of issuance. The 15 day period may be extended at the determination of the OCCHCO; however, the certificate may not exceed the certificates' validity period of three months from the date of issuance. An extension request must be submitted in writing to the HR Specialist. The CCHCO or designee will notify the Program Office in writing of the decision to grant or deny the extension request.

### **7-4. Re-Use of Selection Certificate**

A selecting official may make additional selection(s) following the initial date of selection provided that:

- A. The selection certificate has not expired;
- B. The position is the same title, series, grade, and geographic location;
- C. The qualification requirements for the additional selection(s) are the same as the position originally announced; and
- D. The initial vacancy announcement stated that multiple selections may be made.

## **CHAPTER 8 - SELECTION AND NOTIFICATION TO CANDIDATES**

### **8-1. Review of Candidates**

The selecting official will review application packages submitted by each of the referred candidates and uniformly consider each candidate using job-related criteria appropriate to the position being filled and consistent with merit system principles.

Due weight will be given to performance appraisals and incentive awards documented in application packages during the evaluation/rating review and/or at the time of final selection consideration. Appraisals and awards should be considered additional sources of information and used as an indicator of the quality of prior experience and should only be given consideration to the extent that the information is relevant to the requirements of the position being filled. Consideration of appraisals should only be given to the content of the appraisal, not to the performance appraisal system. The mere possession of a specific number of appraisal levels or awards amounts are not factors used in the evaluation process and should not be used to mechanically increase ratings.

### **8-2. Interviews**

The selecting official will determine which candidates to interview and will designate individuals to participate in the interview process. Interview panels will be used for all positions and should be diverse to the greatest extent possible. Panels will consist of three employees at an equivalent or higher grade level than the full performance level of the position being filled who are not supervised by the position.

Selecting officials in the hiring office are responsible for retaining documentation of interviews and discussions that pertain to selection or non-selection of candidates. This documentation should be sufficient to allow the decisions made and actions taken to be reconstructed if necessary. This documentation must be kept for a minimum of 2 years, or until the original case file in the OCCCHCO has been reviewed and destroyed.

### **8-3. Reference Checks**

Selecting officials will conduct reference checks prior to making a final selection. Reference checks should be conducted with current and former supervisors.

### **8-4. Selection Decisions**

Selecting officials will annotate their selectee, and alternate selections (including order of selection) on the certificate. Should no selections be made, the selecting official will provide a written explanation.

#### **8-5. Release of Candidates**

The official request for the release of an employee selected through merit promotion procedures will be made only by the HR Specialist. Normally, employees selected will be released from their current position within 2 weeks of the date the candidate is notified of his/her selection or at the end of the first full pay period after a release date has been officially requested. However, under extenuating circumstances, managers may request to extend a release date for up to 30 days. If the selection involves an immediate promotion, the promotion should occur within 2 weeks of the date the candidate is notified of his/her selection or at the beginning of the first full pay period after the selection is made. Any decision regarding the establishment of a release date should take into consideration employee concerns, workload requirements, and agency mission objectives.

#### **8-6. Notification to Candidates**

The HR Specialist will notify all candidates of receipt of their application, eligibility and qualifications determination, certification referral, and final status of their application. The HR Specialist will make the official job offer to the Selectee.

## **CHAPTER 9 - COMPLAINTS AND RECONSIDERATION**

### **9-1. Complaints**

Employees have the right to file a complaint relating to a promotion action. The standards for adjudicating complaints are set forth in 5 C.F.R., Part 300 - Employment (General). Such complaints shall be resolved under the appropriate procedures:

- A. If the complaint involves a matter covered by a specific provision of a negotiated agreement with a recognized employee union and the employee is a member of the bargaining unit, the grievance or complaint must be filed under negotiated procedures. If the complaint involves a candidate who is not in a bargaining unit, the grievance must be filed under the administrative grievance policy. Non-selection from among a group of properly ranked and certified candidates is not an appropriate basis for a grievance.
- B. Applicants who feel they have been discriminated against because of their race, color, religion, sex, national origin, age, physical/mental disability, genetic information, or retaliation for prior EEO activity may file a complaint under 29 C.F.R. § 1614.103(a), use the negotiated grievance procedures if they are included in the bargaining unit, or use the administrative grievance procedure if they are not.

### **9-2. Reconsideration**

Applicants who wish to request a reconsideration of rating must submit a request in writing to the OCCHCO indicating why the original decision was not appropriate.

The OCCHCO will conduct a review of the application package to determine whether the candidate received proper consideration for the vacancy. The OCCHCO will respond in writing with the reasons for the decision, without unduly compromising the rating schedule.

If the reconsideration request leads to a rating change, the HR Specialist will take immediate steps to correct the error and ensure that the candidate receives the proper consideration under the vacancy.

If a selection has already been made, priority consideration may be appropriate if the candidate's name should have been referred to the selecting official, but was not. Priority consideration will be given for a period of 6 months for the next equivalent vacancy. Equivalent positions will generally be located in the same commuting area and have the same title, series, grade, full performance level, and mandatory competencies. The HR Specialist will provide the application to the selecting official for consideration. The selecting official must consider the candidate for the vacant position, but is under no obligation to select the candidate.

## **CHAPTER 10 - RECORDKEEPING**

### **10-1. Recordkeeping**

All merit promotion files will be maintained by the OCCHCO for a minimum of two years. Records pertinent to a pending grievance or EEO complaint must be retained for a minimum of two years following resolution of the case. At a minimum, the following information must be retained in the merit promotion file:

- A. Vacancy announcement;
- B. Classified position description for all grade levels;
- C. Signed job analysis to include justification for selective placement factor, if applicable;
- D. Occupational questionnaire and associated scoring;
- E. Application packages received from each applicant;
- F. Names of all candidates and qualification determinations made by HR Specialist or SME;
- G. Names and ratings of all qualified candidates;
- H. Merit Promotion Certificate and Non-Competitive List of Eligibles with annotated selection decisions, signed and dated by the HR Specialist and the selecting official;
- I. Notification to applicants;
- J. Completed SF-52, Request for Personnel Action with appropriate nature of action, legal authority, and remarks; and
- K. Any other personnel or employment record made or kept having to do with the selection and/or promotion, including, but not limited to, any notes taken during interviews by any interviewing official.

## **CHAPTER 11 - REVIEW AND EVALUATION**

### **11-1. Review and Evaluation**

The OCCHCO will conduct a review and evaluation of its operation of the Merit Promotion Program at least every three years. The review will include input from supervisors, managers and employees. Topics will include, at a minimum:

- A. Assessment of the effectiveness and usefulness of the promotion plan.
- B. Review of personnel actions processed during the evaluation period to determine that actions were taken in compliance with pertinent laws, regulations, and the provisions of this Manual.
- C. Review of the adequacy and timeliness of the Agency's response to employees' complaints relative to merit promotion actions and procedures.
- D. Review of the extent to which employees, managers and supervisors are fully informed of the provisions of this Manual.

**FEMA MANUAL 252-2-1**  
**POSITION MANAGEMENT AND CLASSIFICATION**  
**APPROVAL DATE: 06/19/2014 (REVISION)**



**DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**  
**OFFICE OF THE CHIEF COMPONENT HUMAN CAPITAL OFFICER**

A blue ink signature of the name "Corey J. Coleman".

**Corey J. Coleman**  
Chief Component Human Capital Officer  
Office of the Chief Component Human  
Capital Officer

Date: 6-19-14

A black ink signature of the name "David M. Robinson".

**David M. Robinson**  
Associate Administrator  
Mission Support

Date: 6-19-14

## **Foreword**

This Manual provides policy and procedures for employees, supervisors, and managers throughout the Federal Emergency Management Agency (FEMA) on position management and classification. The classification system and standards are tools for assisting management in accomplishing the Agency's mission and ensuring equal pay for substantially equal work. It assists in management activities such as designing organizations, recruiting for necessary expertise to perform the work, and establishing performance standards.

### **12/2014 REVISION:**

**OPM issued revised guidance for implementing new classification standards which are required to be identified in this manual. Questions regarding the administration of the PM/C Program should be directed to OCCHCO at (202) 646-3962.**

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## **CHAPTER 1 - GENERAL INFORMATION**

### **1-1. Purpose**

This Manual provides policy and procedures for employees, supervisors, and managers throughout the Federal Emergency Management Agency (FEMA) on position management and position classification.

### **1-2. Applicability and Scope**

This guidance pertains to the classification and management of civilian positions in the General Schedule (GS) and Federal Wage System (FWS) within the Agency. This Manual does not apply to employees appointed to positions under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. §§ 5121 et. seq.

### **1-3. Supersession**

This Manual supersedes FEMA Instruction 3200.3, Position Management, dated November 4, 1986, and FEMA Instruction 3300.2, Position Classification Appeals, dated September 21, 1983.

### **1-4. Authorities/References**

- A. Title 5, United States Code (U.S.C.) Chapter 51, Classification.
- B. Title 5, U.S.C. Chapter 53, Pay Rates and Systems.
- C. Title 5, U.S.C., § 2301, Merit System Principles.
- D. Title 5, Code of Federal Regulations (C.F.R.), Part 511, Classification under the General Schedule.
- E. Title 5, C.F.R., Part 335, Promotion and Internal Placement.
- F. Title 5, C.F.R., Part 532, Prevailing Rate Systems.
- G. Title 5, C.F.R., Part 536, Grade and Pay Retention.
- H. Title 5, C.F.R., Part 551, Pay Administration under the Fair Labor Standards Act.
- I. Title 5, C.F.R., Part 2634, Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture.
- J. U.S. Office of Personnel Management (OPM), “The Classifier’s Handbook”, dated August 1991.
- K. OPM, General Schedule Supervisory Guide, dated June 1998.
- L. OPM, “Handbook of Occupational Groups and Families”, dated May 2009.
- M. OPM, “Introduction to the Federal Wage System Job Grading System”, dated September 1981.
- N. OPM, “Introduction to the Position Classification Standards”, dated August 2009.

- O. OPM, "Guidance For Implementing New Classification Standards", dated May 2006.
- P. OPM Federal Classification and Job Grading Systems website (this guidance can be accessed at <http://www.opm.gov/fedclass/index.asp>).

#### **1-5. Policy**

- A. The Chief Component Human Capital Officer has final authority and responsibility for all classification actions and the utilization of positions based on position management principles.
- B. Standardized position descriptions (PD) for like and similar positions across FEMA are required in order to streamline the classification process and enable more rapid hiring. PDs will not be modified merely to add incidental duties, tasks, or reference to a local organization.
- C. All PDs must accurately describe the work assigned to the employee. PDs should be concise yet clearly and completely state the major duties, responsibilities, and supervisory relationships.
- D. The PD cover sheet used is the Optional Form (OF) 8. A PD is official only when the OF-8 contains the PD number, title, series, and grade, certification of PD accuracy by the supervisor/manager by means of signature, signature of the classification authority, and date of each.
- E. All PDs will include the statement "Performs other duties as assigned." In addition, position descriptions for all COREs and PFTs after 2012 include an emergency management requirement.
- F. Vacant positions will be reviewed by program managers/supervisors before requesting a recruitment action. The review will include determining whether the duties of the position can be eliminated, assigned to other positions, or modified to permit classification at a lower grade. Management will certify the accuracy of the PD at the time of a request to fill a vacancy.
- G. Reorganizations: Program offices shall consult with the Office of the Chief Component Human Capital Officer (OCCHCO) when considering a reorganization and before any reorganization action is implemented. OCCHCO provides subject matter expertise in relation to supportability of positions, position management advisory services, and other issues that may impact personnel.

#### **1-6. Definitions**

- A. **Accretion of Duties.** An accretion of duties occurs when an employee's position is classified at a higher grade because of the assignment of additional duties and responsibilities, job growth, or evolution of duties through **unplanned circumstances**. When the nature of a position gradually evolves over an extended period of time due to accretion of duties, the individual in the position may be promoted in place without competition. Instances of an accretion of duties should be very rare.

- B. Career Ladder Position. A position structured to allow for entry at a lower grade level than the full performance grade level which allows for progression to the full performance level. Typically, a position is announced and filled on a competitive basis with promotion to higher grade levels made on a non-competitive basis. The career ladder refers to the range of grades to which the employee may be promoted, non-competitively, up to the classified full performance level of the position.
- C. Classification. The analysis and identification of a position and placing it in a class under the position-classification plan established by Office of Personnel Management (OPM).
- D. Classification Appeal. An employee's request to the Office of the Chief Component Human Capital Officer (OCCCHO), DHS Chief Human Capital Officer (CHCO), or OPM to review the classification decision of the position to which the employee is currently assigned.
- E. Classification Standard. A set of criteria developed and issued by OPM used to delineate different grade levels (as defined by law) to specific job tasks and work situations, thereby providing the basis for determining the appropriate title, occupational series, and grade for a given position.
- F. Confidential Filer. The definition of confidential filer is the definition set forth in 5 C.F.R. § 2634.905.
- G. Factor Evaluation System (FES). A method of assigning grades to nonsupervisory General Schedule positions using nine evaluation factors which are assigned points for different levels.
- H. Federal Wage System (FWS). Job grading and pay system that applies to employees in recognized trades or crafts, or other skilled mechanical crafts, or in unskilled, semiskilled, or skilled manual-labor occupations, and other employees including foremen and supervisors in positions having trade, craft, or laboring experience and knowledge as the paramount requirement. Under this system, pay is adjusted according to the rates paid by private industry for similar jobs in the same geographic area.
- I. Full Performance Level (FPL). The highest grade level assignable to a particular position; the full performance level is reached when all the duties and responsibilities that the organization needs to be performed by a given position are, in fact, being accomplished with the degree of independence desired by management.
- J. General Schedule (GS). Basic pay schedule established under Title 5 and adjusted by the President. A position is under the General Schedule if its primary duties require knowledge and experience in a line of work or discipline unrelated to trade, craft, or manual labor occupations.
- K. Major Duties. Work assignments which represent the primary reason for a position's existence and which govern qualification requirements. In most cases, major duties are those tasks that occupy at least 25% of an employee's time.

- L. Pay Plan. Pay system or pay schedule under which an employee's rate of pay is determined (e.g., GS, FWS).
- M. Position. The work, consisting of the duties and responsibilities, assigned by competent authority for performance by an employee.
- N. Position Audit. Sometimes referred to as a desk audit or position classification review is the process of examining and analyzing the duties and responsibilities assigned to a position for the purpose of determining the position's proper pay plan, occupational series, title, and grade.
- O. Position Description (PD). The official written description of management's assignment of duties, responsibilities, and supervisory relationships to a position.
- P. Standard Position Description (SPD). A SPD is a standard PD that is used as appropriate when management's requirements can be met most effectively by the establishment of a single PD covering two or more positions whose duties and responsibilities are basically the same, regardless of organizational location of the position. An SPD is used "as is" without change to describe the work of several positions within an organization whose duties are basically the same.
- Q. Position Identification Number (PIN). A PIN is a unique alpha numeric identification code created by the Office of the Chief Financial Officer (OCFO) to signify a position at FEMA. The position could be permanent full time (PFT), Not to Exceed (NTE), or a Cadre of On-Call Response/Recovery Employees (CORE).

## 1-7. Responsibilities

- A. Chief Component Human Capital Officer is responsible for:
  1. Providing policy direction and oversight for the Agency's Position Management and Classification (PM/C) Program;
  2. Ensuring applicable collective bargaining agreements under pertinent labor relations statutes and agreements are honored;
  3. Ensuring that FEMA employees are treated fairly and consistently, and without regard to any discriminatory or non-merit factor in the overall administration and implementation of the Agency's PM/C Program;
  4. Ensuring that employees are provided information on FEMA's position classification appeals process and their rights;
  5. Providing final classification determinations;
  6. Providing a determination on the utilization of positions based on position management principles; and
  7. Coordinating and communicating with the DHS CHCO and OPM for position classifications appealed to DHS and/or OPM; and

8. Applying new or updated OPM position classification standards and/or classification guides to covered positions within 12 months of the date of issuance.
- B. Position Management and Classification Branch is responsible for:
1. Developing and providing PM/C program plans and program goals;
  2. Developing and issuing PM/C program standard operating procedures and policy guidance and instructions;
  3. Classifying positions and issuing PDs;
  4. Providing prompt written notice to an employee whose position is reclassified to a lower grade based in whole or in part on a classification decision pursuant to 5 C.F.R. § 511.602. If the reclassification is due to an OPM classification certificate issued under 5 U.S.C. § 5110, the prompt written notice must also explain the reasons for the reclassification action. In either case, the notice shall include: (a) applicable appeal rights regarding the classification decision; (b) applicable time limits within which the employee's appeal must be filed in order to preserve any retroactive benefits under 5 C.F.R. § 511.703; and (c) any other appeal or grievance rights available under applicable law, rule, regulation, or negotiated agreement.
  5. Coordinating with OCC Ethics Division and managers and supervisors to identify which positions under their supervision are required to file confidential financial disclosure reports; and
  6. Providing advisory and consultative services to management regarding the PM/C program.
- C. Managers and Supervisors are responsible for:
1. Establishing positions at the lowest grade possible to effectively perform organizational function;
  2. Establishing, in collaboration with OCCHCO, the proper classification of positions under his/her direction. The supervisor assigns the duties, which ultimately determine the grade of each position, and certifies that the position description (PD) reflects those duties. This certification is also made by higher level supervisory and/or managerial personnel. Thus, when a Human Resources (HR) classification specialist assigns a grade (and hence a salary level) to a position, the supervisor and manager have played a key role in setting the proper grade;
  3. Establishing or recommending, and maintaining within their area of responsibility, an effective organizational/position structure consistent with approved mission, manpower authorizations, and administrative authorities;
  4. Assigning specific duties, responsibilities, and authorities to positions to achieve optimum balance of economy, effectiveness, skill utilization,

- employee motivation, and/or development in conformance with the objectives of sound position management;
5. Considering the impact on all other positions within the organization supervised/managed before assigning duties to any position that will result in a higher grade;
  6. Reviewing the organizational/position structure to determine changes that may be appropriate to improve the organization's efficiency and effectiveness if any of the following characteristics are present:
    - a. There exist supervisory layering and/or supervisor employee ratios that are out of line with other similar work operations;
    - b. Higher level duties have been fragmented into many positions so that they will be graded to the higher level despite the fact that all perform substantial amounts of lower level work;
    - c. There are overlaps in authorities and responsibilities which generate needless duplication of effort;
    - d. Skills and abilities are being required which exceed those actually necessary to do the work;
    - e. The staffing structure inadequately recognizes human factors implicit in attracting, motivating, training, promoting, and maintaining an effective work force (e.g., a proper mix of grade levels that are commensurate with work assignments and qualifications required, a stimulating and challenging work environment, opportunity to increase skills and advance to higher level positions); or
    - f. Available employee possessed skills and training are not being fully utilized;
  7. Advising the Office of the Chief Component Human Capital Officer as appropriate, and as promptly as possible, of proposed changes in the organizational structure and/or changes in duties assigned to positions, and provide charts or other material pertinent to the change;
  8. Before any vacant position is filled, reviewing it to determine whether the position:
    - a. Is essential to the operation and is properly described;
    - b. Should be reclassified based on significant changes in the duties assigned;
    - c. Should be filled at a developmental/training level; or
    - d. Is incumbent-only and can only be filled at a certain level;
  9. Assisting the Position Management and Classification Branch in the preparation of clearly defined position descriptions and using established standard PDs when feasible and certify to their accuracy whenever the positions are established, amended, or filled;

10. Certifying in writing annually on the OF-8 as to the accuracy of each position description for which they are accountable;
11. Advising employees of their right to review classification standards and to appeal the classification of their position;
12. As appropriate, reviewing or arranging for review by subordinates, the classification standards and guides issued by the Office of Personnel Management;
13. Providing an opportunity to lower level supervisors, by training or other means, to acquire the necessary knowledge and skills to effectively discharge their position management and classification responsibilities; and
14. Coordinating with OCC Ethics Division and OCCHCO to identify which positions under their supervision should be classified as confidential filers.

D. Employees are responsible for:

1. Reviewing their PD to ensure that it accurately reflects the duties they are performing;
2. Raising discrepancies between the PD and the work with their immediate supervisor; and
3. Understanding the location of their position within the organization and operating within the appropriate management channels.

**1-8. Reporting Requirements**

OCCHCO will collect the appropriate information relating to position management and classification and report to DHS CHCO, OPM, and FEMA OCC Ethics as directed.

OCCHCO will post information via the FEMA weekly regarding changes to classification standards.

**1-9. Forms Prescribed**

- A. OF-8, Position Description (cover sheet)
- B. Standard Form 52, Request for Personnel Action

**1-10. Questions**

Questions regarding the administration of the PM/C Program should be directed to OCCHCO at (202) 646-3962.

## **CHAPTER 2 - POSITION MANAGEMENT**

### **2-1. General**

Position management is the continuous and systematic process of assuring that organizations and positions are structured efficiently and economically. It is the series of steps that managers and supervisors follow to determine the type of organizational structure required to fulfill the function(s) assigned to a particular unit and calculate how many positions are needed and how those positions will relate to one another.

### **2-2. Policy and Principles**

FEMA will establish and maintain only those positions necessary to accomplish Agency programs in the most effective, efficient, and economical manner. In line with this policy, supervisors and managers will observe the following position management principles in determining organizational structure, developing staffing plans, and assigning duties to individual positions:

- A. Establish the fewest number of positions essential to accomplish the functions assigned.
- B. Structure positions to avoid overlapping of duties, unnecessary positions, or fragmentation of work processes.
- C. Abolish vacant positions if the duties can be redistributed or eliminated.
- D. Optimize supervisor/employee ratios as follows:
  1. First-level supervisors over GS positions supervise no less than six (6) positions;
  2. First-level supervisors over trades and crafts and FWS positions supervise no less than eight (8) positions; and
  3. Second-level supervisors and managers (GS or FWS) have no less than three (3) subordinate supervisors reporting to them.
- E. Establish official deputy positions sporadically in large, complex organizations of at least fifty (50) employees.
- F. Minimize the number of organizational levels, with emphasis on decentralization and delegation to the lowest possible working level.
- G. Hire at the “entry” level whenever possible to ensure a balance between employees who perform the full performance level duties of the unit and the development of employees who perform more routine and lower level tasks.
- H. Establish positions in such a way as to encourage career development and allow cross training consistent with the need to recruit and retain a diversified work force.
- I. Review official PDs during performance plan discussions to determine whether the PD is current and accurate. Document the process on Block 23 of the OF-8.

### **2-3. Implementation**

OCCHCO is responsible for advising management of their responsibility to ensure sound position management. OCCHCO will work with supervisors and managers to assure that:

- A. Positions and organizations are structured in accordance with the position management principles enumerated above in Section 2-2;
- B. Each employee has a current and properly classified position description which adequately describes the work assigned; and
- C. Annual staffing plans are established within the established allocations for salaries and benefits determined by the Office of the Chief Financial Officer (OCFO).

## CHAPTER 3 - POSITION CLASSIFICATION

### **3-1. General**

Position classification is a process through which Federal positions are assigned to a pay system, series, title, and grade or band, based on consistent application of position classification standards.

- A. Classification determinations are based on the:
  1. Work assigned to positions by the responsible management official;
  2. Complexity of the work;
  3. Level of assigned responsibility;
  4. Outcome of products and/or services;
  5. Knowledge and skills necessary to successfully perform the assigned work; and
  6. Proper application of applicable OPM position classification guidelines such as standards and functional guides.
- B. A position classification standard is a set of criteria developed by OPM relating different grade levels (as defined by law) to specific work situations, thereby providing the basis for determining the appropriate title, series, and grade for a given position.
- C. OCCHCO will use the position classification standards, guides, and job family standards tools issued by OPM when evaluating the work of positions.

### **3-2. Procedures**

#### **A. Administration**

The PM/C program will be administered to provide management with information and advice on organizations, reorganizations, and other position and workforce management matters.

#### **B. Circumstances Requiring Position Classification Action**

Managers and supervisors have a continuing responsibility for ensuring that PDs are current and accurate in terms of assigned duties and responsibilities, and that necessary position classification action is initiated when:

1. A new position is established;
2. The principal duties and responsibilities of a position have changed materially;
3. A review of multiple positions is proposed (a group classification review consisting of five or more positions requires the approval of an Assistant or Regional Administrator or an Office Director);
4. A supervisory position is vacated;
5. A PD is over five years old;

6. OPM issues a new classification standard or guide. All new OPM position classification standards and/or classification guides to covered positions must be applied within 12 months of the date of issuance. From the date of receipt of the new standard, no new classification action may take place unless the position has been described in the required format and classified according to the new standard. See section 3-4.G for additional information on the application of new and updated position classification standards; and
7. OPM issues a classification certificate (e.g., as a result of an appeal decision or survey finding). NOTE: Agencies shall review their own classification decisions for identical, similar, or related positions to insure consistency with a classification certificate from OPM.

### **3-3. Position Classification Records**

CCHCO is responsible for maintaining all official PDs, records, files, and other material incidental to the classification of positions and providing access for review by regulatory/reviewing entities.

- A. Position description numbers will be assigned by OCCHCO, in accordance with internal operating procedures.
- B. When new PDs are classified, an evaluation statement will be prepared which explains in sufficient detail the basis of the position classification. The evaluation statement will remain in OCCHCO as an official part of the position.
- C. Supervisors and employees should review PDs, at least annually, to ensure that they are accurate. If a PD is no longer current and accurate, the supervisor should contact OCCHCO and inform the servicing HR Classification Specialist. The servicing HR Classification Specialist will determine the amount of change that has occurred in the assigned duties and responsibilities and advise the supervisor on the appropriate format and procedure for updating the PD.

### **3-4. Position Classification Review (Desk Audit or Position Review)**

A formal position audit or position review with an employee and/or the employee's supervisor may be used by an HR Specialist/Classifier to gather first-hand information about a position. It is an interview designed to highlight the key or major aspects of a position. Findings are then compared to the current OPM position classification standard(s) and other organizational materials to ensure that the PD accurately describes the major duties and is properly classified.

Position audits are conducted via telephone or at the employee's workplace (on-site audit) whenever possible. On-site audits are conducted to gain pertinent job observations and other information that is otherwise unattainable. An audit is conducted when significant changes are being proposed or have occurred to a position when it is determined that additional information is needed to classify the position, such as: mission changes, downsizing, reorganization, technological advances, additional duties, elimination of obsolete programs, practices and

requirements, etc. These and other changes can have an impact on the classification of the position in terms of its title, pay plan, series, and grade. These classification elements not only determine what salary the employee will be paid, but categorize the work experience he/she will gain while occupying the position, and specifies the qualification requirements (knowledge, skills, and abilities) necessary when filling the position.

It is critical that the manager promptly advise OCCHCO of position and organization changes and provide information pertaining to the change (e.g., revised position description, revisions to staffing plans, reorganization proposals, identifying the position(s) that will be impacted, etc.).

Position classification determinations require a three-step process of fact finding, analysis of position data, and the documentation of findings. The primary and most complete source of position information is the position audit and subsequent supervisory review. A supervisor or an employee may request a position audit. An employee or supervisor would request a position audit if the new or changed duties or responsibilities are significant and have been performed for a minimum of 120 days and are expected to indefinitely remain as regular duties. Additional information on position audits can be found on the OCCHCO intranet webpage, "Position Audit FAQs."

#### A. Requesting a Position Audit

##### 1. Supervisory Request for a Position Audit

To request a formal position audit review, supervisors shall prepare, using their respective Division or Office internal procedures, and forward the position description request form, FEMA Form 252-0-1 (2/14), to OCCHCO specifying how the position has changed. To the extent possible, the request should explain the reason for the position audit request, cite examples of current work assignments, and specify the manner in which the position is supervised. The request shall be accompanied by an updated PD and detailed organizational chart identifying positions certified by management.

##### 2. Employee Request for a Position Audit

An individual employee may initiate a request for a position audit. As with a supervisory request for a position audit, the employee must prepare and submit the position description request form that explains how the position has changed, cite examples of typical work assignments, and describe the manner in which the work is supervised. A revised description of duties and responsibilities should also accompany the request. Although the employee may submit the request directly to OCCHCO, the preferred method is to send the request through the employee's first-level supervisor and Executive Officer/Human Resources Liaison.

#### B. Processing a Position Audit Request

Upon OCCHCO's receipt of the position audit request, a HR Classification Specialist shall be assigned to review the request and determine the

appropriate course of action. Position audit assignments will be made based upon knowledge of the organization and occupation, as well as overall workload. The HR Classification Specialist will contact management and the appropriate administrative staff to acknowledge receipt of the position audit request and obtain any additional information, and schedule the position audit at a mutually convenient time.

C. Conducting the Position Audit

The position audit interview is conducted via telephone or at the employee's work site. The HR Specialist will meet with the first-level supervisor and the employee. An audit summary of major duties and responsibilities may be developed and provided to the supervisor and employee for review and concurrence if it is determined that the revised PD accompanying the audit request does not accurately reflect work performed.

D. Completing the Evaluation Statements

The purpose of an evaluation statement is to set forth the rationale for position classification determinations for pay plan, title, series, and grade as well as credit for each factor level. The evaluation statement should include any information that will assist the reader in understanding the writer's rationale in the decision-making process. Evaluation statements must be prepared and filed with the original classified PD. Evaluation statements should always be signed and dated by the HR Specialist/Classifier.

A written evaluation statement will be issued to the Chief, Position Management and Classification Branch, OCCHCO. The evaluation statement shall include a determination of the title, series, and grade level of the position. Any extenuating circumstances that prevent the HR Specialist from making a title, series, and/or grade level determination shall be discussed and resolved with the Executive Officer/HR Liaison before the evaluation report is issued. Where a reclassification to a higher grade is supported, a decision as to whether or not the reclassified position shall be subject to competition shall also be indicated. Evaluation reports are pre-decisional internal OCCHCO working documents.

E. Reporting and Acting on Position Audit Findings

The Chief, Position Management and Classification Branch will issue a determination of findings memorandum to the requesting employee's first and second level supervisors. This memorandum will also advise of the employee's right to file an official classification appeal to OCCHCO, DHS, and/or OPM and will provide a contact number for further information on the appeals process. It is the first line supervisor's responsibility to inform the employee of the result of the position audit.

Regardless of the results of the position audit, the supervisor should meet with the employee and provide him or her with a copy of the determination of findings. If the position audit findings conclude that the position supports

reclassification to a higher grade, the supervisor shall take immediate action to effect the reclassification or reassign/reallocate the work.

If reclassification to a higher grade is supported by OCCHCO, the supervisor may take action to promote the incumbent (if such action is permitted under the Agency's Merit Promotion Plan), advertise the higher graded position in accordance with the Agency's Merit Promotion Plan, or change the title or series as recommended in the position audit findings. Supervisors may also consider workload projections and, if it is determined that work at the higher level is not expected to continue over the long term, the supervisor may assign the higher-level duties to a higher graded employee. The feasibility of a temporary promotion may also be explored with OCCHCO as an option to resolve the short-term work issue.

An employee who is placed in a lower-graded position as a result of the position being reduced as a result of a reclassification is entitled to retain the grade held immediately before the reduction for a period of two years. An employee is eligible for grade retention based on a reclassification of his or her position only if, immediately before the reduction in grade, that position was classified at the existing grade or a higher grade for a continuous period of at least one year.

In the unusual circumstance when a classification action results in a lower grade or a loss of pay and the employee is not entitled to grade and pay retention, an appeal decision that reverses the original classification action may be made retroactively. See Chapter 6.

#### F. Effective Date of Actions

The effective date for promotion actions resulting from position audits, assuming that the action meets all the requirements as an exception to the Agency's Merit Promotion Plan, should normally be effective no later than the second pay period after the decision by the supervisor. Promotion actions resulting from position audits are not retroactive. No entitlement exists for compensation at a higher grade level prior to the effective date of the promotion.

#### G. New OPM Classification Standards and Guides

1. Implementation of New Standards/Guides
  - i. All new OPM position classification standards and/or guides to covered positions must be applied within 12 months of the date of issuance. From the date of receipt of the new standard, no new classification action may take place unless the position has been described in the required format and classified according to the new standard.
  - ii. When implementing a new classification standard, FEMA will follow OPM guidance by:
    - a. Applying the standard to new positions and positions under classification appeal first. Then applying the standard to vacant

positions prior to initial recruitment; positions where grade change is likely (predicted); and standard position descriptions, if applicable;

- b. Using pen-and-ink changes for minor revisions with no grade impact; and
- c. Processing mass changes, as appropriate, rather than individual personnel actions.

## 2. Position Classification Appeals

- i. If an employee who encumbers a covered position files a position classification appeal with FEMA or OPM prior to implementing a new OPM standard, FEMA must immediately apply the new standard in order to properly adjudicate the appeal.
- ii. In the event of a classification appeal, the implementation of a new standard should include ensuring that the position description is in the same format as the standard used to evaluate the work.
- iii. While it is generally advisable to describe positions using the same format as the classification standards that cover them, outside of a classification appeal, it is not necessary to re-describe existing descriptions of properly classified positions solely for the purpose of changing the format to match the new standard.

## 3. Inaccurate Position Descriptions

It is FEMA's policy that, to the maximum extent possible, position descriptions are accurately maintained. However, if the program manager/supervisor determines that a position description(s) covered by the new standard is inaccurate, he or she should immediately contact OCCHCO for assistance in updating the position description(s) so that the new standard can be applied.

## **3-5. Annual Position Review**

### A. Nature of the Review

FEMA requires that an annual review be conducted of all positions. The need for each position must be considered and those found to be necessary must be reviewed to assure that the position description is adequate and classification is proper. Action should be taken to make appropriate changes to position descriptions to reflect changes that have occurred in employee job assignments. These changes in duties could affect the title, series, and/or grade assigned to the position.

### B. Supervisory Responsibility for Annual Review

In conjunction with the annual performance ratings, each supervisor will review the current description of each authorized position (occupied or vacant) in his/her organization to determine if it is accurate, complete, and essential to effective operations. When feasible, employees will participate in

reviews and discussions of their positions in order to promote a full understanding of position requirements.

C. Supervisory Responsibility for Annual Certification

Following the annual performance ratings for the rating period ending December 31 of each year, the rating official will certify to the currency of positions and initial the OF-8. The rating official will document any specific changes to the position description (i.e., additions, deletions, modifications) and provide to OCCHCO Position Management and Classification Branch.

D. OCCHCO Responsibility for Annual Certification

OCCHCO, Position Management and Classification Branch, will provide any needed assistance to supervisors/managers during the course of the annual review, examine the changes to position descriptions that are submitted, take appropriate action to update and otherwise change any inaccurate position descriptions reported, and determine if a change in title, series, and/or grade is warranted.

E. Office of Personal Management and Department of Homeland Security Audits

FEMA positions may be reviewed by representatives of the Department of Homeland Security and the Office of Personnel Management during periodic human capital accountability audits. OCCHCO will participate in these audits, provide any needed assistance to all concerned, and attempt to resolve any problems or disagreements concerning the classification of positions. All employees are expected to cooperate fully with audit representatives.

## CHAPTER 4 - POSITION DESCRIPTIONS

### 4-1. General

A position description (PD), for General Schedule (GS) positions or job description (JD) for Federal Wage System (FWS) jobs, is an official, written statement of the major duties, responsibilities, and supervisory relationship of a position. DHS supervisors and managers who direct the work of an organizational unit are responsible and accountable for organizing work in an efficient, effective manner, and for using resources to carry out the missions of their organizations in the same manner. Supervisors are to ensure that employees have copies of their position descriptions (PDs/JDs) and shall objectively, expeditiously, and fairly consider employee concerns over the accuracy of their PDs, and the classification of their positions.

While the manager/supervisor is ultimately responsible for ensuring the currency and accuracy of an employee's PD, who prepares the PD itself, whether it be the supervisor, the employee, a contractor, a HR Specialist, or someone else, is management's right to decide.

The body of the PD will, at the minimum, include the name and location of the organization where the position exists; percentage of time spent on the major duties; and will address the same specific grade level criteria factors used in the classification standard (s) to evaluate the position. All PFT and CORE GS-15 or equivalent and below PDs must meet this requirement and must include a statement (normally on the coversheet) signed by the supervisor attesting to the accuracy of the description.

Under rare circumstances, it may be acceptable to develop and classify PDs based on management's best estimate of what the duties and responsibilities of a position will be following a reorganization or the establishment of a new program. PDs would be appropriately annotated to reflect their projected basis and would be subject to review six months after incumbency to ensure accuracy.

### 4-2. Federal Wage System

Federal Wage System (FWS) descriptions are called Job Descriptions (JDs). The FWS covers work in a recognized trade or craft or other skilled mechanical craft, or in an unskilled, semiskilled, or skilled manual labor occupation. FWS employees are paid the local prevailing rate for blue collar work based upon annual wage surveys. Specific guidance on FWS jobs can be found in OPM's Introduction to the FWS Job Grading System at <http://opm.gov/fedclass/fwsintro.pdf>, Section IV of OPM's Introduction to the Position Classification Standards at <http://opm.gov/fedclass/gsintro.pdf>, and in the OPM Operating Manual Federal Wage System – Appropriated Fund, at <http://opm.gov/oca/wage/appfund/>.

For non-supervisory jobs, the FWS employs a "whole job" evaluation method requiring comparison of four factors: (1) skills and knowledge required, (2) responsibility, (3) physical effort, (4) working conditions. Additionally, the key determination of FWS coverage is a position's requirement to have trades, crafts,

or laboring experience and knowledge as the paramount requirement for the performance of its primary duty.

The grade assigned to a FWS non-supervisory job is based upon the highest level of work performed on a “regular and recurring” (not majority of the time) basis.

#### **4-3. PD Shortcuts**

- A. **Major Changes.** Whenever a significant change takes place in the major duties of a position, in the way those duties are supervised, or governing qualifications, the PD must be amended or rewritten and evaluated. A significant change means the addition or deletion of a major duty or a change in level of supervisory controls over the work. Any amendment to a position that will affect the title, series, or grade requires a new coversheet. A PD can only be amended twice before a complete rewrite and new PD is required.
- B. **Minor Changes.** Changes in a PD that will not affect the title, series, or grade can usually be accommodated through minor editing. If the modification only involves a word or two, the change may easily be handled through a “pen and ink” correction. If the change involves several phrases or paragraphs, then the modifications may be typed on a separate page and attached to the PD.
- C. **Statement of Differences.** A Statement of Differences (SoD) is a succinct description of the differences between the duties, responsibilities, or working conditions set forth in a currently established position description, and those of the position being described. When a position being described is substantially similar to an existing position in the same organizational unit and classified with the same series and title, it may not be necessary to draft an entirely new PD. In many cases, the already classified and approved PD may be used along with a brief SoD, attached to a completed coversheet, describing how the two positions differ. A SoD is particularly useful when management decides to fill a position at a grade level below the full performance level. In such a case, the PD for the new position would consist of the classified and approved PD for the full performance level work plus a completed coversheet and a statement addressing the modified expectations associated with the lower grade (e.g., at the lower grade level, supervision would normally be increased while knowledge required to perform the work would be decreased). A SoD may not be used to describe higher level duties (i.e., the grade of the already existing PD must be at or above the grade of the position being described), nor should it be used to describe supervisory or leadership positions. While use of the statement of difference is not mandatory, it does promote efficiency.
- D. **Developmental PDs.** Position descriptions for developmental positions often employ the SoD approach. Developmental PDs need to be linked to the target PD as well as to each of the career ladder positions leading to the target position. At the minimum they should indicate the title, series, grade, and PD number of the next rung of the career ladder as well as the full performance level (FPL) target grade and PD number.

E. Standard PDs. Standard position descriptions (also referred to as “generic” or “template” PDs) are available for a large number of positions. A standard PD is an “off the shelf” document that may be used “as is” without change to describe the work of several positions within an organization whose duties are basically the same. Since these standard documents have already been evaluated and classified, no further review is necessary. There is, however, one important exception: Standard PDs should not be used as the basis for an accretion unless an audit has been performed verifying the employee is actually performing the higher level duties and responsibilities described in the Standard PD and that the major duties of the position being replaced by the standard PD are also present in the standard PD to which the employee is being accreted. Contact your servicing HR Classification Specialist for further information on the appropriateness and availability of Standard PDs.  
Additional information on establishing position descriptions can be found on OCCHCO’s intranet webpage.

F. Coversheets. All PDs will have a signed coversheet, OF-8. The signatures reflect the supervisor and/or approving official authorized to establish or fill the position and the person authorized to classify the position. The coversheet should reflect the position’s current organizational location, associated career ladder positions, title, series grade, PD number of any positions replaced, and the classification standard(s) used to classify the position. Finally, if any of the following items are checked on the coversheet they must also be annotated in the Remarks Section, body of the PD, and/or in the evaluation statement:

1. Position Sensitivity and Risk level Designation. Indicate that the designation has been approved by the Security Office.
2. Testing Designated Position (TDP). Indicate that the designation has been approved by the Security and HR offices and that as a TDP it is subject to initial and random drug testing.
3. Coding Position Sensitivity. Determine the appropriate coding in accordance with OPM’s Guide to Data Standards Part A: Human Resources:
  - a. Not Designated. No designation of sensitivity has been made. (Not valid for use on Standard Forms 50 or 52, Optional Form 8, or equivalent agency form.)
  - b. Non-sensitive (NS) National Security Risk. Potentially prejudicial to the national security. Adverse impact on the efficiency of the service: Potential for impact involving duties of limited relation to the agency mission with program responsibilities that affect the efficiency of the service.  
Low Risk (LR) Public Trust Position. Adverse impact on the efficiency of the service: Potential for impact involving duties of limited relation to

- the agency mission with program responsibilities which affect the efficiency of the service.
- c. **Noncritical-Sensitive (NCS) National Security Risk**. Potential for damage to potential for serious damage to the national security. Adverse impact on the efficiency of the service: Potential for moderate to serious impact involving duties of considerable importance to the agency mission with significant program responsibilities that affect the efficiency of the service.
  - d. **Critical-Sensitive (CS) National Security Risk**. Potential for exceptionally grave damage to the national security. Adverse impact on the efficiency of the service: Potential for exceptionally grave impact involving duties of clearly major importance to the agency mission with major program responsibilities that affect the efficiency of the service. Normally also a TDP.
  - e. **Special-Sensitive (SS) National Security Risk**. Potential for inestimable damage to the national security. Adverse impact on the efficiency of the service: Potential for inestimable impact involving duties especially critical to the agency mission with broad scope and authority (e.g., overall direction of a major Government program) or other extremely important responsibilities that affect the overall efficiency of the service. Normally a TDP.
  - f. **Moderate Risk (MR) Public Trust Position**. Adverse impact on the efficiency of the service: Potential for moderate to serious impact involving duties of considerable importance to the agency or program mission with significant program responsibilities and delivery of customer services to the public.
  - g. **High Risk (HR) Public Trust Position**. Adverse impact on the efficiency of the service: Potential for exceptionally serious impact involving duties especially critical to the agency or a program mission with broad scope of policy or program authority.
  - h. **Emergency positions**. If the position has been designated as Mission Critical (MC) in an event of an emergency, natural, or man-made crisis, it should be so reflected on the coversheet and in the body of the PD.
4. The PD must include whether the position requires the employee to file a confidential financial disclosure report.
- G. **Titling Practices**. The purpose of a position title is to communicate an immediate understanding and identification of the job. Classifiers will title position with Section H of OPM's Introduction to the Position Classification Standards and applicable classification standards. Titles assigned by the classifier and annotated on the coversheet are designated the official title for pay and other personnel purposes. The requirement to use official titles however does not preclude supervisors from using unofficial titles for other purposes (e.g., organizational charts, telephone directories, business cards,

meetings, conferences, etc.). Organizational and functional titles do not replace, but complement official position titles.

- H. Constructed titles. Supervisors may designate the official title of positions in occupational series for which OPM has not prescribed titles, e.g., the GS-0301, GS-0340, GS-0501 series. They may use any basic position title that describes the work of the position; however, they may not use as a basic position title any title OPM has prescribed for another series.
- I. Parenthetical titles. For some occupational series (e.g., 0201, 2210), OPM has prescribed certain parenthetical titles to be used as appropriate for positions in those series. Only those designations may be used. OCCHCO may supplement the official OPM title with parenthetical designations when it is determined that the parenthetical title would add materially to the understanding and identification of the position and when the duties and qualifications reflected in the parenthetical title are clearly apparent in the position description itself.
- J. Student Trainee. (XX99 series) are to be titled Student Trainee followed by the parenthetical title consistent with the occupation (e.g., Student Trainee (Administration), GS-0399-04 for a Management Analyst student trainee).
- K. Abbreviations. For consistency and ease of gathering and sorting report data, DHS classifiers are encouraged to use the abbreviations listed in APPENDIX 1 in their titling practices.
- L. Collateral Duties. A PD may have collateral duties that are unrelated to the primary purpose of the position. Collateral duties generally take only a small percent of the employee's time (never more than 50%) and cannot (by definition) affect the classification of the position. Collateral duties must be described including time percentage spent on the duties. The duty statement should be documented and dated. A typical collateral duty assignment would be an Employee Assistance Program Coordinator.

## CHAPTER 5 - CAREER LADDERS

### **5-1. Policy**

This chapter contains the proper and improper uses of career ladder positions. It also provides prohibitive policy for the use of career ladder positions to the GS-14 and GS-15 level. Where this policy conflicts with existing negotiated agreements, including applicable Merit Promotion Plans, the agreement takes precedence over this instruction for covered employees.

### **5-2. Establishing Career Ladders**

Establishing career ladder positions can optimize efficiency, productivity, and organizational effectiveness by broadening the pool of applicants when filling vacant positions; enhancing employee motivation and job satisfaction through planned employee development; reducing time to process promotions and administrative costs by providing non-competitive advancement within the career ladder; enhancing workforce retention by providing internal career opportunities; and lowering average human capital costs by including a range of pay levels. A career ladder is established based upon a classification analysis that sufficient work exists for all employees on a regular and recurring basis at the full performance level to support the grade.

Program Offices must consider the following factors when deciding to establish a career ladder for a position:

1. Size of Applicant Pool. Career ladders are a useful tool when recruitment for the position is difficult at higher grade levels. Recruiting at lower grade levels can broaden the applicant pool.
2. Availability of Training Staff. Career ladders should only be established when there is available senior staff with the breadth and scope of technical knowledge necessary to train the incumbent.
3. Uniqueness of Duties. If a position requires unique, specialized qualifications where there is no staff available or knowledgeable to train or develop the incumbent, a career ladder will not be established.
4. Risk Management. For a position where anything less than full performance would put FEMA at risk, a career ladder will not be established.
5. Supervisory Status. Career ladders will not be established for supervisory positions.
6. Grade Level. Positions graded above the GS-13 level will not be established as career ladders. Rare exceptions may be made to this rule with justification and prior approval from the Deputy Administrator and Chief Component Human Capital Officer.

### **5-3. Documentation**

All requests to establish and fill career ladder positions at any grade level must include the appropriate documentation, to include:

1. A signed OF-8 from the position's supervisor;
2. A Position Description (PD) or Statement of Differences for each intervening level in the career ladder that refers to the full performance PD;
3. Appropriate job analysis relevant to each of the grade levels. Job requirements for trainee grade levels are normally not the same as for full performance grade levels; and
4. Appropriate criteria (e.g. questions for the automated recruitment system) that aligns with the job analysis.

#### **5-4. Use of Career Ladders**

If a career ladder position is established and filled, supervisors/managers should:

1. Provide employees increasingly difficult assignments and training to prepare them for the next higher grade;
2. Monitor training progress continuously to enable subsequent promotions in a timely manner;
3. Clearly communicate to applicants the normal expected span of time between subsequent promotions subject to successful performance, especially if that time frame exceeds one year between grade levels;
4. Ensure funding plans accommodate subsequent promotions of employees selected below the full performance level;
5. Promote employees who demonstrate the ability to successfully perform the next higher level duties and responsibilities in the career ladder in accordance with the specific training agreement or collective bargaining agreements; and
6. Provide remedial assistance to employees who are not ready for promotion to enhance their performance and future success.

#### **5-5. Use of Career Ladder Positions to GS-14 and GS-15 Levels**

It is generally prohibited for Program Offices to establish and fill career ladder positions at any grade level with promotion potential to the GS-14 and GS-15 levels, except with approval from the Deputy Administrator or Chief Component Human Capital Officer.

Positions at the GS-14 and GS-15 level require a unique combination of technical, managerial, and leadership skills. It is difficult to accurately predict success of any individual for the full performance GS-14 or GS-15 grade level who has not yet performed at the next lower grade for the target position.

Establishing grade levels of high graded positions requires considerable justification. Program Offices able to employ a lower graded employee in a higher graded position (PIN) are less likely to be able to support that requirement.

## CHAPTER 6 - CLASSIFICATION APPEALS

### **6-1. Purpose**

This chapter contains the policy and procedures regarding position classification appeals. GS employees may choose to appeal to OCCHCO or DHS CHCO instead of or before appealing to OPM. FWS employees may appeal to OCCHCO, but must appeal to DHS CHCO before continuing an appeal to OPM. OCCHCO and the Office of Equal Rights (OER) shall ensure that employees are free from intimidation, restraint, interference, coercion, harassment, discrimination, or reprisal in pursuing their appeals.

### **6-2. Coverage**

All GS employees in grades GS-1 through 15 and all FWS employees have the right to appeal the classification of their positions, including the pay plan, series, grade, and the inclusion under or exclusion from Chapter 51 of Title 5, U.S.C. of the official position by the Agency or OPM.

### **6-3. Process**

The levels in the appeal process are:

- OCCHCO
- DHS CHCO
- OPM.

It is the employee's prerogative to appeal either through successively higher levels in a series of appeals, or directly to DHS CHCO or OPM.

**NOTE:** Appealing directly to a higher organizational level (for example, OPM) precludes a later appeal to a lower organizational level. OPM decisions are binding on the Agency.

The Agency or PM/C Program will notify promptly in writing an employee whose position is reclassified to a lower grade based in whole or in part on a classification decision pursuant to 5 C.F.R. § 511.602. See Section 1-7.B.4. above.

### **6-4. Appellant's Representative**

1. When preparing and presenting a classification appeal, an employee has the right to be represented and advised by a person of his or her own choosing, except that FEMA shall have the right to disallow the employee's choice when:
  - a. The representative selected is another FEMA or DHS employee and the choice of that employee conflicts with the priority needs of the Government or would result in unreasonable costs to the Government; or
  - b. The representative selected represents a conflict of interest or conflict of position, or the appearance of such conflict (e.g., the proposed representative is in the management chain over the position, or the

- proposed representative exercises classification authority for the appealed position or others in the organization).
2. When the Agency disallows an employee's selected representative, the Agency will notify the employee in writing and explain the reason(s) within 15 business days.

#### **6-5. Official Time**

Employees are entitled to a reasonable amount of official time to prepare for and present a position classification appeal. Under most circumstances, this time should amount to eight or fewer hours. However, supervisors and managers are expected to use judgment and discretion in granting employee requests of official time for this purpose; more than eight hours may be appropriate on rare occasions.

If an employee's representative is a FEMA or DHS employee, the representative is also entitled to eight or fewer hours of official time for the same purpose.

#### **6-6. Non-appealable Issues**

Employees may not appeal the following issues in a position classification appeal:

- A. Actions taken by authorized management officials to add to, delete from, or otherwise change the duties and responsibilities of a PD. Inclusion or exclusion of a major duty in the official PD or the accuracy of the PD is non-appealable. (Note: 5 C.F.R. § 511.607(a)(1) provides that where, in the course of a proper classification appeal to OPM, management and the employee cannot agree on the accuracy of the PD, OPM will decide the appeal based upon the actual duties and responsibilities assigned by management and performed by the employee.)
- B. The accuracy, consistency, or use of supplemental classification guides.
- C. The title of the position, unless a specific title is authorized in a published OPM position classification standard or guide, or the title reflects a qualification requirement or authorized area of specialization.
- D. The classification of a position to which the employee is not officially assigned by an official personnel action, including a detail or assignment to duties outside the scope of the normally performed duties specified in the official position description.
- E. The pay system, series, or grade of a position to which the employee is detailed or temporarily promoted. However, an employee serving under a time-limited promotion of two years or more may appeal the position's classification.
- F. A proposed classification decision not yet made effective by an official personnel action.
- G. The adequacy of the classification criteria in any OPM published classification guide or standard.

- H. An appellate classification decision issued in the form of a certificate by OPM as a result of an employee appeal, when there has been no change in the applicable classification standard(s) or guide(s), or in the major duties and responsibilities assigned the position.
- I. The classification of an employee's position based on position-to-position comparisons and not criteria in classification standards.
- J. A rate of pay or the propriety of a wage schedule rate.
- K. Any other issues, not specifically mentioned above, which are excluded from appeal under applicable legal authorities, including OPM regulations.

Issues that are not permitted to be heard through a position classification appeal may be addressed through the Agency's administrative grievance procedures or through the applicable negotiated grievance process, as appropriate.

#### **6-7. Appeal Decisions**

An appeal decision from OPM which specifies the correct title (if one is prescribed), series, grade, and/or pay system of a position is a classification certificate. A classification certificate is binding on all administrative, certifying, payroll, disbursing, and accounting officials of the Government. It may or may not require an official personnel action. If a personnel action is required as a result of the classification certificate, such personnel action must be implemented within the time frame specified by the decision. Appeal decisions rendered by the DHS CHCO are binding on FEMA in the same manner as OPM decisions are binding on DHS.

#### **6-8. Time Limits**

Generally, an employee may submit a classification appeal of his or her official position at any time.

If an employee is appealing an Agency decision or an OPM classification certificate issued under 5 U.S.C. § 5103 or 5110, the employee must promptly appeal if he or she disagrees with the decision or classification certificate. Under these circumstances, an appeal is considered to be prompt if it is initiated within 15 calendar days of receipt of an Agency decision or an OPM classification certificate, unless good cause is shown.

In order to preserve the right to a retroactive adjustment to a classification action which resulted in a loss of grade or pay, the employee must file the initial request for review to the Agency or OPM not later than within 15 calendar days after the effective date of the reclassification action. Subsequent appeals from an agency or OPM classification decision must be filed not later than 15 calendar days following receipt of written notification of a final agency administrative decision or 15 calendar days after the effective date of the action taken as a result of the classification decision, whichever is later.

When an employee requests reconsideration of an OPM appeal decision, he or she must do so in writing to OPM and must file the request to OPM no more than 45 calendar days after the decision was issued.

**6-9. Documentation**

**1. Appeals to OCCHCO or the DHS CHCO**

- A. Appeals to OCCHCO or the DHS CHCO must be submitted in writing and include the following information:
  1. Employee's name, mailing address, and office telephone number;
  2. Name, address, and telephone number of the employee's designated representative, if one has been selected;
  3. Exact location of the position within the Agency, including the name of the Program Office and all subordinate organizations;
  4. Current title, series, and grade of the position;
  5. Requested title, series, and grade, or other classification action desired;
  6. A copy of the official PD and a statement from the employee that the PD is accurate and complete (if not accurate and complete, include a statement describing what has been done to change or update the PD);
  7. A statement of reasons why the employee believes the position is erroneously classified, including any references to position classification standards in support; and
  8. A statement that the employee has no other classification appeals pending.
- B. OCCHCO or the DHS CHCO will notify the employee in writing when a position classification appeal is accepted by the Agency or DHS.
- C. The FEMA OCCHCO or DHS CHCO will notify program office/ components in writing when a position classification appeal to the Agency/Department is accepted from an employee, and office/ components will be requested to provide pertinent information about the position at issue.
- D. An employee may cancel his or her position classification appeal before a decision is issued, but must do so in writing. The Agency/Department will provide written acknowledgment of the cancellation to the employee and to the program office/component.
- E. An appeal decision from the Agency/Department will be issued in writing as a classification certificate, and will be based on the written record. The certificate will inform the employee of the reasons for the decision, including reference to the appropriate OPM classification standard(s) or

- guide(s); will explain any further appeal rights; and will specify the action to be taken and the effective date for any change in the classification.
- F. OCCHCO will maintain all records associated with classification appeals to OCCHCO, in accordance with agency and regulatory record keeping procedures.

2. Appeals to OPM

Classification appeals submitted directly to OPM must follow the prescribed format and include the required information, as specified in the Introduction to the Position Classification Standards. This information is also included in the OPM [Position Classification Appeals: Employee Fact Sheet](#).



# FEDERAL EMERGENCY MANAGEMENT AGENCY

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Date	Number
October 1, 2002	3100.5

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## Recruitment and Relocation Bonuses, Retention Allowances, and Student Loan Repayments

1. Purpose. This instruction establishes the Federal Emergency Management Agency's (FEMA's) policy and plan for the use and payment of recruitment and relocation bonuses, retention allowances, and student loan repayments necessary to attract highly qualified applicants or retain highly qualified employees in positions that would otherwise be difficult-to-fill.
2. Applicability and Scope. Positions and types of appointments to which these incentives apply are outlined below.

- a. Covered Positions.

- (1) Individuals appointed to general schedule, prevailing rate (wage), senior-level and scientific or professional, senior executive service, executive schedule, and law enforcement positions, and positions filled by Presidential appointment (except the head of an agency) are eligible for recruitment and relocation bonuses and retention allowances.

- (2) Individuals appointed to any position except one that is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy-advocating character (e.g., Schedule C, Presidential appointment with Senate confirmation (PAS), Non-Career Senior Executive Service) are eligible for student loan repayments.

- (3) OPM may approve other categories upon written request from the head of the employing agency.

- b. Qualifying Appointments.

- (1) Recruitment and Relocation Bonuses and Retention Allowances. Individuals appointed to or occupying a temporary, term, or nonpermanent appointment in the competitive or excepted service are eligible for the incentives provided the appointment equals or exceeds the length of the service agreement required for the bonus amount.

(2) Student Loan Repayments. Individuals appointed to or occupying a term or nontemporary appointment in the competitive or excepted service are eligible for this incentive provided the appointment equals or exceeds the length of the service agreement required for the bonus amount. Individuals appointed to or occupying a temporary appointment in the competitive or excepted service are only eligible if they are serving on an appointment leading to conversion to a term or permanent appointment (career or career conditional) such as the 30% Disabled Veterans Hiring Authority.

3. Authorities.

- a. Title 5 United States Code (U.S.C.) section 5753 (5 U.S.C. 5753) and Title 5 Code of Federal Regulations (5 CFR), Part 575, Subpart A and B, Recruitment and Relocation Bonuses;
- b. 5 U.S.C. 5754 and 5 CFR, Part 575, Subpart C, Retention Allowances;
- c. 5 U.S.C. 5379, Student Loan Repayments, as amended by the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and 5 CFR, Part 537, Repayment of Student Loans.

4. Policy. FEMA shall ensure fair and consistent application of the procedures outlined in this instruction. Incentives will only be used when it is necessary to attract or retain highly qualified applicants or employees in difficult-to-fill positions. We will take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service and will adhere to merit system principles.

5. Responsibilities. All responsible parties will ensure fair and consistent application of the procedures outlined in this instruction.

- a. The FEMA Director or a designee shall approve or disapprove payment of recruitment and relocation bonuses, payment or recertifications for retention allowances, and repayment of student loans.
- b. Assistant Directors, Administrators, Regional Directors, General Counsel, Inspector General, Chief Financial Officer, and Office Directors shall review written recommendations, within their respective area, for payment of incentives or recertifications for retention allowances and, if warranted, forward recommendations and concurrences to the FEMA Director through the Chief Financial Officer and the Director, Human Resources Division.
- c. Immediate supervisors shall make written recommendations for recruitment and relocation bonuses, payment of retention allowances, and student loan repayments and review annually each approved retention allowance to determine if it is still warranted. They will notify the Human Resources Division of any pending separation or termination of an employee currently serving under a service agreement.

- d. The Chief Financial Officer shall certify the availability of funds in support of the incentives.
  - e. The Director, Human Resources Division shall determine policy and provide overall technical guidance and direction in monitoring and evaluating the process to ensure regulatory compliance. He or she shall review all requests for use of the incentives covered in this instruction and provide recommendations to the FEMA Director for approval or disapproval.
6. Definitions of Terms. The terms used in this instruction are defined at attachment A.
7. Procedures.
- a. An organization may recommend payment of a recruitment bonus, a relocation bonus or a retention allowance of up to 25 percent of basic pay or recommend repayment of all or part of any outstanding federally insured student loan or loans previously taken out, subject to the maximum limit of \$6,000 per calendar year and a total of \$40,000 overall per employee. The incentives will be used to recruit or retain highly qualified candidates or employees provided there is a determination that, without an incentive, filling the position will be difficult.
  - b. Incentives are funded from a central budget established specifically for payment of recruitment and relocation bonuses, retention allowances, and student loan repayments and are monitored by the Chief Financial Officer.
  - c. An incentive will not be authorized if, when added to the employee's estimated aggregate pay compensation, it exceeds the rate payable for level I of the Executive Schedule at the end of the calendar year. The recruitment and relocation bonuses and retention allowances are not considered part of base pay for any purpose.
  - d. The requesting organization, in coordination with the Human Resources Division, must determine in writing that, in the absence of such an incentive, difficulty will be encountered in either attracting highly qualified candidates or retaining the services of highly qualified employees. The Human Resources Division will provide overall technical guidance and supporting recruitment or retention statistics, where available.
  - e. Once it is determined an incentive will be requested, the organization will submit a Standard Form (SF) 52, Request for Personnel Action, along with FEMA Form 30-67, Request for Incentive Pay, including any supporting documentation, if appropriate, to the recommending official identified in paragraph 5b. Item 1 of the SF-52 will be annotated with the appropriate incentive, including the amount of incentive (recruitment bonus, relocation bonus, retention allowance, or student loan repayment). In the case of retention allowances, include the not to exceed period (e.g., NTE 1 year). The entire package will then be forwarded through the Chief Financial Officer, for certification of funds and to the Human Resources Division, for review and appropriate action.

8. Criteria for Approval and Payment.

a. Recruitment Bonus.

(1) The requesting organization, in coordination with the Human Resources Division, must determine in writing that, without such a bonus, filling the position will be difficult. A recruitment bonus may be paid to an individual who is “newly appointed” to the Federal Government, including an appointment following a break in service of at least 90 days. A recruitment bonus may also be paid to an individual not yet employed who has received a written offer of employment and signed the FEMA Form 30-68, Bonus Service Agreement. The following factors will be considered, documented, and approved before the individual enters on duty:

- (a) The success of recent efforts to recruit candidates for similar positions, including indicators such as offer acceptance rates, the proportion of positions filled, and the length of time to fill positions;
- (b) Recent turnover in similar positions;
- (c) Labor-market factors that may affect the ability to recruit candidates for similar positions;
- (d) Special qualifications needed in the position;
- (e) The practicality of using the superior qualifications appointment authority alone or in combination with the recruitment bonus.

(2) The bonus shall be calculated as a percentage of the employee’s starting annual rate of basic pay (excluding locality pay) and paid as a lump sum. The amount of the recruitment bonus should be the minimum amount needed to attract the candidate. When determining the amount of the bonus, the factors listed in paragraph 8a(1) will be given consideration, to the extent that they apply, along with the following criteria:

- (a) The need for the candidate’s services. How essential is it to hire this candidate? What are the qualifications of this candidate and how difficult will it be to find and hire another candidate of equal qualifications? What would be the impact of not filling this position with a high-quality candidate?
- (b) The need for the recruitment bonus to attract the candidate. How large a bonus would it take to attract the candidate? For example, what other salary offers has he or she received? What is the prevailing private sector salary for the occupation?
- (c) The Agency’s ability to pay the bonus. How large a bonus can be supported?

b. Relocation Bonus.

(1) A relocation bonus is appropriate when the employee relocates to accept a position in a different commuting area. A relocation bonus may NOT be paid until the employee establishes a residence in the new commuting area. The employing organization, in coordination with the Human Resources Division, must determine in writing that, without such a bonus, filling the position will be difficult. The following factors will be considered, documented, and approved before the employee enters on duty in the position to which relocated:

- (a) The success of recent efforts to recruit candidates for similar positions including indicators such as offer acceptance rates, the proportion of positions filled, and the length of time to fill positions;
- (b) Recent turnover in similar positions;
- (c) Labor-market factors that may affect the ability to attract candidates for similar positions;
- (d) Special qualifications needed in the position.

(2) The bonus shall be calculated as a percentage of the employee's initial annual rate of basic pay (excluding locality pay) for the new position and paid as a lump sum. The amount of the relocation bonus should be the minimum amount needed to attract the employee, considering the factors listed in paragraph 8b(1) and the Agency's ability to pay the bonus.

(3) The payment of a relocation bonus has no effect on an employee's entitlement to reimbursement of relocation expenses, if authorized, under the Federal Travel Regulation. An employee may receive authorization for a relocation bonus and not be authorized relocation benefits associated with a permanent change of station move.

c. Retention Allowance.

(1) A retention allowance may be authorized if an employee is likely to leave the Federal service for any reason. The employee must have received a bona-fide job offer, in writing, or must have submitted his or her resignation or retirement paperwork prior to authorization. The allowance may not be authorized to an employee who is likely to leave his or her position for employment in the executive, legislative, or judicial branch of the Federal Government, whether in the same or a different agency.

(2) The employing organization, in coordination with the Human Resources Division, must make a written determination that the unusually high or unique qualifications of the employee or a special need for the employee's services makes it essential to retain the employee. The decision must address the extent to which the employee's departure would affect the Agency's ability to carry out an activity or perform a function that is essential to the Agency's mission. It should also address the Agency's

recent efforts to recruit candidates with similar qualifications and the availability of candidates in the labor market, as applicable.

(3) A retention allowance shall be calculated as a percentage of the employee's rate of basic pay (excluding locality pay) not to exceed 25 percent. It is paid at the same time as the employee's regular paycheck. The amount of the allowance will be based on the Agency's need for the unique qualifications of the employee that make it essential to retain their services.

(4) Payment for a retention allowance may not begin during any period of employment required by a recruitment bonus or relocation service agreement. However, a relocation bonus may be paid to an employee already receiving a retention allowance.

(5) Retention allowances may be granted in increments not to exceed 1 year and may be extended, if warranted.

(a) The Human Resources Division and the employing organization must review each retention allowance annually to determine whether payment is still warranted. The allowance may be reduced or terminated for budget considerations or if the conditions that warranted the allowance have been reduced or no longer exist (i.e., qualified candidates are available to fill the Agency's special need).

(b) The employing organization must submit a written statement to the Human Resources Division, signed by the recommending official, to continue, reduce or terminate the retention allowance. The statement must include the employee's name, pay plan, series, grade, position title, and duty station; the action being requested (i.e., continue, reduce, or terminate); if a reduction, the amount approved; and reason(s) for continuing, reducing or terminating the allowance. In addition, the employing organization must submit a SF-52, signed by the approving official. The entire package must be submitted through the Financial and Acquisition Management Division, for certification of funds, to the Human Resources Division, for review and appropriate action. Item 1 of the SF-52 will reflect whether the allowance is to be continued, reduced or terminated. If continued or reduced, the percentage must be reflected.

d. Student Loan Repayment.

(1) Loan repayments may be made to recruit highly qualified candidates or retain highly qualified employees based on a written determination that in the absence of offering the benefits, the Agency would encounter difficulty in filling the position with a highly qualified candidate or in retaining a highly qualified employee in the position. This incentive may be used in conjunction with the recruitment bonus, the relocation bonus, or the retention allowance.

(2) The maximum limit for loan repayment will be \$6,000 per calendar year and a total of \$40,000 overall per employee. The size of the loan repayment(s) will be determined by the candidate's or employee's value to the Agency and how far in advance

funds can be committed. The criteria in 8d(6)(7), as applicable, will be applied when establishing the amount of repayment(s). The employee will be responsible for making loan repayment(s) on the portion of the loan that continues to be his or her responsibility. Payments may be applied only to the indebtedness outstanding at the time the Agency and the employee enter into an agreement.

(3) Payments will be at the discretion of the Agency and will be subject to the terms, limitations, or conditions mutually agreed to in writing by the Agency and employee. The employee is responsible for any income tax obligations resulting from the loan repayment benefit. The payments do not have to be in a lump sum. They can be made at periodic intervals throughout the fiscal year. FEMA will deduct the amount of taxes to be withheld from the loan repayment benefit before issuing payment to the holder of the loan.

(4) Before authorizing loan repayments, the Human Resources Division or the requesting organization must verify with the holder of the loan that the employee has an outstanding student loan that qualifies for repayment under this policy. The remaining balances should be verified to ensure that loans are not overpaid. The loan repayment cannot exceed the limits set forth in paragraph 8d(2).

(5) There are only certain types of loans that qualify as eligible for this incentive. The repayment authority is limited to student loans authorized by the Higher Education Act of 1965 and the Public Health Service Act. These are federally insured loans made by educational institutions or banks and other private lenders.

(a) The Higher Education Act covers three families of guaranteed student loans:

(i) Federal Family Education Loans (FFEL).

- a. Subsidized Federal Stafford Loans;
- b. Unsubsidized Federal Stafford Loans;
- c. Federal Plus Loans; and,
- d. Federal Consolidation Loans.

(ii) William D. Ford Direct Loan Program (Direct Loans).

- a. Direct Subsidized Stafford Loans;
- b. Direct Unsubsidized Stafford Loans;
- c. Direct PLUS Loans;
- d. Direct Subsidized Consolidation Loans; and,

e. Direct Unsubsidized Consolidation Loans.

- (iii) Federal Perkins Loan Program.
  - a. National Defense Student Loans (made before July 1, 1972);
  - b. National Direct Student Loans (made between July 1, 1972 and July 1, 1987); and,
  - c. Perkins Loans (made after July 1, 1987).

(b) Loans covered under the Public Health Service Act.

- (i) Loans for Disadvantaged Students (LDS);
- (ii) Primary Care Loans (PCL);
- (iii) Nursing Student Loans (NSL);
- (iv) Health Profession Student Loans (HPSL); and,
- (v) Health Education Assistance Loans (HEAL).

(6) When used as a recruitment tool, the following factors will be considered, documented, and approved before the individual enters on duty:

- (a) Success of recent efforts to recruit candidates for similar positions, including indicators such as offer acceptance rates, the proportion of positions filled, and the length of time to fill positions;
- (b) Recent turnover in similar positions;
- (c) Labor-market factors that may affect the ability to recruit candidates for similar positions;
- (d) Special qualifications needed in the position;
- (e) In determining the amount of the repayment, subject to the limits in paragraph 8d(2), consideration should be given to factors such as the severity of the recruiting efforts, the criticality of the position, and the effect on the Agency's mission if it is not filled or if there is further delay in the filling of the position.

(7) When used as a retention tool, the following factors will be considered, documented, and approved before the employee is authorized to receive any repayment of a federally insured student loan:

- (a) The employee must have received a bona-fide job offer, in writing, or have submitted his or her resignation or retirement paperwork prior to authorization.
- (b) The employing organization, in coordination with the Human Resources Division, must make a written determination that the unusually high or unique qualifications of the employee or a special need for the employee's services makes it essential to retain the employee, and that, in the absence of offering the repayment benefit, the employee would be likely to leave for employment outside the Federal service. The decision must address the extent to which the employee's departure would affect the Agency's ability to carry out an activity or perform a function that is essential to the Agency's mission. It should also address the Agency's recent efforts to recruit candidates with similar qualifications and the availability of candidates in the labor market, as applicable.
- (c) The amount of the repayment, subject to the limits in paragraph 8d(2), should be based on factors such as the criticality of the loss of the employee to the Agency's mission, the reason(s) that a lesser amount would not be sufficient to retain the employee, and any other factor(s) deemed appropriate to retaining the services of the employee.

9. Service Agreements. Before any recruitment or relocation bonus or student loan repayment may be made, the candidate or employee must sign a written agreement to complete a specified period of time with FEMA (use FEMA Form 30-68, Bonus Service Agreement, when authorizing a recruitment or a relocation bonus and FEMA Form 30-69, Student Loan Repayment Service Agreement, when authorizing a student loan repayment).

a. Recruitment and relocation bonuses of 15 percent or less require the individual to sign a 12-month service agreement and a 24-month service agreement if the bonus is more than 15 percent. The period of service begins when the payment is made to the candidate or employee. In the case of a recruitment bonus paid to an individual not yet employed who has signed a written service agreement, the period of service begins when the individual enters on duty. An employee who voluntarily terminates employment with the organization before fulfilling the period of the service agreement is indebted to the government for a pro rata share of the recruitment or relocation bonus. A pro rata share of the bonus shall be recovered as a debt to the Federal Government. Repayment of the bonus is not required when the employee is involuntarily separated for reasons other than misconduct or performance.

b. Student loan repayments require a service agreement of 3 years. The 3-year service agreement is established in statute, may not be pro-rated, and begins when the first payment is made to the holder of the loan. An employee who fails to complete the period of employment established under the student loan service agreement is indebted to the Federal Government and must reimburse the Agency for the entire amount of any student loan repayment benefits received. Repayment of the student loan is not required when the employee is involuntarily separated for reasons other than misconduct or performance. Any balance owing must be recovered from the employee by offset from an indebted

Government employee under 5 U.S.C. 5514 and 5 CFR 550, Subpart K, or through the appropriate provisions governing debt collection if the individual is no longer a Federal employee.

c. The employee may request a waiver of repayment for any of the incentives covered in this policy through his or her supervisor. The request must include the employee's name, a copy of the service agreement, and the reason(s) why repayment should be waived. The supervisor will send the request, along with his or her recommendation, through the head of the organization and through the Director, Human Resources Division (HRD) for concurrence or nonconcurrence. The Director, HRD, will forward to the FEMA Director who will render a written decision. WAIVERS WILL BE RARE and will be based on a determination that recovery would be against equity and good conscience or against the public interest. A copy of the approval or disapproval of the waiver will be provided to the Human Resources Division.

10. Reporting Requirements. The Human Resources Division will submit an annual report to the Office of Personnel Management (OPM) on the use of these incentives.

11. Documentation and Recordkeeping Procedures. A record of each determination made to effect the incentives will be maintained in the Human Resources Division. At a minimum, the documentation will include a copy of the SF-52, FEMA Form 30-67, with appropriate supporting documentation, and a copy of the service agreement. These records may be destroyed after 3 years or after OPM formally evaluates the program, whichever occurs first.

/s/

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Joe M. Allbaugh  
Director

#### Attachments

A-Definitions of Terms

B-FEMA Form 30-67, Request for Incentive Pay

C-FEMA Form 30-68, Bonus Service Agreement

D-FEMA Form 30-69, Student Loan Repayment Service Agreement  
(forms may be obtained electronically from <http://DocNet.fema.gov> )

**Attachment A****Definitions of Terms**

**Aggregate Limitation on Pay** - means that the employee's total aggregate pay compensation may not exceed the current pay rate of level I of the Executive Schedule in any one calendar year. Therefore, any part of a bonus or allowance that would exceed that limit for the current calendar year must be withheld until the next calendar year.

**Basic Pay** - is the total amount of pay an employee received during any one calendar year at the rate fixed for the position by law or administrative action. Basic pay does not include locality comparability adjustments or additional pay of any other kind and is calculated before any deductions.

**Commuting Area** - means the geographic area that is normally considered one area for employment purposes. It includes any population center (or neighboring ones) and the surrounding localities where people live and reasonably can be expected to travel back and forth daily to work.

**Difficult-to-fill Position** - there is no specific definition that describes a difficult-to-fill position. However, various factors such as the following can be indicators in determining that a position is—or is likely to be—difficult to fill:

- Success of recent recruiting or retaining efforts;
- Recent turnover in similar positions; and
- Labor market factors affecting the Agency's ability to recruit or retain high-quality candidates.

**High-Quality Candidate** - there is no specific definition that describes a high-quality candidate. However, factors such as the following can be considered indicators of high quality:

- Unique or unusually high qualification (education, experience, expertise, etc.);
- Specialized skills that are scarce in the relevant labor market; and
- Ability to perform functions that are crucial to the Agency's mission.

**Involuntary Separation** - refers to a separation initiated by the agency against the employee's will and without his/her consent for reasons other than cause on charges of misconduct or performance.

**Newly Appointed** - means the position is the individual's first civilian appointment, regardless of tenure, in the Federal Government or the individual has worked for the Federal government before, but there has been a break in service of at least 90 days. See 5 CFR section 575.103 for exceptions to the 90-day break in service.

**Pro-rata Share** - an amount of a relocation or recruitment bonus requiring repayment that is calculated by dividing the total amount of the bonus by the entire service period (expressed in months). The repayment amount will be this result multiplied by the remaining full months of the service agreement.

**Recruitment Bonus** - is a one-time payment to entice a candidate to accept an agency's offer of employment. Agencies may pay a recruitment bonus in order to fill a position with a high-quality candidate from outside the Federal Government, provided there is a determination that, without such a bonus, the position will be difficult-to-fill.

**Relocation Bonus** - is a one-time payment to entice a current Federal employee to accept a position in a different commuting area, provided there is a determination that, without such a bonus, the position will be difficult-to-fill.

**Retention Allowance** - is an ongoing payment over and above basic pay that is paid to retain a current Federal employee in his or her present position. It should be determined that the position is difficult to fill and the unusually high qualifications of the employee or a special need for the employee's services makes it essential to retain the employee.

**Service Agreement** - is a written agreement between an agency and an employee in which the employee agrees to a specified period of employment in return for recruitment or relocation bonus or the repayment of a student loan.

**Student Loan Repayment Authority** - permits agencies to repay student loans to recruit or retain highly qualified individuals in difficult-to-fill positions. The repayment authority is limited to certain federally insured loans (see paragraph 8d(5) of the instruction) for a list of specific loans.

**Superior Qualifications Appointment** - means an appointment made at a rate above the minimum rate of the appropriate general schedule grade because of the superior qualifications of the candidate or a special need of the agency for the candidate's services.

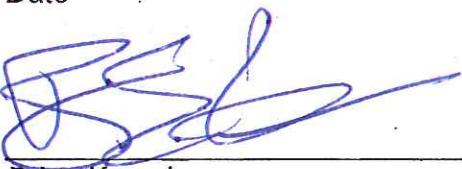
**Pay Compensation** - means the total of basic pay received; locality-based pay adjustments; premium pay; incentive awards and performance-based awards; recruitment and relocation bonuses; retention allowances; supervisory differentials under 5 U.S.C. 5755; post differentials under 5 U.S.C. 5925; danger pay allowances under 5 U.S.C. 5928; allowances based on environmental conditions for employees stationed outside of the continental United States under 5 U.S.C. 5941(a)(2); and, continuation of pay under 5 U.S.C. 8118.

## Instructions FI 255-4-1: Awards and Recognition

January 2018  
Version 2.0

  
Corey Coleman  
Chief Component Human Capital Officer

1/16/2018  
Date

  
Brian Kamole  
Acting Associate Administrator  
Mission Support

2/1/18  
Date



FEMA

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## **Overview**

These Instructions provide guidance for the administration, implementation, and oversight of the Federal Emergency Management Agency (FEMA) Employee Awards and Recognition Program (Awards and Recognition Program). FEMA's Awards and Recognition Program recognizes employee performance, achievements, exceptional contributions, and service toward meeting Agency goals and improving the efficiency, effectiveness, and economy of the government. The Awards and Recognition Program supports a climate in FEMA that values employees and facilitates a workplace that motivates, excites, encourages, stimulates, and rewards. All employees, including supervisors, share the responsibility of rewarding and recognizing achievements and contributions.

These Instructions supersede:

- FEMA Manual 255-4-1: Employee Awards and Recognition, dated September 26, 2013.
- Chapter 6-4: Step Increases, FEMA Manual 255-11-1: Cadre of On-Call Response/Recovery Employee (CORE) Program, dated August 25, 2015.
- Chapter 10-2: Time-Off Awards, FEMA Manual 123-10-1: Absence and Leave, dated December 29, 2015.
- The relevant portions of FEMA Directive 010-7: Incident Management Assistance Team (IMAT) Program Directive, dated January 12, 2015, starting in calendar year 2018 at which point these Instructions cover IMAT employees.

## **Overarching Approach**

Consistent with the following policies from DHS, these instructions outline FEMA's criteria for recognizing and rewarding employees:

- DHS Management Directive (MD) 255-01: Honorary Awards, dated October 31, 2007.
- DHS MD 255-01-001: Instruction Guide on Honorary Awards, dated November 6, 2007.
- DHS MD 255-02: Employee Recognition, dated October 31, 2007.
- DHS MD 255-02-001: Instruction Guide on Employee Recognition, dated November 6, 2007.
- DHS Instruction Manual 255-03-001-01: Time-Off Awards, dated March 25, 2015.

Supervisors and employees should implement these Instructions in order to determine award decisions and follow appropriate protocol for the nomination of awards.

# **Chapter 1: General Information**

Outcome: FEMA's Awards and Recognition Program is administered consistently and fairly for all eligible employees.

## **A. Applicability and Scope**

1. The Awards and Recognition Program applies to all FEMA employees who meet the definition of "employee" under 5 U.S.C. § 2105, including Stafford Act employees, except as excluded in paragraph 2 below. However, Cadre of On-Call Response/Recovery (CORE), and Reservist employees are not eligible for all award types as detailed in these Instructions, and Senior Executive Service (SES) employees are only eligible for the Administrator's Award and honorary awards.
2. In addition to the restrictions set forth in 5 Code of Federal Regulations (C.F.R.) § 451.105, the Awards and Recognition Program does not apply to:
  - a. Members of the uniformed military services in their official military capacity except for cash or monetary awards for suggestions, inventions, and scientific achievements as provided for under 10 U.S.C. § 1124.
  - b. Private citizens and organizations (including FEMA contractors).
  - c. Employees paid from non-appropriated funds.
  - d. Schedule C employees, except in limited circumstances. (Contact the Office of the Chief Component Human Capital Officer (OCCHCO) for additional guidance).
3. Pursuant to 5 C.F.R. § 451.104, awards for contributions made by an individual when employed by FEMA may be paid to a former employee or the estate or legal heirs of a deceased employee. Awards to separated or deceased military members for contributions made while the member was on active duty may be paid to the former member or to the member's estate or legal heirs.

## **B. FEMA Awards Program Basics**

1. FEMA is committed to maintaining a highly skilled workforce to guarantee quality service to the public. The Awards and Recognition Program is designed to create an environment where employees actively and continually seek exceptional ways to do their jobs, improve organizational performance, and take great pride in their achievements. The Awards and Recognition Program recognizes employees' accomplishments, contributions, and innovations in support of the Agency's vision, mission, and goals.
2. All award nominations under this Awards and Recognition Program must demonstrate that the accomplishment has contributed to and is aligned with FEMA's goals.
3. *FEMA Form 255-4-1-1: Award Nomination* must be used for all awards nominations.

4. Award justifications must describe the employee's specific accomplishment or contribution, explain why it warrants recognition, describe the tangible and/or intangible benefits, and provide the rationale for the recommended award amount.
5. Employees who have received, or are in the process of receiving, a written disciplinary or adverse action during the past 52 weeks are ineligible for awards and recognition other than Length of Service Awards.
6. Awards may not be used:
  - a. To recognize an employee for performing additional duties during or as a result of a temporary promotion;
  - b. To compensate an employee for perceived discrepancies or inadequacies in the pay system; or
  - c. As a farewell gift.

### **C. General Awards Rules**

1. Cash or monetary awards are not considered a part of an employee's basic pay.
2. Cash or monetary awards greater than \$6,000 must be approved by the DHS Deputy Secretary.
3. An honorary award does not consist of cash.

### **D. Cash or Monetary Awards**

1. Cash awards recognize exceptional performance by an individual or group in support of the Agency's goals. Cash awards are special acts, on-the-spot, or performance-based awards. Eligible FEMA employees may receive a special act or on-the-spot award in combination with a time-off award (TOA) at the discretion of the Office or Directorate.
2. Only one cash award may be granted for each achievement or contribution. However, employees may receive both a cash and honorary award for the same contribution.
3. Employees may receive more than one cash award in a fiscal year, but an award may not exceed the dollar limits set by the Office of Personnel Management (OPM), DHS, or the FEMA Administrator, Deputy Administrator, or designee. See the Annual Awards Guidance for more information.
4. All cash awards must be documented by a *Standard Form (SF) 50: Notification of Personnel Action* and a written justification.

### **E. Honorary or Non-Monetary Awards**

1. Honorary awards are intended immediately to recognize employees for contributing to mission and strategic goals. An honorary award may be presented at any level of the Agency in recognition of exceptional efforts and contributions made by employee(s) or group(s). All employee types are eligible for honorary awards.

2. Each Program Head (Office or Directorate) is responsible for developing an honorary awards program at appropriate levels. Each organization's honorary awards program procedures must be submitted to OCCHCO for assessment and approval prior to implementation.
3. Recognition items for honorary awards must not be funded from the cash award allocation. Program areas must budget for funding their honorary awards program recognition items with program funds. Recipients may receive recognition items such as a letter, certificate, pin, plaque with citation, or other items of nominal value not to exceed \$20.
4. Receipt of a FEMA honorary award does not preclude award of a DHS honorary award recognizing the same act or contribution.

## **F. Recognition Items**

1. Overview
  - a. Recognition items are honorary awards and must not be funded from the cash award allocations but may use appropriated funds if otherwise in accordance with these Instructions. Program areas must budget for funding their honorary awards program recognition items with program funds. Recipients may receive items such as a letter, certificate, pin, plaque with citation, or other recognition items of nominal value not to exceed \$20.
  - b. Recognition items may be purchased from a variety of sources including the Homeland Security Employees Association. Recognition items should be purchased from multiple companies, and purchasing officials should not favor a single company. If the item is branded, then DHS Branding Guidance must be followed.
2. All employees are eligible to receive recognition items.
3. Honorary awards may or may not be accompanied by a recognition item. For example, an honorary award could simply be given as a certificate, or it could include a FEMA coin, FEMA mug, etc.
4. Nomination  
Any FEMA employee can make a nomination for receipt of a recognition item.
5. Approval  
The Program Head (Office or Directorate) determines the approval process for issuing recognition items by their Office or Directorate.

## **G. Awards and Recognition Organizational Structure**

1. OCCHCO is responsible for:
  - a. Establishing and providing oversight of the Awards and Recognition Program;
  - b. Reporting and recordkeeping;
  - c. Maintaining a list of positions that are included Candidate Referral Program;

- d. Determining whether employees will exceed their annual limits for certain types of awards;
  - e. Reviewing award nomination forms; and
  - f. Processing the awards for payment. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping.
2. The FEMA Office of the Chief Financial Officer (OCFO) is responsible for:
    - a. Calculating and providing program offices with their allocation of funds for cash awards based on guidance from the Office of Management and Budget;
    - b. Issuing the Annual Awards Guidance in conjunction with OCCHCO; and
    - c. Providing OCCHCO with all of the Line of Accounting (LOA) codes.
  3. The Program Heads (Office or Directorate) are responsible for:
    - a. Ensuring that awards are based on merit and distributed;
    - b. Establishing delegations of approving authority for honorary award programs within the guidelines of these Instructions;
    - c. Funding their award allocations out of their salary and benefits budget and ensure there is sufficient funding to pay their base salary and benefits before funding the awards;
    - d. Only authorizing or approving an award if the dollar amount of the award is within their allocation; and
    - e. Ensuring the total cost of cash awards issued does not exceed published allocations.
      - i. Program Heads (Office or Directorate) are delegated the authority to grant cash or monetary awards for amounts up to and including \$6,000 per award. At no time should any Office or Directorate exceed their funding to issue/pay/distribute any award.
  4. Supervisors and/or other designated management officials are responsible for recommending and rewarding employees whose performance, contributions, or activities merit recognition.
  5. The Awards Coordinator is responsible for:
    - a. Reviewing and approving *FEMA Form 255-4-1-1: Award Nomination Award Nomination*;
    - b. Verifying the award nomination contains a funded LOA code, as applicable, after the Program Head (Office or Directorate) signs to approve the award;
    - c. Ensuring an employee has not received cash two awards at the same organizational level for the same contribution;
    - d. Checking to ensure that the justification meets the requirements and the documentation is complete; and

- e. Completing the relevant spreadsheet to ensure that the office does not exceed its allotment (see *OCCHCO Job Aid: How to Review Award Nominations in FHR Navigator as a Coordinator*, 13 March 2015).
6. The DHS Deputy Secretary is responsible for approving any cash or monetary awards greater than \$6,000 per employee up to and including \$10,000.
7. The Director of OPM is responsible for approving cash or monetary awards greater than \$10,000 and up to and including \$24,999.
8. The President of the United States is responsible for approving awards of \$25,000 or more.

## **H. Reporting and Recordkeeping**

1. OCCHCO will evaluate the application of the Awards and Recognition Program on an annual basis for conformity to 5 C.F.R. Part 250 and the requirements of the Human Capital Assessment and Accountability Framework.
2. OCCHCO must document all cash awards, quality step increases, and TOAs in accordance with the *OPM Guide to Processing Personnel Actions*.
3. OCCHCO must file award documents in compliance with the *OPM Guide to Personnel Record-keeping*.
4. OCCHCO will collect the appropriate information and report to the DHS Chief Human Capital Officer, the FEMA Office of Equal Rights (OER), and OPM as directed.

## **Chapter 2: Types of Recognition**

Outcome: Agency officials and employees are aware of the types of recognition available within FEMAs Awards and Recognition Program.

### **A. Administrator's Awards**

#### 1. Overview

- a. The Administrator's Award is the highest form of award and recognition within FEMA. The Administrator's Award is honorary and can only be bestowed by the Administrator. The award is given to individuals and groups that have clearly demonstrated extraordinary performance in support of the Agency's goals.
- b. At a minimum, the Administrator's Award includes a plaque or certificate detailing the specifics of the award. The Administrator's Award is usually presented at the Agency's Award Ceremony, but may be given at any time at the discretion of the Administrator.

#### 2. Eligibility

All FEMA employees who have worked as FEMA employees for at least one year are eligible to receive the Administrator's Award. Members of FEMA Corps are also eligible to receive the Administrator's Award.

#### 3. Nomination

- a. Each year, the Office of the Administrator issues awards guidance, including the process for submitting nominations.
  - b. Each nomination must include the appropriate justification and documentation.
4. Each year, the Office of the Administrator develops a process for reviewing and approving Administrator's Awards.

### **B. Length of Service Awards**

#### 1. Overview

- a. Length of Service recognition is an honorary award consisting of a certificate and pin given for years of service in the Federal Government. This includes all active duty military service in the length of service calculation regardless of whether the employee is retired from the military.
- b. The recognized years of service are in five-year increments starting with the tenth year of service established by the Service Computation Date for Leave. Length of Service recognition awards should be presented at an appropriate organization meeting.

#### 2. Eligibility

All employees except SES and Reservist employees are eligible for Length of Service Awards.

3. Each quarter, OCCHCO will provide Length of Service Awards to the Program Head (Office or Directorate) to present appropriately to qualifying employees.
4. OCCHCO will determine those employees who meet the length of service requirement for career service recognition.

## C. On-the-Spot Awards

### 1. Overview

- a. On-the-Spot (OTS) awards are cash awards and provide immediate recognition for a worthy non-recurring contribution, specific act, or service in the public interest and exceeding normal job requirements.
- b. OTS award contributions may include:
  - i. Making a high quality contribution involving a difficult or important issue, project, or assignment.
  - ii. Displaying special initiative and skill in completing an assignment or project before the deadline.
  - iii. Using initiative and creativity to improve a product, activity, program, or service.
  - iv. Ensuring an Office or Directorate's mission is accomplished during a difficult period by successfully completing additional work or a project assignment while maintaining the employee's own workload.

### 2. Eligibility

All employees except SES and Reservist employees are eligible for one OTS award per quarter ranging from \$100 up to and including \$500 and not to exceed \$2,000 per fiscal year.

### 3. Nomination

- a. Any FEMA employee may submit a nomination for an OTS award for supporting contributions to another program or effort to the employee's supervisor of record for consideration with a written justification. The nomination may include a funded LOA code.
- b. The supervisor of record prepares *FEMA Form 255-4-1-1: Award Nomination* and submits per the annual awards guidance, including a narrative justification describing the basis for the award and the amount of the award. The narrative justification must support the award level chosen.
  - i. The Office or Directorate will submit the award nomination via the approved process.
  - ii. Supervisors should recognize employees as quickly as possible when granting an OTS award.

### 4. Approval

- a. The supervisor verifies with OCCHCO that this award plus prior OTS awards for the employee in the fiscal year will not exceed the \$2,000 limit. In addition,

- the supervisor will verify the availability of funds with the Office or Directorate's business manager/unit.
- b. All OTS awards must be approved by the employee's second-level supervisor and/or Program Head (Office or Directorate).
  - c. The employee's Office or Directorate will submit the award nomination via the approved process provided.
  - d. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping

#### **D. Performance-Based Awards**

- 1. Overview
  - a. Performance-based awards are lump-sum cash awards or TOAs designed to recognize employees for the accomplishment of duties based on merit at the end of the performance cycle. Performance-based cash awards are granted based on the employee's rating of record.
  - b. Performance-based awards may not exceed 10% of the employee's annual rate of basic pay unless the FEMA Administrator or Deputy Administrator, with the approval of the DHS Deputy Secretary, determines that exceptional performance by an employee justifies a larger percentage not to exceed 20% of the employee's annual rate of basic pay. Notwithstanding these percentage caps, the DHS Deputy Secretary must approve cash or monetary awards greater than \$6,000 per employee up to and including \$10,000, the Director of OPM must approve cash or monetary awards over \$10,000 but under \$25,000, and the President of the United States must approve awards of \$25,000 or more.
  - c. In accordance with 5 C.F.R. § 451.104(g), when granting an award as a percentage of basic pay, the rate of basic pay used must include any applicable locality payment or special rate supplement.
  - d. Offices or Directorates will reserve at least 60% of their annual awards budget to be used for performance-based awards.
  - e. A performance-based award may not be combined with another award.
- 2. Employee Preference
  - a. Supervisors may not give their eligible employees a choice between a specific cash or equivalent TOA.
  - b. However, management may ask all eligible employees whether they would prefer either a cash or TOA before deciding whether to grant an award. Management may not provide or imply a guarantee of a performance-based award type or amount.

3. Eligibility
  - a. All employees except SES employees are eligible for performance-based awards. However, Reservists are only eligible for a cash award and not time-off.
  - b. Employees must have:
    - i. A signed performance plan for a minimum of 90 days (or have at least one deployment evaluation for Reservists);
    - ii. Supporting progress review(s) (or deployment evaluation(s) for Reservists); and
    - iii. A rating of record of “exceeded expectations” for the last performance cycle.
4. Nomination

A performance-based award nomination may only be made by an employee's supervisor of record using *FEMA Form 255-4-1-1: Award Nomination* and based on the current performance appraisal (rating of record). The supervisor of record will verify the current performance appraisal for eligibility, complete a *FEMA Form 255-4-1-1: Award Nomination*, and forward the nomination to the employee's second-level supervisor for review and approval via the approved process.
5. Approval
  - a. The second-level supervisor and the Program Head (Office or Directorate) must approve performance-based awards.
  - b. The Office or Directorate will submit the award nomination via the approved process.
  - c. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping

## **E. Quality Step Increase**

1. Overview
  - a. A Program Head (Office or Directorate) may grant a Quality Step Increase (QSI) in recognition of high quality performance above that ordinarily found in the type of position concerned. It provides an incentive to the employee and recognizes unusually high quality performance by granting an earlier than normal step increase. However, an employee who receives a QSI is eligible for only one additional step increase within any 52-week period.
  - b. A QSI is not an equivalent increase under 5 C.F.R. § 531.407 and will not start a new waiting period for the next within-grade increase. However, receipt of a QSI may delay the next regular within-grade increase. When receipt of a QSI moves an employee to the fourth or seventh step of a grade, the waiting period for a regular within-grade increase is extended by 52 weeks from the effective date of the QSI under the graduated waiting-period schedule prescribed by 5 U.S.C. § 5335(a). When receipt of a QSI moves an employee

- to the eighth or ninth step of a grade, the waiting period for a regular within-grade increase is not extended.
- c. Offices or Directorates are responsible to ensure all QSIs are sustainable within their published salaries and benefits targets for the fiscal year of execution and two fiscal years thereafter.
2. Eligibility
    - a. All full-time General Schedule (GS) or FWS employees in the GS pay plan below step 10 in their grade level are eligible for a QSI. Stafford Act employees are not eligible for a QSI.
    - b. The employee's most recent rating of record must be at level 5 ("achieved excellence").
    - c. The employee may not receive more than one QSI in any 52-week period.
  3. Nomination
    - a. A QSI nomination may only be made by an employee's supervisor of record. The employee's second-level supervisor and Program Head (Office or Directorate) must concur with the nomination.
    - b. Nominations for QSIs must be submitted within 30 days of approval of the ratings of record. Each nomination must include appropriate justification for the QSI using *FEMA Form 255-4-1-1: Award Nomination* based on the rating of record, and be submitted via the approved process.
  4. Approval
    - a. The employee's second-level supervisor and Program Head (Office or Directorate) must approve the QSI nomination.
    - b. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping

## **F. CORE Step Increase**

1. Overview
  - a. A Program Head (Office or Directorate) may grant a CORE Step Increase (CSI) in recognition of high quality performance above that ordinarily found in the type of position concerned. It provides an incentive to the employee and recognizes unusually high quality performance by granting an earlier than normal step increase. However, an employee who receives a CSI is eligible for only one additional step increase within any 52-week period.
  - b. A CSI is not an equivalent increase under 5 C.F.R. § 531.407 and will not start a new waiting period for the next within-grade increase. However, receipt of a CSI may delay the next regular within-grade increase. When receipt of a CSI moves an employee to the fourth or seventh step of a grade, the waiting period for a regular within-grade increase is extended by 52 weeks from the effective date of the CSI under the graduated waiting-period schedule prescribed by 5 U.S.C. § 5335(a). When receipt of a CSI moves an employee

- to the eighth or ninth step of a grade, the waiting period for a regular within-grade increase is not extended.
- c. Offices or Directorates are responsible to ensure all CSIs are sustainable within their published salaries and benefits targets for the fiscal year of execution and two fiscal years thereafter.
2. Eligibility
    - a. Prior to the completion of the requisite waiting period, a supervisor may recommend one additional step increase per year if warranted by the CORE's performance.
    - b. All COREs paid via the IC pay plan are eligible for a CSI. GS and FWS employees are not eligible for a CSI.
    - c. To be eligible for a CSI, a CORE must have "achieved excellence" on their most recent annual performance evaluation.
  3. Nomination
    - a. A CSI nomination may only be made by a CORE employee's supervisor of record.
    - b. Nominations should be prepared as soon as possible following the contribution to ensure timely recognition, generally within 90 days of approval of the rating of record. Each nomination must include appropriate justification for the CSI using *FEMA Form 255-4-1-1: Award Nomination* based on the rating of record, and be submitted via the approved process provided in the annual awards guidance.
  4. Approval
    - a. The employee's second-level supervisor and Program Head (Office or Directorate) must approve the CSI nomination.
    - b. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping

## **G. Special Act Awards**

1. Overview
  - a. Special Act Awards are one-time, lump-sum cash awards granted in recognition of a meritorious personal effort, act, service, scientific contribution, or other achievement accomplished within or outside assigned job responsibilities related to official employment with FEMA.
  - b. Special Act Awards can be given at any time, but individuals or groups cannot be recognized for the same specific contribution more than once.
  - c. The act or contribution must result in either tangible or intangible benefits, or both, to the government and may involve more than one employee.
  - d. Management officials should use *Appendix B – Guidelines for Award Amounts for Special Acts and Time-Off* for assistance in determining Special

Act Award amounts commensurate with contributions and must not exceed \$6,000 per award.

- e. Examples of the types of achievements for which Special Act Awards are appropriate include, but are not limited to:
  - i. Making scientific and technological advances.
  - ii. Actions and innovations that contribute significantly to more efficient or economical operations, thus delivering tangible operational benefits.
  - iii. Acting in an exemplary or courageous manner in an emergency situation related to official employment.
  - iv. Publishing articles, presenting technical papers to professional organizations, or performing similar personal projects that contribute significantly to a FEMA mission.
  - v. Improving service to the public in a specific or measurable way.
  - vi. Notably improving the public relations of DHS and/or FEMA.
  - vii. Other noteworthy achievements.

2. Eligibility

- a. All FEMA employees are eligible for Special Act Awards except SES employees.
- b. Employees may only receive one award per specific contribution.

3. Nomination

- a. Each nomination must include appropriate written justification for the award.
- b. Any FEMA employee may informally make a nomination for a Special Act Award by submitting a written justification to the nominated employee's supervisor.

4. Approval

- a. The supervisor of record should prepare a nomination as soon as possible following the contribution to ensure timely recognition, generally within 90 days.
- b. The employee's second-level supervisor and Program Head (Office or Directorate) must also approve the nomination.
- c. The Office or Directorate will submit the approved nomination via the approved process.
- d. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping

## **H. Time-Off Awards**

### **1. Overview**

- a. A TOA is an excused absence granted to an employee to be used without charge to leave or loss of pay in recognition of individual or group contributions or accomplishments. Contributions that may be recognized with a TOA include:
  - i. Making a high quality contribution involving a difficult or important issue, project, or assignment.
  - ii. Displaying special initiative and skill in completing an assignment or project before the deadline.
  - iii. Using initiative and creativity to improve a product, activity, program, or service.
  - iv. Ensuring an Office or Directorate's mission is accomplished during a difficult period by successfully completing additional work or a project assignment while maintaining the employee's own workload.
- b. Full-time employees may be granted up to 80 hours of time-off during a leave year, but not more than 40 hours for a single contribution.
- c. Part-time employees may be granted time-off up to the average number of work hours in the employee's biweekly scheduled tour of duty during a leave year. The limit for any single contribution for part-time employees is one-half the maximum that may be granted during the leave year.
- d. TOAs will be granted and used in 15-minute increments.
- e. Though TOAs may not have an immediate budget consequence, supervisors must fully consider wage costs and productivity loss when granting TOAs and must ensure that the amount of time-off granted as an award is commensurate with the employee's contribution or accomplishment. Supervisors must follow the Annual Awards Guidance for tracking/reporting awards.
- f. TOAs must be scheduled and used within 26 pay periods from the effective date of processing. After the 26th pay period, any unused time-off will be automatically forfeited.
- g. TOAs have no effect on annual leave carryover limitations. If an employee is scheduled to use a TOA and is unable to use it at that time, the employee may reschedule the TOA for another time, within the 26 pay period limitation.
- h. Under 5 C.F.R. § 451.104(f), a TOA must not be converted to cash under any circumstances.
- i. If an employee separates from DHS before using all time-off hours then the employee forfeits any unused time-off. If forfeited, no other award or compensation may be substituted.

- j. If an employee transfers to or from another DHS Component, the TOA will be transferred to the gaining DHS Component.
  - k. If an employee transfers to or from a federal agency outside of DHS, the TOA will be forfeited, and no other award or compensation may be substituted.
  - I. TOAs must not be granted to create the effect of a holiday or treated as administrative excusals or leave, i.e. granting the entire organization or office a TOA to be used on a specified day.
2. Eligibility
- All employees except SES and Reservist employees are eligible for TOAs.
3. Nomination
- a. Any FEMA employee may informally make a nomination for a TOA by submitting a written justification to the nominated employee's supervisor.
  - b. The employee's supervisor of record will prepare a TOA nomination as soon as possible following the contribution or accomplishment to ensure timely recognition. The supervisor prepares *FEMA Form 255-4-1-1: Award Nomination*, including a written justification describing the basis for the award.
  - c. The employee's supervisor of record must recommend an award amount based on the significance of the contribution using *Appendix B – Guidelines for Award Amounts for Special Acts and Time-Off*. The amount of time-off granted must be proportionate to the value of the contribution being recognized.
4. Approval
- a. A written justification is required to document all TOAs. The supervisor of record may approve a TOA of one day or less. If the award exceeds nine hours, it must be reviewed and approved by the Program Head (Office or Directorate).
  - b. A TOA may be granted along with other forms of awards, with the exception of performance-based, as long as the total value of the awards given reflects the value of the contribution being recognized. For example, an employee might receive both a one-day TOA and a \$100 special act or on-the-spot award as an award for a single contribution, as long as the combination of the awards does not exceed the value of the employee's contribution based on *Appendix B – Guidelines for Award Amounts for Special Acts and Time-Off*.
  - c. The Office or Directorate will submit the award nomination via the approved process provided in the annual awards guidance.
  - d. OCCHCO will process the TOA in accordance with the *OPM Guide to Processing Personnel Actions* and issue the employee an *SF-50: Notification of Personnel Action*. A TOA may only be taken after it has been entered in the payroll/personnel system and is available in the National Finance Center's database.

- e. All approved nomination forms must be forwarded to OCCHCO for processing and recordkeeping.

## I. Candidate Referral Bonus Program

### 1. Overview

- a. FEMA may augment its recruiting efforts by authorizing cash referral bonuses for employees who help FEMA identify candidates for hard-to-fill positions as determined by OCCHCO. The Associate Administrator, Mission Support, must determine whether positions within OCCHCO are hard-to-fill.
- b. The Program Head (Office or Directorate) will submit a request to OCCHCO to include positions in the Candidate Referral Bonus Program. The request must include:
  - i. A list of positions requested to be included in the Candidate Referral Bonus Program;
  - ii. The factor(s) and supporting information to designate a position as hard-to-fill;
  - iii. A time period for when referral bonuses may be paid; and
  - iv. The number of positions to be filled, or the number of referral bonuses that may be paid through this program.
- c. Mission Support must consider the following factors when designating a position as hard-to-fill:
  - i. The lack of success of recent efforts to recruit candidates and retain employees in like positions;
  - ii. The availability in the labor market of highly qualified candidates;
  - iii. Recent turnover in similar positions;
  - iv. Special qualifications needed for the position;
  - v. Inability to meet or keep a sufficient Reservist force structure; and
  - vi. Any other unique factor that demonstrates difficulty in filling the position.
- d. Referral bonuses may only be paid after OCCHCO verifies that the appropriate monies have been appropriated and allocated for such purpose.
- e. OCCHCO will maintain a list of positions that are included in the Candidate Referral Program.
- f. Eligible employees may receive a \$100 referral bonus per referral, up to a maximum of ten referral bonuses per calendar year.
- g. Referral bonuses will be paid in one lump-sum payment after a prospective employee is successfully on-boarded for a period of at least 90 days.
- h. A referral bonus will only be granted once per hired candidate upon his or her initial appointment to FEMA. The referred candidate must identify the FEMA employee who referred him/her to FEMA. Only one employee may receive a

referral bonus per newly on-boarded candidate. Multiple referral bonuses will not be awarded for the same successfully on-boarded candidate.

- i. Once an employee refers a candidate through the Candidate Referral Bonus Program, the employee may not advocate for the candidate's appointment to anyone involved in the rating or selection of employees for the position.
  - j. The designation of hard-to-fill positions and the selection of candidates will be made without regard to race, color, religion, sex (including pregnancy and gender identity), national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, labor organization affiliation or non-affiliation, parental status, military service, or other non-merit factor.
2. Eligibility
    - a. Any employee may refer a candidate for potential employment.
    - b. All employees are eligible to receive a referral bonus, except for the following restrictions:
      - i. Employees whose regular, recurring jobs include recruitment of new employees; employees who are involved, in any way, in the rating or selection of the referred candidate; or employees who refer a relative<sup>1</sup> are ineligible for a referral bonus.
      - ii. During a Presidential election period,<sup>2</sup> non-career SES members, Schedule C employees, and employees appointed by the President with Senate confirmation<sup>3</sup> are ineligible to receive a referral bonus.
  3. To apply for a referral bonus, eligible current employees must complete and send *FEMA Form 255-4-1-2: Candidate Referral Bonus Form* (available on the FEMA intranet) to the OCCHCO Talent Acquisition Division.
  4. OCCHCO will review applications for a referral bonus, ensuring that the position is included in the program, and that the candidate identifies the referring employee prior to approving a referral bonus.

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<sup>1</sup> "Relative" includes: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister (5 U.S.C. § 3110(a)(3)).

<sup>2</sup> A "Presidential election period" means any period beginning on June 1 in a calendar year in which the popular election of the President occurs, and ending on January 20 following the date of such election (5 U.S.C. § 4508).

<sup>3</sup> In order to be ineligible for this referral bonus, the employee appointed by the President with Senate confirmation must be serving in an Executive Schedule position, or a position for which pay is set in statute by reference to a section or level of the Executive Schedule.

## Additional Information

### **Review Cycle**

FEMA Instructions 255-4-1: Awards and Recognition will be reviewed, reissued, revised, or rescinded within four years of the issue date.

### **Authorities**

- A. 5 U.S.C. Chapter 43, *Performance Appraisal*.
- B. 5 U.S.C. Chapter 45, *Incentive Awards*.
- C. 10 U.S.C. Chapter 57, *Decorations and Awards*.
- D. 5 U.S.C. § 5335, *Periodic Step-Increases*.
- E. 5 U.S.C. § 5336, *Additional Step-Increases*.
- F. 5 C.F.R. Part 250, *Personnel Management in Agencies*.
- G. 5 C.F.R. Part 451, *Awards*.
- H. 5 C.F.R. Part 531, Subpart E, *Quality Step Increases*.

### **References**

- A. DHS MD 255-01: Honorary Awards, dated October 31, 2007.
- B. DHS MD 255-01-001: Instruction Guide on Honorary Awards, dated November 6, 2007.
- C. DHS MD 255-02: Employee Recognition, dated October 31, 2007.
- D. DHS MD 255-02-001: Instruction Guide on Employee Recognition, dated November 6, 2007.
- E. DHS Instruction Manual 255-03-001-01: Time-Off Awards, dated March 25, 2015.
- F. FEMA Directive 112-15: Delegations of Authority, dated January 18, 2017.
- G. OPM Guide to Processing Personnel Actions, online resource, last revised March 2017.

### **Forms**

- A. FEMA Form 255-4-1-1: Award Nomination
- B. FEMA Form 255-4-1-2: Candidate Referral Bonus Form
- C. OPM Standard Form 50: Notification of Personnel Action

## **Definitions**

- A. Administrator's Award. An honorary recognition bestowed by the Administrator of FEMA. The award is given to individuals and groups that have clearly demonstrated extraordinary performance in support of the Agency. This award is held in high esteem and is presented at the Administrator's discretion.
- B. Award. Something bestowed or an action taken to recognize and reward an individual, group, or team achievement for contributions that meet organizational goals or improve the efficiency, effectiveness, and economy of the government, DHS, FEMA, or the public interest.
- C. Awards Coordinator. A designated representative within each FEMA Office or Directorate who manages the awards process including the review of nominations for compliance with guidelines, monitors awards funding, and otherwise assists the Program Head (Office or Directorate). A Delegation of Authority is required to appoint this representative.
- D. Cash or Monetary Award. An award in the form of a lump-sum cash payment that does not increase the employee's rate of basic pay and is based on tangible or intangible benefits to the federal government, DHS, or FEMA.
- E. Contribution. An accomplishment achieved through an individual or group effort in the form of a special act or service in the public interest, connected with or related to official employment that contributes to the efficiency, economy, or other improvement of DHS, FEMA, or government operations.
- F. CORE Step Increase. An increase in a CORE employee's rate of basic pay from one step or rate of the grade of his or her position to the next higher step of that grade or rate within that grade in accordance with 5 U.S.C. § 5336. A CORE Step Increase is in addition to a periodic step increase under 5 U.S.C. § 5335.
- G. Honorary or Non-Monetary Award. An award in which the recognition is not a cash payment or time-off award; rather it is an acknowledgment of an accomplishment or contribution through a letter, certificate, medal, plaque with citation, pin, apparel, or other recognition items of nominal value.
- H. Little intrinsic or inherent value. Minimal monetary value as a necessary characteristic, of honorary or sentimental worth only.
- I. Nominal Value. A recognition item worth less than \$20, which is not equivalent to cash.
- J. On-the-Spot Award. An individual cash award ranging from \$100 to \$500 per quarter (not to exceed \$2,000 per employee per fiscal year) that provides recognition for a specific act or service that has served the public interest and has exceeded normal job requirements.
- K. Performance-Based Award. A merit-based award that is directly linked to the Employee Performance Management Program and an employee's rating of record. It can be given in the form of a lump-sum cash amount or a time-off award, but not in combination.

- L. Program Head (Office or Directorate). A Senior Executive Service member such as an Associate Administrator, Assistant Administrator, Regional Administrator, Office Chief and/or designee no lower than organization chart level three.
- M. Quality Step Increase. A quality step increase is an increase in a GS employee's rate of basic pay from one step or rate of the grade of his or her position to the next higher step of that grade or rate within that grade in accordance with 5 U.S.C. § 5336. A Quality Step Increase is in addition to a periodic step increase under 5 U.S.C. § 5335.
- N. Rating of Record. A written performance appraisal that is prepared at the end of the performance cycle, covering an employee's performance of assigned duties against performance expectations over the entire performance cycle and includes the assignment of a summary rating level.
- O. Recognition Item. An award of nominal value such as a letter, certificate, pin, plaque with citation, apparel, or certificates.
- P. Referral bonus. A cash award given to FEMA employees who help FEMA identify candidates for hard-to-fill positions as determined by the Chief Component Human Capital Officer (the Associate Administrator, Mission Support, must determine whether positions within the Office of the Chief Component Human Capital Officer are hard-to-fill).
- Q. Special Act Award. A lump-sum cash award that recognizes specific accomplishments that have served FEMA and the public interest and have exceeded normal job requirements. These awards can be for individual or group contributions. This award can be given at any time, but individuals or groups may not be recognized monetarily for the same accomplishment more than once.
- R. Summary Rating Level. The performance rating level that describes an employee's overall performance during the performance cycle and which is a weighted calculation derived mathematically from an employee's performance on both performance goals and core competencies.
- S. Team or Group Award. A special act, time-off, or honorary award that recognizes two or more employees for a joint contribution.
- T. Time-Off Award (TOA). An award in which time-off from duty is granted without loss of pay or charge to leave and for which the number of hours granted is commensurate with the employee's contribution or accomplishment. This type of award is an alternate means of recognizing the superior accomplishments of employees. A time-off award must not be converted to a cash payment under any circumstances.

## **Monitoring and Evaluation**

OCCHCO will evaluate the application of the Awards and Recognition Program on an annual basis for conformity with 5 C.F.R. Part 250 and the requirements of the OPM Human Capital Assessment and Accountability Framework.

OER will conduct trend analysis of the Awards and Recognition Program on an established schedule to ensure equal access to all qualified employees, pursuant to the Equal Employment Opportunity Commission's Management Directive 715.

### **Questions**

Please direct questions to the FEMA Human Capital Service Desk at [FEMA-HC  
ServiceDesk@FEMA.DHS.gov](mailto:FEMA-HCServiceDesk@FEMA.DHS.gov) or phone 866-896-8003.

## **APPENDIX A – GUIDELINES FOR PERFORMANCE-BASED AWARDS DISTRIBUTION**

<b>RATING OF RECORD</b>	<b>LUMP-SUM CASH AWARD</b>	<b>TIME-OFF AWARD</b>
Achieved Excellence	2%-3.8% of Base Salary	Up to 40 Hours
Exceeded Expectations	.5%-1.95% of Base Salary	Up to 24 Hours
Achieved Expectations	None	None
Unacceptable	None	None

## APPENDIX B – GUIDELINES FOR AWARD AMOUNTS FOR SPECIAL ACTS AND TIME-OFF

<b>IMPACT</b>	<b>LIMITED</b>	<b>EXTENDED</b>	<b>BROAD</b>
	Affects functions or personnel of one Office or Directorate, or Region.	Affects functions, mission, or personnel of more than one Office or Directorate, or Region.	Affects functions, mission, or personnel of the Agency.
<b>MODERATE</b> Change or modification of an operating principle or procedure with a relatively narrow use or impact.	\$200 - 400 or 1-4 Hours	\$401 - 650 or 5-7 Hours	\$651 - 900 or 8-10 Hours
<b>SUBSTANTIAL</b> Substantial change or modification of procedures; <b>an important improvement</b> to the value of a product, activity, program, or service to the public.	\$401 - 650 or 6-10 Hours	\$651 - 900 or 11-15 Hours	\$901 - 1,300 or 16-20 Hours
<b>HIGH</b> Complete revision of a basic principle or procedure; <b>a highly significant improvement</b> to the value of a product or service.	\$651 - 900 or 15-20 Hours	\$901 - 1,300 or 21-25 Hours	\$1,301 - 3,150 or 26-30 Hours
<b>EXCEPTIONAL</b> Introduction of an important new principle or procedure; <b>an extraordinary improvement</b> to a critical product, activity, program, or service to the public.	\$901 - 1,300 or 25-30 Hours	\$1,301 - 3,150 or 31-35 Hours	\$3,151 – 6,000 or 36-40 Hours



**FEMA**

# FEMA DIRECTIVE: FEMA Employee Resource Groups

## FEMA Directive #112-10

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### **BACKGROUND**

This Directive is applicable to all Federal Emergency Management Agency (FEMA) employees. This Directive does not supersede any other FEMA policy or directives.

### **PURPOSE**

To establish FEMA standards, procedures, and responsibilities for non-union, voluntary employee organizations known as FEMA Employee Resource Groups (FERGs).

### **PRINCIPLES**

- A. FEMA is committed to maintaining a workforce that reflects our Nation's rich diversity and capitalizes on the varied cultural, professional, and ethnic backgrounds of our workforce and those we serve. FEMA encourages staff participation in FERGs to ensure representation of diverse perspectives in executing FEMA's mission.
- B. FERGs are a valuable mechanism to foster innovation, offer employees access to leadership opportunities, establish programs and activities aligned with FEMA's mission, provide employees with development opportunities, and provide managers with innovative solutions to enhance diversity.
- C. FERG activities may include, but are not limited to, assisting with recruitment and outreach events under the direction of the Office of the Chief Component Human Capital Officer (OCCHCO); organizing and participating in networking and mentoring opportunities; hosting career development workshops in coordination with the Office of Equal Rights (OER) and OCCHCO; co-hosting commemorative, cultural, educational, and social enrichment events; and assisting with conducting workplace trends and barrier analysis.
- D. OER and the Diversity Management Advisory Council (DMAC), and FERGs will analyze workforce data to eliminate any equal opportunity barriers.

### **REQUIREMENTS**

- I. Roles and Responsibilities



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Outcome: Positions that have an actionable role for FERGs to understand their responsibilities.

A. Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:

1. Providing policy direction and oversight of the FERG program in collaboration with OER;
2. Reviewing and approving FERG charters; and
3. Appointing a liaison for each FERG in coordination with OER.

B. Office of Equal Rights (OER) is responsible for:

1. Providing policy direction and oversight of the FERG program in collaboration with OCCHCO;
2. Reviewing and approving FERG charters; and
3. Appointing a liaison for each FERG in coordination with OCCHCO.

C. Office of Chief Counsel (OCC) is responsible for:

1. Providing legal advice to FERGs;
2. Appointing at least one staff person to be a member of each FERG;
3. Reviewing and approving FERG charters; and
4. Reviewing and approving the use of the FEMA name and logo in publicity materials.

D. Diversity Management Advisory Council (DMAC) is responsible for:

1. Serving as the umbrella organization supporting the FERGs;
2. Appointing at least one staff person to be a member of each FERG;
3. Serving as a resource and advocate for FERGs; and
4. Serving as an advisory body to the Administrator and Deputy Administrator on diversity and inclusion issues. The goals of the DMAC are to:
  - i. Maintain a sustained commitment to diversity throughout FEMA's senior leadership, front-line workforce, and overall organizational culture;
  - ii. Oversee implementation of FEMA's current Diversity Action Plan, and conduct diversity-focused strategic and succession planning efforts;
  - iii. Conduct analyses and make recommendations to FEMA senior leadership to confirm that diversity is fully and continuously leveraged within FEMA policies, plans, and programs; and
  - iv. Ensure that the face of FEMA optimally and equitably reflects the diverse fabric of American society.

E. Office of Equal Rights Deputy Director (or designee) (FERG Champion) is responsible for:

1. Overseeing the FERG Liaisons; and
2. Reviewing and approving announcements for FERGs.

F. FERG Senior Executive Service (SES) Sponsor is responsible for:



# FEMA

1. Ensuring FERG goals are accomplished;
2. Participating in FERG meetings;
3. Hosting events;
4. Mentoring FERG participants;
5. Playing an active role in their assigned FERG to support diversity and inclusion programs;
6. Supporting the professional development of FERG members; and
7. Participating in cultural literacy training.

G. FERG Liaisons are responsible for:

1. Assisting FERGs with conducting barrier analyses;
2. Assisting FERGs with hosting events;
3. Promoting FERG activities; and
4. Reviewing FERG-sponsored employee messaging.

II. Membership and Conduct

Outcome: Employees understand the requirements to form a FERG, membership requirements, and the proper code of conduct.

- A. Each FERG shall have at least one representative from OCCHCO, OER, OCC, and the DMAC. These representatives do not have to be group leaders, they can be members of the group.
- B. Each FERG must have at least one SES Sponsor. SES Sponsors may be identified by FERG members, volunteer, or be invited to participate by OCCHCO or OER.
- C. To become an official FERG, groups must have at least five (5) members.
- D. Previously formed FERGs shall have three months from the date of issuance of this Directive to bring the composition of their FERG charter and bylaws into conformance with this Directive.
- E. FERGs must ensure open membership to any interested FEMA employee. FERG membership is voluntary. FERGs cannot discriminate based on race, color, national origin, religion, age, sex, sexual orientation, disability, genetic information, or any other protected status.
- F. FERGs must not assist or participate in a strike, work stoppage, or slowdown against the Government of the United States or any agency. No member should impose a duty or obligation to conduct, assist, or participate in a strike, work stoppage, or slowdown.
- G. FERGs must provide annual reports on the FERG's accomplishments and collaborative efforts to OCCHCO, OER, FERG Liaisons, and the DMAC.



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- H. At the beginning of each fiscal year, each FERG will submit a plan for the current fiscal year, which covers quarterly workshops, fiscal year objectives, membership recruitment plans, plans to conduct barrier analyses, and other activities.
- I. FERGs must actively collaborate with the DMAC and the OER Affirmative Employment Program (AEP) to:
  1. Further AEP goals (i.e., co-hosting observance events, conducting barrier analysis, and promoting diversity and inclusion);
  2. Further the professional development of FERG members and similarly situated FEMA employees; and
  3. Overcome barriers to workforce diversity.
- J. Each FERG will be open to members across the agency. Multiple FERGs in different Regions or offices covering the same group or category of employees will not be authorized.

## III. Guidance and Oversight

Outcome: FERGs receive guidance and oversight from a coordinated group of FEMA offices and senior leaders.

- A. The DMAC Co-Chairs oversee, monitor, and approve FERG activities as they relate to diversity and inclusion initiatives and the overall FEMA mission. OCCHCO and/or OER may rescind or cancel any FERG activity that is contrary to law, regulation, or FEMA operational requirements.
- B. The AEP provides FERGs with advice regarding FEMA's affirmative employment programs.
- C. Each prospective FERG must coordinate with OCCHCO, OER, and the OCC, to draft a charter. OCCHCO, OER, and OCC must approve the charter of each FERG before the document is finalized. Any charter revisions must also be approved by OCCHCO, OER, and OCC before being implemented.
- D. If a FERG becomes inactive, due to leadership, membership, and/or participation deficiencies (i.e., failing to adhere to this Directive or lack of participation), the DMAC may intervene to ensure the continuity of program services. The DMAC may also provide assistance in promoting FERGs to increase participation. Such intervention may include, but is not limited to, establishing interim leadership until an election is held.

## IV. FEMA Support of FERGs

Outcome: FERGs are aware of the resources and support available across FEMA.

- A. FERG Liaisons
  1. FERG Liaisons will be assigned to assist the FERGs to conduct barrier analysis, co-host observance events, and to assist with promoting the existence of the FERGs within the Agency.



# FEMA

2. FERG Liaisons are part of OCCHCO or OER and report to the OER Deputy Director (FERG Champion).
- B. Use of email, interoffice mail, Intranet websites, and bulletin boards/digital messaging boards:
  1. FERGs may use basic e-mail and interoffice mail, or bulletin boards/digital messaging boards to communicate or promote approved FERG activities.
  2. FERG-sponsored employee messaging must be approved by the OER Deputy Director before submitting the message through the messaging review and concurrence process. FERG Liaisons will facilitate e-mail broadcasts and/or digital messaging boards, announcements, and other forms of communications for FERGs in coordination with Office of External Affairs' Internal Communications Division.
  3. All-employee communications, including the use of bulletin boards/digital messaging boards, the Intranet website, as well as social media use, must be approved through the Office of External Affairs, and FEMA ExecSec when applicable, before use/distribution in accordance with FEMA's employee messaging policy.
  4. URL links for officially recognized FEMA FERGs may be included on the DMAC and OER Intranet pages. FERGs interested in posting such links must coordinate with DMAC and FERG Liaisons for review and posting to the FEMA Intranet site.
  5. FERG Liaisons will review the online content of FERG Intranet page(s) to ensure that FERG activities do not conflict with official Government duties, these standard operating procedures, or FEMA's mission.
  6. FERG Liaisons will post the FERG's charter/bylaws on the OER Intranet page.
  7. FERG Liaisons will insert the following pop-up language when URL links to external websites are used: "You are leaving the FEMA intranet. The site you are about to visit is not affiliated with FEMA. FEMA is not responsible for the availability or content of this external site, nor does it endorse, warrant or guarantee the services or information described or offered on the site. The views and information provided on the external website do not necessarily state or reflect those of FEMA."
  8. Paid advertisements are prohibited.
  9. Announcements must state whether a FERG is solely sponsoring an event or if the event will be co-sponsored between a FERG and another FEMA entity.
- C. Use of Government Equipment
  1. Members of officially recognized FERGs may reasonably use Government telephone and Internet services in the same manner as is allowed for all employees. Use must not result in substantial cost to the Government.
  2. FERG members may use of government equipment, such as computers, printers, copiers, and fax machines for FERG activities.
- D. Professional Conference Attendance at Government Expense



# FEMA

1. Funds to attend professional conferences may come out of the operating budget of the office of each FERG member requesting to attend a conference. FEMA is not obligated to provide funds for employees to attend professional conferences. Any funding decision relating to conference attendance is not appealable or grievable. Office or Directorate heads may approve funding requests to attend a professional conference, if the use of appropriated funding is consistent with FEMA's policies and directives, and only after determining that:
    - i. Attendance is for employee development and FEMA will benefit from the employee's attendance (supervisors must review the agenda for the requested professional conference to ensure that FEMA and the employee will directly benefit from the conference);
    - ii. Funds are available and attendance is reported to the Office of the Chief Financial Officer per conference directive requirements; and
    - iii. The office and the employee's workload will not be impacted detrimentally by the employee's absence.
  2. Supervisors may, at their discretion, limit the total number of attendees permitted at a specific event due to mission needs, budget, or workload concerns. Any decision to limit attendance is not appealable or grievable.
  3. Employees who have a performance rating of unsatisfactory, or who are under a formal leave restriction, will not be authorized to attend professional conferences at government expense.
  4. If an employee is currently under any medical restriction with regard to work, such as receiving workers' compensation, OCCHCO must be consulted prior to approval.
  5. Employees may request personal leave to attend professional conferences at their own expense in accordance with FEMA's Absence and Leave policy.
- E. FERGs may use FEMA facilities according to the normal processes and procedures for reserving and using such facilities.
- F. FERGs are permitted to host fundraising activities at FEMA facilities in order to raise funds for programs and speakers in accordance with government ethics rules, FEMA policy, and with OCC approval.
- G. Use of Federal Emergency Management Agency (FEMA) in the organization name
1. FERGs must consult with FERG Liaisons (in coordination with the Office of External Affairs) about the proper use FEMA's name and logo in their name and their publicity materials. FERG Liaisons must obtain legal review from OCC to ensure that the use of the agency's name and logo comply with agency policy and the *Standards of Ethical Conduct for Employees of the Executive Branch*, 5 C.F.R. Part 2635.
  2. FERGs are not authorized to speak on behalf of FEMA or DHS.
  3. FERGs are not authorized to use DHS's or FEMA's name or logo during public events without approval from the Office of External Affairs.



# FEMA

- H. Employees may be granted a de minimus amount of duty time to participate in FERG activities. Employees who wish to spend more than a de minimus amount of time on FERG activities, may extend their working day by a corresponding amount of time, use annual leave, compensatory time or credit hours if available, or Leave Without Pay. The actual number of hours granted to employees may vary depending upon the nature and frequency of the activity. Supervisors must approve the amount of time granted for FERG activities beforehand. The approved amount of time an employee may engage in an FERG is not appealable or grievable.
- I. Participation in a FERG or any FERG activities shall not cause the employee to be entitled to overtime or premium pay.
- J. FERGs are subject to audits by OCCHCO, OER, DHS, the Office of Personnel Management, the Government Accountability Office, or any other authorized entity. FERGs are responsible for producing any required reports or documentation upon request.

## V. Exclusions from Policy

Outcome: Employees understand the types of activities excluded from this Directive.

- A. This policy does not apply to:
  1. Official work groups;
  2. Affinity groups (i.e., Blacks in Government, Federally Employed Women, League of United Latin American Citizens);
  3. Credit unions;
  4. Informal groups (e.g., hospitality/condolence committees, sunshine funds, etc.);
  5. Unions;
  6. Organizations of former FEMA employees; or
  7. Any organization whose membership is primarily comprised of FEMA supervisory or managerial personnel with whom the establishment of a consultative relationship is required by 5 C.F.R. § 251.201 (e.g., the Professional Managers Association, the Senior Executives Association, the Federal Managers Association, or any organization with whom FEMA's relationship is established or prescribed by statute, regulation, or other law).

## VI. FERG Prohibitions

Outcome: FERGs have established limits on the types of activities they may conduct.

- A. The name of the FERG may not include the word "Association" or "Fund".
- B. A FEMA FERG may not advocate for issues concerning wages, hours, or any other term or condition of employment.
- C. FERGs shall not act as a representative of complaints and grievances against the agency. If an employee raises a complaint or a grievance, FERGs shall refer any such complaints or grievances to the proper FEMA office in accordance with FEMA policy.



**FEMA**

A handwritten signature in blue ink, appearing to read "Corey J. Coleman".

**Corey J. Coleman**  
Chief Component Human Capital Officer  
Office of the Chief Component Human Capital  
Officer

Date

1/31/2018

A handwritten signature in blue ink, appearing to read "Regis Phelan".

**Regis Phelan**  
Acting Director  
Office of Equal Rights

Date

27 Feb 18



# FEMA

## ADDITIONAL INFORMATION

### REVIEW CYCLE

FEMA Directive 112-10, FEMA Employee Resource Groups, will be reviewed, reissued, revised, or rescinded within four years of the issue date.

### AUTHORITIES

- A. Title 18, United States Code §§ [205](#) and [208](#).
- B. Title 5, Code of Federal Regulations (C.F.R.) Parts [251](#) and [2635](#).
- C. Title 5, C.F.R. § [251.202](#).
- D. [Executive Order 12731](#) (Oct. 17, 1990): Principles of Ethical Conduct for Government Officers and Employees.
- E. DHS Directive 112-6, Employee Associations.
- F. [FEMA Directive 126-10, Process for Approval to Host or Participate in Conferences](#).
- G. [FEMA Manual 122-1-1: Travel Policy](#).
- H. [FEMA Manual 123-10-01: Absence and Leave Policy](#).
- I. [FEMA Manual 106-1-1: Scheduling of Work](#).
- J. [FEMA Manual 253-2-1: Premium Pay Policy](#).

### REFERENCES

- A. DHS Management Directive 123-07, Limitation on Purchase and Use of Branded Merchandise.

### MONITORING AND EVALUATION

OCCHCO and OER will monitor and review the process for FERGs and take any necessary actions to revise this directive and/or ensure conformity with the directive.

### QUESTIONS

Direct questions to the Human Capital Customer Relations at [FEMA-HC-ServiceDesk@FEMA.DHS.gov](mailto:FEMA-HC-ServiceDesk@FEMA.DHS.gov) or 866-896-8003.



## APPENDIX

### SAMPLE FEMA EMPLOYEE RESOURCE GROUP CHARTER TEMPLATE

#### I. Purpose

The FEMA Employee Resource Group (FERG) is established in partnership with the Diversity Management Advisory Council (DMAC), with the primary objective to support the development and implementation of Diversity and Inclusion programs and policies in relation to the group's community. The purpose of the FERG is to provide a forum for diverse voices to discuss issues related to the groups' shared characteristics. In alignment with Agency's commitment to its principles of excellence and core values: compassion, fairness, integrity, and respect, this FERG enhances the Agency's broader diversity and inclusion goals through employee engagement, recruitment & professional development, retention, and guiding effective outreach to the diverse communities it represents.

#### II. Scope

The FERG serves as advisor to the DMAC and the Office of Equal Rights (OER) on diversity issues related to the group's community with the goal of ensuring that FEMA achieves its global Diversity Vision: "An inclusive environment in which the Agency leverages diversity to achieve mission goals and business objectives and to maximize the potential of individuals and the organization."

The FERG:

- A. Supports FEMA leadership and the DMAC in achieving FEMA's global Diversity Vision and related goals;
- B. Provides visibility, networking, and peer support connections to group's individuals throughout the agency;
- C. Serves as a "change agent" focused on fostering a "culture of diversity" related to group's issues and community cross FEMA through visible commitment and frequent communication and by advocating for group's diversity to be a key factor in organizational planning, recruitment, hiring, and workforce development decisions, and retention initiatives; and
- D. Partners with DHS groups, other Federal Agency Affinity, Employee Associations, and Employee Resource Groups associated with the group's community.

#### III. Related Authorities

- A. DHS Directive Number 112-06 Employee Associations
- B. Title 5, Code of Federal Regulations, Part 251, "Agency Relationships with Organizations Representing Federal Employees and Other Organizations"
- C. DHS 065-02-001 Equal Employment Opportunity Special Emphasis Programs



# FEMA

- D. United States Department of Homeland Security, Federal Emergency Management Agency, Diversity Management Advisory Council Charter

## IV. Policies

- A. The FERG's interests and activities shall extend, to the extent practicable, to all FEMA Offices and Directorates.
- B. The FERG shall be nonpartisan and not-for-profit, and shall be supported by contributions from its members and, to the extent available and appropriate, by contributions or other funding from FEMA or from other individuals or groups.
- C. The FERG shall not itself discriminate in any of its activities on the basis of race, color, creed, sexual orientation, gender identity, religion, national origin, age, marital status, political affiliation, disabling condition, or membership in a labor organization.
- D. The FERG will comply with Federal ethics and DHS ethics policy.
- E. The FERG will prohibit members from engaging in the use of DHS or FEMA franking privileges for US Mail.
- F. The FERG shall exist to conduct activities of interest to its members, as determined through the democratic processes outlined below.
- G. The FERG shall not act as a representative of complaints and grievances against the agency. If an employee raises a complaint or a grievance, the FERG shall refer any such complaints or grievances to the proper FEMA office in accordance with FEMA policy.

## V. Membership and Structure

**Membership:** The FERG is comprised of any and all employees and volunteers who wish to participate. Participation is voluntary and on the employee's time. Membership is open to all employees and shall remain fluid, with participation at the team member's discretion.

**Senior Executive Service (SES) Sponsor:** The FERG has at least one SES sponsor who will ensure the group has a direct conduit to senior leadership and the DMAC.

A. Qualifications:

- 1. Holds a position in senior leadership as a career SES member.
- 2. Is interested in supporting the interests of the FERG.

B. Responsibilities:

- 1. Serve as leading voice and advocate for the FERG both nationally and amongst peers.
- 2. Provide guidance to and actively engage with peers throughout organization to gain input and to promote the group's annual goals and progress.
- 3. Make decisions on behalf of the FERG and suspend any activities and behavior not aligned with or in support of agency principles or business objectives.



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**National Co-Sponsors:** The FERG will have two or more National Co-Sponsors. Co-Sponsors will provide leadership, guidance, and support them by using their influence to promote group participation throughout the organization. Co-Sponsors ensure that the larger issues, concerns, successes and trends related to the group are addressed.

A. Qualifications:

1. Holds a management level (GS 14 and above) employee position at one of the Regions, facilities or as part of National Headquarters.
2. Approved by the SES sponsor.

B. Responsibilities:

1. Provide guidance and counsel to the FERG steering committee.
2. Consult with the SES sponsor and other internal diversity groups to discuss trends, issues and opportunities.
3. Ensure all discussions, meetings and activities support the business objectives and communicate FEMA business needs and areas of focus to the steering committee.

**Steering Committees:** The FERG will have a Steering Committee comprised of members from different Directorates and from various geographic locations. The steering committee should elect or appoint two co-chairs who lead and coordinate meetings and activities.

A. Qualifications:

1. Must be an active member the FERG.
2. Must be able to give at least two hours per month to committee member activities (i.e., meetings, projects).
3. Must have supervisor's support to participate as committee member.

B. Responsibilities:

1. Increase awareness of the FERG across all sectors of the Agency.
2. Promote active engagement of members via Facebook, Intranet, quarterly calls and/or local meetings with the FERG, and advise on follow-up needed regarding issues or questions raised in discussion.
3. Participate in routine calls and/or meetings of the Steering Committee as needed.
4. Plan and implement activities and initiatives of the FERG.
5. Act as first point of access to the FERG membership at large; advise and consult on potential strategies for leveraging groups as a resource in supporting objectives outlined by the DMAC.
6. Collaborate with other DHS or Federal Agency groups.

**Secretary:** The FERG will have a Secretary who is appointed by the SES sponsor or elected by the members.

A. Qualifications:



# FEMA

1. Must be an active member of the FERG.
  2. Must be able to give at least two hours per month to FERG meetings.
  3. Must have supervisor's support to participate in the FERG.
- B. Responsibilities:
1. Keep minutes of all general meetings.
  2. Maintain all official organizational records, including the membership records.
  3. Notify members and, to the extent possible, other interested individuals of all meetings and activities, and circulate minutes, agendas, and other pertinent documents as appropriate and practicable.
  4. Perform such other duties as the SES sponsor may specify from time to time.

**Office of the Chief Component Human Capital Officer (OCCHCO) and Office of Equal Rights (OER):** The FERG will be assigned a liaison from OCCHCO or OER. The Liaison will provide support to the FERG, be a resource for general diversity information, and communicate important issues between DMAC and steering committee.

## VI. Membership

- A. Membership is open to all employees and volunteers who wish to participate.
- B. FERG participation is often personal and private matters, and all decisions about sharing such information must be made by the individual involved. To that end:
  1. The FERG official membership list will be maintained by the FERG Secretary or other designee in strict confidence, and will be used solely for internal organizational purposes. The list of FERG members should include a list of member names, program office, official duty station, and contact information. The Secretary or other designee may make aggregated or otherwise anonymous membership information available to the general membership, but shall make information concerning individual members available only to the SES sponsor or the National Co-Sponsors, the FERG Liaisons, and only when necessary for the discharge of their organizational duties.
  2. The Secretary shall in addition maintain a list containing the names of and a means of contacting the SES sponsor, and all current members of the National Co-Sponsors, which shall be available to all members and to the public. Information concerning individual members shall not be made available in any other way or to any other person without the specific written consent of each individual involved.
  3. It is the responsibility of all officers and members to maintain the confidentiality of other members, fellow employees, or other individuals who attend meetings or participate in other FERG activities.
- C. FERG members will not accept gratuities or any other benefits, directly or indirectly, from sellers of goods or services doing or soliciting business with the association.



# FEMA

- D. FERG members shall not accept special discounts, unless those discounts are available (or the chance at receiving those discounts) to all members.
- E. Membership dues for the FERG, if applicable, will be assessed on an equal basis for all members if and when established.

## VII. Leadership Position Elections

- A. The FERG shall hold a general meeting in January of each year for the purpose of electing National Co-Sponsors, Steering Committee members, and a Secretary. Candidates may be nominated by any voting member (including themselves). The election of the National Co-Sponsors shall take place before the election of positions. All positions will be elected by simple majority. Unsuccessful candidates for National Co-Sponsors may thereafter run for election to other available positions.
- B. Members shall be entitled to vote for a number of candidates for election as National Co-Sponsors equal to the number of positions to be filled, but no member may cast more than one vote for any one candidate. Candidates shall be elected to vacant positions in the order determined by the number of votes that they receive. In the event that more candidates receive an equal number of votes than there are remaining vacant positions, the outcome shall be decided by run-off among those candidates.
- C. Each position will serve one year terms.
- D. No officer may serve more than four consecutive terms in the same position. An officer may be removed from office with the concurrence of the SES sponsor. When any office becomes vacant before the end of a normal term through resignation, removal or otherwise, that office may be filled for the remainder of the term by the SES sponsor.
- E. Current politically appointed Federal employees may not serve as FERG officials.
- F. Elected officials within the FERG shall be prohibited from accepting compensation for their service to the FERG.

## VIII. Voting

- A. At any meeting of the membership, the presence (in person or remotely) of five members shall constitute a quorum for the purpose of transacting any normal business, and action may be taken by a majority vote of those present (in person, remotely, or by proxy) at the meeting.
- B. Any action involving significant change to the structure or ongoing operation of the FERG, as determined by the SES sponsor (but in any event including all elections and any amendment of this Charter), may be taken only:
  1. After no less than 21 days' notice to all voting members listed on the official membership list maintained by the Secretary or other designee in accordance with the general nature of the proposed action and the time and place of the meeting at which it is to be considered;



# FEMA

2. By a meeting at which at least sixty percent of the voting members listed on the official membership list referred to above are present in person, remotely, or by proxy; and
  3. In the case of amendments to this Charter, by a vote of two-thirds of the members present and voting (in person, remotely, or by proxy).
- C. At any meeting, a voting member may attend and vote either in person, remotely, or by proxy. Any such proxy shall be in writing, shall be limited in time and purpose to a specific meeting of the membership (or any postponement, continuation or adjournment thereof), and shall specify in reasonable detail the particular matters on which the individual granted the proxy shall be entitled to cast the absent member's vote.

## **IX. Responsibilities and Objectives**

In furtherance of the FERG's purpose, all activity and initiatives will support the following value points:

### **A. Continued Networking**

1. Serve as a mechanism to connect employees with one another and to promote participation in and engagement with the group.
2. Actively increase awareness of the FERG among employees in all lines of business.
3. Connect members in order to support and be supported by others from a shared background.

### **B. Professional Development**

1. Serve as a vehicle through which members can have access to professional development opportunities.
2. Promote internal mentoring to develop diverse talent.
3. Support retention initiatives.

### **C. Diversity and Inclusion Initiative Enhancement**

1. Improve and endorse the visibility of diversity both within and outside of the Agency.
2. Identify opportunities to improve external perception of FEMA amongst internal or external communities.
3. Promote cultural awareness through education and training events that specifically target the identified needs of the community.
4. Assist with monitoring agency policies, practices, and procedures to identify barriers to full participation, possible systemic forms of discrimination and barriers to equal opportunity in employment activities of the group's individuals, and provide OCCHCO, OER, and the DMAC with recommendations for corrective action.
5. Provide subject matter expertise from outside the typical EEO/civil rights arena, via a diverse pool of group employees and ally employees.



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6. Serve as a point of contact for supervisors, managers, and employees seeking to support the group's employees.
7. Serve as a resource to the agency for improving disaster services to the group's survivor population.

## X. Meetings and Communication

Led by their Co-chairs, group members may decide the frequency of their formal meetings, calls or other communications, with a minimum of once per quarter. Since group membership extends beyond organizational groupings or regional proximity, a majority of the group communication will occur virtually. Employees may represent themselves as individuals while engaging in group communication. Only those officially authorized will speak on behalf of the agency in an official capacity. The FERG will operate virtually through venues such as Facebook groups, conference calls, webinars, group emails, and Intranet.

In locations where the workforce is sufficiently large, the FERG members will be encouraged to host localized events or meetings. The frequency and type of gatherings will be determined by the members in consultation with the respective SES sponsor, National Co-Sponsors, and the Steering Committee.

## XI. Reporting

Upon request by OCCHCO, OER, the DMAC, or any FEMA governing body the group's SES sponsor, National Co-Sponsors, and/or the Steering Committee Co-chairs will be required to provide reports and periodic reviews of group activity, communication, or conduct. Proper notice and a desired focus for the report and review will be provided.

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**Corey J. Coleman**  
Chief Component Human Capital Officer  
Office of the Chief Component Human Capital Officer  
Date: \_\_\_\_\_

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**Adrian Sevier**  
Chief Counsel  
Office Chief Counsel  
Date: \_\_\_\_\_

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**Regis Phelan**  
Acting Director  
Office of Equal Rights  
Date: \_\_\_\_\_

Instruction 106-1-1: Scheduling of Work

August 2016

David A. Grant

David A. Grant

Associate Administrator

Mission Support

8-25-16

Date



FEMA

## **Foreword**

The Federal Emergency Management Agency (FEMA) is committed to providing a work environment that is conducive to the successful accomplishment of FEMA's mission, goals, and objectives, while providing for family-friendly work arrangements to the greatest extent possible. While responding to emergencies and disasters nationwide frequently requires the undivided attention and personal sacrifice of employees, we must support our families in every possible way so they can support us when we need to help others. The effective use of flexible work schedules, as well as overtime work and compensatory time, supports this endeavor. FEMA Instruction 106-1-1, Scheduling of Work, outlines the policy and provides guidance for the Agency in promoting a flexible and effective workforce.

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## CHAPTER 1 - GENERAL INFORMATION

### **1-1. Purpose**

This Instruction establishes policies and procedures for the scheduling of work and the use of traditional and alternative work schedules within FEMA.

### **1-2. Applicability and Scope**

This Instruction applies to all FEMA organizations and to employees who meet the definition of "employee" under title 5 United State Code (U.S.C.) § 2105.

This Instruction does not apply to:

1. Employees who occupy firefighter positions and are scheduled to work up to 144 hours per pay period; or
2. Employees who occupy police officer positions.

### **1-3. Supersession**

This Instruction supersedes FEMA Manual 106-1-1, Scheduling of Work issued March 5, 2014.

### **1-4. Authorities**

- A. 5 U.S.C. Chapter 61, "Hours of Work"
- B. 5 U.S.C. § 3401(2), "Definitions – part-time career employment"
- C. 5 U.S.C. § 5504, "Biweekly pay periods; computation of pay"
- D. 5 U.S.C. §§ 5542, 5543, 5544
- E. 29 U.S.C. §§ 201-219
- F. The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) Pub. L. No. 93-288, as amended, 42 U.S.C. §§ 5121 *et seq.*
- G. 5 Code of Federal Regulations (C.F.R.) Part 610 "Hours of Duty"
- H. 5 C.F.R. Part 550 "Pay Administration (General)," Subpart A, "Premium Pay"
- I. 5 C.F.R. Part 551 "Pay Administration under the Fair Labor Standards Act," Subpart D, "Hour of Work" and Subpart E, "Overtime Pay Provisions"

### **1-5. References**

- A. Department of Homeland Security (DHS) Management Directive 254-04, Alternative Work Schedules, issued May 31, 2007
- B. U.S. Office of Personnel Management (OPM) Handbook on Alternative Work Schedules (see <http://www.opm.gov/oca/aws/index.asp>)
- C. OPM Fact Sheet: Credit Hours Under a Flexible Work Schedule (see <http://www.opm.gov/policy-data-oversight/pay-leave/work-schedules/fact-sheets/credit-hours-under-a-flexible-work-schedule>)

- D. OPM Fact Sheet: Lunch or Other Meal Periods (see <http://www.opm.gov/policy-data-oversight/pay-leave/work-schedules/fact-sheets/lunch-or-other-meal-periods/>)
- E. FEMA Manual 123-10-1, Absence and Leave Policy, December 29, 2015
- F. FEMA Manual 253-2-1, Premium Pay, February 11, 2014
- G. The President's Memorandum on Expanding Family-Friendly Work Arrangements in the Executive Branch, 59 Fed.Reg. No. 135 (July 15, 1994)
- H. The President's Memorandum Implementing Federal Family Friendly Work Arrangements (June 21, 1996)
- I. Exec. Order No. 11,582, Observance of holidays by Government agencies, February 11, 1971
- J. DHS Delegation No. 03000, Delegation for Human Capital and Human Resources, June 5, 2012

## **1-6. Policy**

Program Heads of FEMA organizations are delegated authority to determine appropriate work schedules, in accordance with this Instruction and applicable law, to implement within their respective work units. FEMA organizations may establish written procedures consistent with this Instruction and in coordination with the Office of the Chief Component Human Capital Officer. To the extent FEMA organizations require a schedule that deviates from the schedules outlined in this Instruction, they must coordinate with the Office of the Chief Component Human Capital Officer and the Office of Chief Counsel to ensure compliance with applicable law.

## **1-7. Definitions**

- A. Administrative dismissal. An order issued by an authorized official relieving employees from duty without charge to leave or loss of pay.
- B. Administrative workweek. Any period of seven consecutive 24-hour periods designated in advance. At FEMA the administrative workweek is Sunday through Saturday.
- C. Alternative work schedules (AWS). FEMA policy supports the use of both flexible work schedules and compressed work schedules.
- D. Bargaining unit employee. A member of a group of employees with common interests who are represented by a labor union.
- E. Basic workweek. For full-time employees, it is generally a 40-hour workweek, Monday through Friday, that does not extend more than six of any seven consecutive days. For part-time employees, it is generally a set number of hours between 16 and 32 that does not extend beyond six consecutive days. 5 C.F.R. §§ 610.102 and 610.111.

- F. Basic work requirement. The number of hours, excluding overtime hours, an employee is required to work or otherwise account for by approved leave. 5 U.S.C. § 6121(3).
- G. Biweekly pay period. The pay period for an employee covers two administrative work weeks. 5 U.S.C. § 5504(a).
- H. Business hours. Office hours of operation for a FEMA fixed facility established by the head of that facility. For example, at FEMA Headquarters, business hours are 8:30 a.m. - 5:00 p.m. Employees on a traditional work schedule generally work the business hours.
- I. Compressed work schedule (CWS). A work schedule established with approval by the employee's supervisor that:
  1. For a full-time employee, has an 80-hour biweekly basic work requirement scheduled for fewer than 10 workdays.
  2. For a part-time employee, has a biweekly basic work requirement of 64 hours or less scheduled for fewer than 10 workdays.
- J. Core hours. The designated hours during the workday, work week, or pay period that are within the tour of duty during which an employee covered by a flexible work schedule is required to be present for work. FEMA's core hours are between 9:30 a.m. and 3:30 p.m. (local time). 5 U.S.C § 6122(a).
- K. Credit hours. Those hours within a flexible work schedule, approved in advance, that an employee works in excess of his or her basic work requirement so as to vary the length of a workweek or workday. 5 U.S.C. § 6121(4). An employee on a CWS or a traditional work schedule shall not earn credit hours.
- L. Flexible time band. The hours before and after core hours on a flexible work schedule during which employees may choose their arrival and departure times and earn credit hours. FEMA's flexible time bands are 6:00 - 9:30 a.m. and 3:30 - 8:00 p.m. (local time). 5 U.S.C. § 6122(a)(2).
- M. Flexible work schedule (FWS). A work schedule established with approval by the employee's supervisor that:
  1. In the case of a full-time employee, has an 80-hour biweekly basic work requirement that allows an employee to determine his or her own schedule within the limits set by FEMA's business and core hours.
  2. In the case of a part-time employee, has a biweekly basic work requirement of 64 hours or less that allows an employee to determine his or her own schedule within the limits set by FEMA's business and core hours.
- N. Fair Labor Standards Act (FLSA) exempt employee. An employee who is not covered by the minimum wage and overtime provisions of the FLSA. See 29 U.S.C. § 213; 5 C.F.R. § 551.202. Several categories of employees are exempt from the FLSA. Although OCCHCO ultimately determines which

employees are not covered by the FLSA, these exemptions generally apply to employees with managerial responsibilities, positions requiring specialized knowledge in areas such as science or law, or positions requiring independent judgment.

- O. FLSA nonexempt employee. An employee who is covered by the minimum wage and overtime provisions of the FLSA. See 29 U.S.C. § 213; 5 C.F.R. § 551.202. The FLSA applies to individuals employed by the United States Government and governs compensation and work schedules unless the employee is determined to be exempt.
- P. Irregular or occasional overtime. Overtime that is approved after the beginning of the administrative workweek in which it is performed.
- Q. Lunch or meal break period. Work schedules of employees required to work more than five hours per workday must include a 30-minute unpaid lunch or meal break period. A FEMA organization or work unit may modify this requirement to meet operational needs. This unpaid lunch or meal break period may be extended to a maximum of one hour provided the workday is correspondingly extended. Lunch or meal break periods may not be scheduled at the beginning or end of the workday. Because employees receive no compensation for lunch or meal break periods, they must be entirely free of the duties of their positions during this period. An employee may not work through the lunch or meal break period in order to extend paid time or to otherwise modify his or her established schedule.
- R. Organization. FEMA program offices, directorates, etc., whose leadership reports directly to the Administrator, Deputy Administrator, or Regional Administrator.
- S. Overtime hours. See FEMA Manual 253-2-1, Premium Pay.
  - 1. With respect to traditional work schedules:
    - a. For FLSA exempt employees, overtime hours are all hours worked in excess of eight hours per day or 40 hours per week that are officially ordered and approved in advance by their supervisor.
    - b. For FLSA nonexempt employees, overtime hours are all hours worked in excess of eight hours per day or 40 hours per week that the supervisor has reason to believe are being performed and fails to prevent.
  - 2. With respect to FWS programs, overtime hours are hours worked in excess of the employee's tour of duty officially ordered in advance, but do not include credit hours.
  - 3. With respect to CWS programs, overtime hours are hours worked in excess of those hours which constitute the CWS.
- T. Program Head. A management official such as an Associate Administrator, Assistant Administrator, Regional Administrator, and/or Office Chief.

- U. Regularly scheduled administrative workweek. The period an employee is regularly scheduled to work within an administrative workweek (*i.e.*, a period of seven consecutive 24-hour periods designated in advance).
- V. Regularly scheduled overtime. Overtime that is approved in advance of the employee's regularly scheduled administrative workweek.
- W. Tour of duty. The hours of a day (a daily tour of duty) and the days of an administrative workweek (a weekly tour of duty) that constitute an employee's regularly scheduled administrative workweek. 5 C.F.R. § 610.102.
- X. Traditional work schedules (TWS). The basic workweek, in the absence of an AWS, during which employees are required to be on duty within the administrative workweek. Generally, the work schedule for employees on a TWS coincides with the business hours of the facility.
- Y. Work unit. An entity within a FEMA organization with a specific function, homogeneous procedures or technology, and headed by a supervisor authorized to approve employees' time and attendance reports and leave requests.

#### **1-8. Responsibilities**

- A. The FEMA Administrator is responsible for ensuring that work schedules are established to accomplish FEMA's mission and meet organizational goals. The FEMA Administrator is responsible for making determinations pursuant to 5 U.S.C. § 6101(a).
- B. The Office of the Chief Component Human Capital Officer (OCCHCO) is responsible for:
  1. Coordinating with FEMA organizations to ensure work schedules are in compliance with this Instruction and applicable law;
  2. Providing technical advice and guidance on TWS and AWS policies and procedures to supervisors, employees, and timekeepers;
  3. Conducting periodic evaluations of AWS programs throughout FEMA;
  4. Making recommendations to the Administrator to modify or terminate a particular AWS;
  5. Ensuring negotiation occurs with exclusive representatives of bargaining units on AWS policies and procedures; and
  6. Coordinating with the Office of Chief Counsel (OCC) to provide legal review of work schedules to ensure compliance with applicable law.
- C. Program Heads are responsible for:
  1. Coordinating with OCCHCO to ensure work schedules are in compliance with this Instruction and applicable law;
  2. Ensuring that work schedules are established to accomplish FEMA's mission and meet organizational goals;

3. Approving or disapproving participation in AWS for organizational work units or groups of employees assigned to identifiable functions within their organization;
4. Ensuring that TWS and AWS are administered in a fair and equitable manner for all employees within their organizational elements, including approving or disapproving exceptions for individual employees; and
5. Ensuring that an AWS established within their organization does not interfere with the Agency's mission, strategic plan, or organizational goals.

D. Supervisors are responsible for:

1. Establishing and approving work schedules of all employees within the work unit;
2. Modifying, suspending, or terminating an employee's work schedule as necessary to meet the operational needs of the work unit;
3. Maintaining accurate work schedule records for all employees within the work unit;
4. Ensuring adequate staff coverage during business hours;
5. Ensuring compliance with all of the procedures and requirements of this Instruction;
6. Ensuring that FLSA non-exempt employees only work during their scheduled tours of duty unless overtime work is specifically directed and authorized (FEMA Manual 253-2-1, Premium Pay);
7. Determining whether an employee may be excepted from a CWS or reassigned because of personal hardship. 5 U.S.C § 6127(b)(2)(B);
8. Providing written notification to employees of the approval or disapproval of requests for work schedule changes and an explanation when changes are denied;
9. Except in emergency situations, providing written advance notification to employees when it is necessary to suspend or change work schedules due to operational needs;
10. Reviewing work schedules to ensure that the duties and requirements of employees' positions are fulfilled;
11. Certifying, for each employee, the accuracy of hours worked, including any overtime, in FEMA's time and attendance system;
12. Initiating an investigation and/or disciplinary action against an employee for failure to comply with Agency policy and/or the provisions set forth in this Instruction; and
13. Providing timekeepers with information and documentation concerning work schedules of employees to include any approved overtime or compensatory time off.

**E. Employees are responsible for:**

1. Making a written request for supervisory approval of a work schedule by completing FEMA Form 106-1-1-1, Request for Work Schedule;
2. Adhering to their approved work schedules until changed or terminated or requesting appropriate leave;
3. Complying with the provisions set forth in this Instruction and the established work schedule procedures of the organization and work unit to which they are assigned;
4. Accurately recording and verifying their daily attendance; and
5. Submitting requests to use leave as far in advance as possible.

**F. Timekeepers are responsible for:**

1. Recording and reporting employee time and attendance in accordance with FEMA policy;
2. Maintaining time and attendance files for each employee, including a copy of approved work schedules for employees who are on AWS;
3. Completing leave audits; and
4. Providing timekeeping guidance and updates to employees.

**1-9. Reporting Requirements**

OCCHCO will report data related to scheduling of work as required by DHS and OPM.

**1-10. Forms Prescribed**

FEMA Form 106-1-1-1, Request for Work Schedule

**1-11. Questions**

Questions concerning scheduling of work should be addressed to OCCHCO at (202) 646-3962.

## **CHAPTER 2 - TRADITIONAL WORK SCHEDULES**

### **2-1. General**

This chapter contains procedures and requirements for and associated with TWS. Unless an AWS has been established by the organization or work unit, the default schedule for FEMA employees is a TWS.

### **2-2. Requirements**

- A. TWS have a basic work week (typically five consecutive days Monday through Friday, but may be six of any seven consecutive days) during which employees are required to be on duty within the administrative workweek (Sunday through Saturday).
- B. TWS workdays consist of:
  1. For full-time employees, eight hours per day, 40 hours per week; and
  2. For part-time employees, between 16 and 32 hours per week and, eight or fewer hours per day on five or fewer days per week.
- C. Generally, full-time employees on TWS are required to perform work during the business hours of the FEMA facility to which they are assigned. Business hours include a 30-minute unpaid lunch or meal break period during which employees are not permitted to perform work. To meet operational needs, employees on TWS may be required to work outside the facility's business hours.
- D. Part-time employees on TWS are required to perform work during the business hours of the FEMA work unit (at the location) to which they are assigned, including a 30-minute unpaid lunch or meal break period if working more than five consecutive hours.
- E. Employees on TWS must work their scheduled work hours or otherwise account for their time by using approved leave.

### **2-3. Credit Hours**

Employees on TWS may not earn credit hours.

### **2-4. Premium Pay**

See FEMA Manual 253-2-1, Premium Pay.

## CHAPTER 3 - FLEXIBLE WORK SCHEDULES

### **3-1. General**

This chapter contains procedures and requirements for and associated with FWS. Program Heads of FEMA organizations and work units may establish additional procedures and requirements consistent with this Instruction.

### **3-2. Requirements**

- A. FWS consist of a basic workweek (usually five consecutive days Monday through Friday) during which employees are required to be on duty within the administrative workweek (Sunday through Saturday). FWS workdays have core hours and flexible hours.
- B. Core hours are the designated period of the day the employee must be present at work. FEMA's designated core hours are 9:30 a.m. - 3:30 p.m. (local time).
- C. Flexible hours are those hours worked within two "flexible time bands" on either side of the core hours. Employees on FWS must choose their tour of duty within these flexible time bands, but they must be present during the core hours. Depending on the FWS, an employee's arrival time may be limited because the employee must be present during the core hours.
  1. The AM flexible time band is 6:00 a.m. - 9:30 a.m., Monday through Friday, unless changed temporarily by the head of a FEMA organization or work unit for a specified purpose.
  2. The PM flexible time band is 3:30 p.m. – 8:00 p.m., Monday through Friday, unless changed temporarily by the head of a FEMA organization or work unit for a specified purpose.
- D. Supervisors must approve work schedules using FEMA Form 106-1-1-1, Request for Work Schedule.
- E. Program Heads of FEMA organizations may authorize, with OCCHCO approval, different core hours and flexible time bands for a specific organization or work unit to meet organizational needs.
- F. Employees under a FWS may earn up to two credit hours per day between the hours of 6 a.m. and 8 p.m. subject to supervisory approval. See Section 3-5 on Credit Hours.
- G. During core hours, employees must be working or otherwise account for their time by using approved leave.

### **3-3. FWS Available to FEMA Organizations**

- A. The establishment or termination of a FWS in a work unit in which there are bargaining unit employees is subject to the terms of the collective bargaining agreement. See 5 U.S.C. § 6130(a).
- B. FEMA organizations or specific work units without bargaining unit employees may offer the following FWS to their employees:

- C. Flexitour is a FWS in which a full-time employee has a basic work requirement of eight hours in each day and 40 hours in each week and selects arrival and departure times within the flexible time bands subject to supervisory approval.
- D. Maxiflex is a FWS that contains core hours on fewer than 10 workdays in the biweekly pay period. The employee may vary the number of hours worked on a given workday or the number of hours each week within the limits established by the organization or work unit. In FEMA, the maximum number of work hours permitted in a daily tour of duty is 11.5 hours.

#### **3-4. Requesting a FWS**

Employees may request to voluntarily participate in any FWS offered within their organization or work unit. Employees requesting a FWS must:

1. Prepare a written request by completing FEMA Form 106-1-1, Request for Work Schedule and forward it to their supervisor for approval; and
2. Work during the approved work period or otherwise account for their time by using approved leave.

#### **3-5. Credit Hours**

- A. Credit hours are any hours within a FWS that are in excess of an employee's basic work requirement (e.g., 40 hours a week), that the employee elects to work to vary the length of a workweek or a workday.
- B. Supervisors must approve the earning and use of credit hours in advance.
- C. Employees on a FWS may earn credit hours when work is available in excess of their normal duty hours. Credit hours are voluntary and employee-initiated, whereas overtime hours are ordered and management-initiated.
- D. Credit hours do not constitute overtime work and may not be converted to overtime or compensatory time or otherwise entitle employees to premium pay.

#### **3-6. Limitations on Earning Credit Hours**

- A. Credit hours may be earned only between the hours of 6:00 a.m. and 8:00 p.m., Monday through Friday.
- B. Credit hours may be earned in quarter-hour increments, up to a maximum of two hours per day and 24 hours per pay period.
- C. Supervisors may limit or restrict the earning and use of credit hours. Supervisors may not advance credit hours, that is, time cannot be charged against credit hours until credit hours have been earned.
- D. Credit hours may not be earned during periods of travel or training. See 5 U.S.C. § 6121(4) and OPM Fact Sheet: Credit Hours under a Flexible Work Schedule.
- E. A full-time employee may not carry more than 24 credit hours to the next pay period.

- F. A part-time employee may not carry more than one fourth of the hours in his or her biweekly schedule to the next pay period. 5 U.S.C. § 6126(a). For example, a part-time employee whose schedule requires the employee to work 50 hours per pay period may not carry more than 12.5 credit hours to the next pay period.
- G. OPM regulations prohibit Senior Executive Service (SES) members from accumulating credit hours under AWS programs. 5 C.F.R. § 610.408.

**3-7. Accumulation, Forfeiture, and Compensation of Credit Hours**

- A. Credit hours accumulated in excess of 24 hours at the end of any pay period are immediately and irrevocably forfeited without compensation or right to restoration.
- B. Employees will be compensated at their current rate of basic pay for credit hour balances upon:
  1. Termination of a FWS;
  2. Change to a non-FWS; or
  3. Separation from FEMA.
- C. Credit hours worked each day must be recorded in WebTA and approved by the employee's supervisor.

**3-8. Premium Pay**

See FEMA Manual 253-2-1, Premium Pay.

## **CHAPTER 4 - COMPRESSED WORK SCHEDULES**

### **4-1. General**

This chapter contains procedures and requirements for and associated with CWS. Program Heads of organizations or work units may establish additional procedures and requirements consistent with this Instruction.

### **4-2. Requirements**

- A. A CWS is a fixed schedule that consists of an 80 hour biweekly basic work requirement scheduled for fewer than 10 workdays.
  1. A full-time employee is required to work 80 hours in a biweekly pay period. This work must be scheduled for fewer than 10 days in a biweekly pay period. 5 U.S.C. § 6121(5)(A).
  2. A part-time employee works 64 hours or fewer in a biweekly pay period. This work must be scheduled for fewer than 10 workdays in a biweekly pay period. 5 U.S.C. § 6121(5)(B).
- B. The establishment or termination of a CWS in a work unit in which there are bargaining unit employees is subject to the terms of the collective bargaining agreement. 5 U.S.C. § 6130(a).
- C. FEMA organizations or specific work units without bargaining unit employees may offer CWS (e.g., 5/4-9 or 4-10) to their employees. Program Heads of FEMA organizations, with OCCHCO approval, may develop a CWS to meet the operational needs of their organizations and/or work units.
- D. FEMA organizations or specific work units without bargaining unit employees may establish a mandatory CWS, provided that the majority of the employees vote to be included in the CWS. 5 U.S.C. § 6127(b)(1).
- E. Employees may request in writing to be excepted from a CWS or reassigned. The organizational head and supervisor must consider such a request and, if the CWS would impose a personal hardship on such employee, the head of the organization and supervisor must except the employee from a CWS or reassign the employee. 5 U.S.C. § 6127(b)(2).

### **4-3. Requesting a CWS**

- A. Employees may request to voluntarily participate in any CWS offered within their organization or work unit. Employees requesting a CWS must:
  1. Select arrival and departure times for each day in the biweekly pay period; and
  2. Prepare a written request by completing FEMA Form 106-1-1-1, Request for Work Schedule and forward it to their supervisor for approval.
- B. The employee's supervisor must approve the selection of the non-workday in connection with the request for a CWS.

**4-4. Temporary Change in Scheduled Day Off**

- A. If the supervisor determines that the employee must work on his or her scheduled day off:
  - 1. The employee may be paid overtime or granted compensatory time, as appropriate, for the hours worked in excess of the CWS; or
  - 2. The supervisor may direct the employee to temporarily change his or her day off to another workday during the same pay period.
- B. An employee may request a temporary change in his or her scheduled day off and that day may be changed or traded for another workday during the same pay period with advance approval of the supervisor.

**4-5. Credit Hours**

Employees under a CWS may not earn credit hours. 5 U.S.C. § 6121(4).

**4-6. Premium Pay**

See FEMA Manual 253-2-1, Premium Pay.

## CHAPTER 5 - WORK SCHEDULE ADJUSTMENTS

### **5-1. Administrative Dismissals**

- A. An administrative dismissal order may be issued when:
  1. Normal operations of an establishment are interrupted by events beyond the control of management or employees;
  2. For managerial reasons, the closing of an establishment or portions thereof is required for short periods;
  3. It is in the public interest to relieve employees from work to participate in civil activities which the Government is interested in encouraging; or
  4. The circumstances are such that an administrative order is not appropriate under 1, 2, or 3 above, and the Agency, under its regulations, excuses without charge to leave or loss of pay, employees paid on an annual basis. See 5 C.F.R. §§ 610.303 and 610.305.
- B. The authority to issue an administrative dismissal may only be used for brief periods, generally not exceeding three consecutive workdays in a single pay period. See 5 C.F.R. § 610.302.

### **5-2. Variations in Work Schedules for Educational Purposes**

- A. Program Heads of FEMA organizations may authorize a special tour of duty of not less than 40 hours to allow an employee to take one or more courses in a college, university, or other educational institution as long as:
  1. The course is not considered "training" under 5 U.S.C. Chapter 41;
  2. The rearrangement of the employee's schedule will not interfere with the work needed to be accomplished;
  3. Additional costs for personal services will not be incurred; and
  4. Completion of the course will enhance the employee's work performance.See 5 C.F.R. § 610.122(a).
- B. FEMA may not pay an employee premium pay solely because the special tour of duty causes him or her to work on a day, or a portion of a day, for which premium pay would otherwise be paid. See 5 C.F.R. § 610.122(b).

### **5-3. Altering Work Schedules**

- A. Modification, suspension, or termination of an employee's work schedule may be necessary to meet operational needs. Situations that may require modification, suspension, or termination of an employee's work schedule include:
  1. Unexpected staff vacancies;
  2. Disaster activities;

3. Travel away from official duty station;
  4. Participation in training;
  5. Assignment on task force;
  6. Participation in preparedness exercise; and
  7. Other situations or emergencies where adjustment is deemed necessary by the supervisor.
- B. Supervisors will notify employees in writing in advance of the upcoming administrative workweek of changes in their work schedule. When the schedule change is required to meet operational needs, employees will be notified as far in advance as possible.
- C. Employees may request changes to their work schedules by submitting a written request to their supervisor at least two weeks prior to the date of the requested change.
- D. Changes in work schedules may not be made in order to create an entitlement to payment or to avoid an obligation for granting leave, holiday pay, or premium pay. Except in emergency situations, changes to work schedules will be made effective on the first day of a pay period.
- E. Employees may grieve supervisory-initiated work schedule adjustments and denial of an employee's request for work schedule changes through the Agency's administrative grievance procedure. Bargaining unit employees must use negotiated agreement procedures, where applicable.

#### **5-4. Procedures for Terminating AWS**

- A. If the head of the Agency finds that a particular AWS has had an "adverse agency impact," the Agency must promptly discontinue the AWS. 5 U.S.C. § 6131(a)(2).
- B. Adverse agency impact is defined as:
  1. A reduction of the Agency's productivity;
  2. A diminished level of services furnished to the public; or
  3. An increase in the cost of agency operations (other than an administrative cost to process the establishment of an AWS program). 5 U.S.C. § 6131(b).
- C. If establishment of the AWS was negotiated, the Agency may reopen the agreement to seek its termination. 5 U.S.C. § 6131(c)(3). If an impasse results, the dispute goes to the Federal Services Impasses Panel. The Panel will decide within 60 days whether the Agency's determination is supported by evidence. If it is, the Panel must act in favor of the Agency. 5 U.S.C. §§ 6131(c)(3)(B) and (C). The AWS may not be terminated until the agreement covering the AWS is renegotiated or expires or terminates pursuant to the terms of that agreement or the Panel renders its final decision after an impasse during the renegotiation process. 5 U.S.C. § 6131(c)(3)(D).

## CHAPTER 6 - HOLIDAYS

### **6-1. Designation of Holidays**

- A. Holidays are determined based on the provisions of 5 U.S.C. § 6103 and Executive Order No. 11582, Observance of holidays by Government agencies, February 11, 1971.
- B. The following are legal public holidays:
  - 1. New Year's Day, January 1
  - 2. Birthday of Martin Luther King, Jr., the third Monday in January
  - 3. Washington's Birthday, the third Monday in February
  - 4. Memorial Day, the last Monday in May
  - 5. Independence Day, July 4
  - 6. Labor Day, the first Monday in September
  - 7. Columbus Day, the second Monday in October
  - 8. Veterans Day, November 11
  - 9. Thanksgiving Day, the fourth Thursday in November
  - 10. Christmas Day, December 25
  - 11. Inauguration Day, January 20 of each fourth year for those federal employees working in the District of Columbia metropolitan area. (When January 20 of any fourth year falls on Sunday, the next succeeding day selected for the inauguration of the President is a legal public holiday.)

### **6-2. "In lieu of" Holidays**

- A. Only full-time employees, including those on FWS or CWS, are entitled to an "in lieu of" holiday when a holiday falls on an employee's non-workday. In such cases, the employee's holiday is the workday immediately preceding his or her non-workday. For example, when the holiday occurs on a Saturday, the Friday immediately before is a legal holiday for those employees whose basic workweek is Monday through Friday. In the case of an employee on CWS, the "in lieu of" holiday would become the day preceding his or her non-workday.
- B. There are three exceptions:
  - 1. If the non-workday is Sunday, the next basic workday is the "in lieu of" holiday;
  - 2. If Inauguration Day (for employees working in the District of Columbia and the immediate surrounding areas) falls on a non-workday, e.g., a Saturday, there is no provision for an "in lieu of" holiday; and

3. The Agency head may determine that a different "in lieu of" holiday is needed to prevent an "adverse agency impact," and he or she may designate a different "in lieu of" holiday for full-time employees under CWS.

### **6-3. Holidays and Work Schedules**

Employees who are not required to work on a holiday receive their rate of basic pay for the applicable number of holiday hours, in accordance with the following work schedules:

A. Full time employees:

1. Employees under a TWS are generally excused from 8 hours of non-overtime work.
2. Employees under a FWS are credited with 8 hours towards their 80 hour basic work requirement for the pay period, even if they would otherwise work more hours on that day.
3. Employees under a CWS are generally excused from all of the non-overtime hours they would otherwise work on that day.

B. Part time employees:

A part-time employee is entitled to a holiday when the holiday falls on a day when he or she would otherwise be required to work or take leave. This does not include overtime work.

### **6-4. Presidential Closing of Agencies**

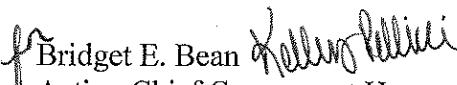
The President occasionally issues an Executive Order closing Federal departments and agencies for all or part of a workday. Employees are excused from duty during such periods unless they are "emergency employees," as determined by the Agency. Such Executive Orders often provide that the time off will be treated like a holiday for pay and leave purposes. Employees who are required to work during their basic tour of duty on such days are entitled to holiday premium pay. See FEMA Manual 253-2-1, Premium Pay for further information.



# FEMA

MAY 12 2016

MEMORANDUM FOR: FEMA Senior Leaders  
Executive Officers  
Human Resources Liaisons

FROM:   
Bridget E. Bean  
Acting Chief Component Human Capital Officer

SUBJECT: Interim Policy for the Referral of Candidates under  
Merit Promotion Procedures

The Office of the Chief Component Human Capital Officer (OCCHCO) is committed to ensuring hiring managers and selecting officials are provided with a sufficient pool of highly qualified applicants to consider when filling vacant Title V permanent full-time (PFT) positions. In response to the FEMA hiring surge, this memorandum modifies the existing FEMA Merit Promotion Policy (MPP) outlined in FEMA Manual 253-11-1, Merit Promotion and Internal Placement, dated June 23, 2015, to allow for the referral of more applicants for all positions.

Effective May 16, 2016, competitive selection certificates will include all qualified applicants who score 85.0 points or above, regardless of the number of vacancies for MPP announcements that close on or after the above-mentioned date. These applicants will be referred in alphabetical order by last name on the Merit Promotion Certificate of Competitive Eligibles. The MPP applies to all permanent General Schedule (GS) competitive service positions and their Federal Wage System equivalents, both supervisory and nonsupervisory.

We appreciate your continued support as we strive to provide excellent customer service and meet your hiring needs. If you have any questions regarding this interim policy, please contact Vernelle Dewberry, Assistant Human Resources Officer at (202) 212-5109 or [Vernelle.Dewberry@fema.dhs.gov](mailto:Vernelle.Dewberry@fema.dhs.gov).



## **Standard Operating Procedure (SOP)**

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**Date**

**6/12/13**

**Organization**  
**OCCHCO**

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### **Superior Qualifications and Special Needs Pay Setting**

#### **I. Purpose**

This Standard Operating Procedures (SOP) establishes procedures and provides guidance for the superior qualifications and special needs pay setting authority in accordance with the regulations issued by the Office of Personnel Management (OPM) in 5 CFR Part 531 Subpart B. A newly appointed employee may be authorized a salary above the minimum rate (Step 1) based on superior qualifications or on a special need of the Agency for the candidate's services. This authority is intended to enhance the Agency's ability to compete for top quality candidates.

#### **II. Supersession**

This SOP supersedes SOP 05-001, Procedures for Requesting and Establishing a Salary at a Rate Above the Minimum Rate of the Appropriate General Schedule Grade, dated March 22, 2005.

#### **III. Coverage**

The Agency may use a superior qualifications or special needs appointment for employees newly appointed to General Schedule positions or for employees reappointed to such positions, as specified in 5 CFR 531.203 (b)(2).

#### **IV. References**

- A. Public Law 101-509, Federal Employees Pay Comparability Act of 1990 (FEPCA), Section 101(a) and Section 106.
- B. Title 5, United States Code, section 5333
- C. Title 5, Code of Federal Regulations (CFR), Part 531.212, Superior Qualifications and Special Needs Pay-Setting Authority
- D. Title 5, Code of Federal Regulations (CFR), Part 532.403(b), New Appointments

#### **V. Definitions**

- A. Agency: For the purpose of this SOP, the term "Agency" refers to FEMA.
- B. Special Need: A documented need of the Agency for a specific set of skills and/or expertise that are relevant to the requirements of the position and are essential to accomplishing an important Agency mission, goal, or program activity. A candidate may also meet the special needs criteria by meeting the Agency workforce needs, as documented in the FEMA strategic human capital plan.
- C. Newly Appointed: First appointment as an employee in the Federal Government, regardless of tenure, or a subsequent appointment after a break in Federal service of at

least 90 days, excluding a break in service following a temporary appointment or employment under the Student Educational Employment Program.

## **VI. Responsibilities**

### A. Hiring Officials:

1. Determine if a superior qualifications or special needs request will be submitted for a candidate.
2. Work with the Human Resources Liaison to develop the superior qualifications or special needs request.

### B. Human Resources Liaisons:

1. In conjunction with the hiring official, prepare the written recommendation for superior qualifications or special needs pay authority with the appropriate supporting documentation.
2. Justify the request for superior qualifications or special needs pay authority.
3. Submit the request for superior qualifications or special needs pay authority to the Office of the Chief Component Human Capital Officer.

### C. Human Resources Specialists:

1. Evaluate each request against relevant statutory, regulatory, and policy guidance to ascertain whether it meets established criteria.
2. Make an initial determination whether the request and supporting documentation contain sufficient justification for superior qualifications or special needs pay authority.
3. Forward the initial determination, request, and supporting documentation to the Chief Component Human Capital Officer or his/her designee for final review and approval.
4. Inform the Human Resources Liaison and hiring official of the approval/disapproval.
5. Ensure processing of the Standard Form (SF) 52, Request for Personnel Action, in accordance with the Office of Personnel Management's Guide to Processing Personnel Actions and Guide to Personnel Data Standards.
6. Maintain a record of superior qualifications or special needs pay appointments in a separate centralized file within the office.

## **VII. Standard Operating Procedures**

### A. Superior Qualifications or Special Needs Determination

1. Superior qualifications appointments will be to journeyman level or senior level positions. Superior qualifications for entry level positions may only be considered when a candidate possesses education or experience in a unique specialty that is needed by the Agency in which it is hard to find high-quality candidates or in meeting a special Agency need.
2. Prior to a candidate entering on duty, the hiring official will determine if a request above the minimum rate of the grade (step 1) will be made for a newly appointed employee. The request will be based on superior qualifications or special needs.

- a. Superior Qualifications: The hiring official may determine that a candidate has superior qualifications based on the level, type, or quality of the candidate's skills or competencies demonstrated or obtained through experience and/or education, the quality of the candidate's accomplishments compared to others in the field, or other factors that support a superior qualifications determination.
- b. Special Needs: The hiring official may determine that a candidate fills a special need if the type, level, or quality of skills and competencies or other qualities and experiences possessed by the candidate are relevant to the requirements of the position and are essential to accomplishing an important mission, goal, or program activity. An example of a special need of the Agency is a manpower shortage in a particular occupation or a program which is unique to the Agency.
3. The hiring official will determine whether a recruitment incentive could meet the need, instead of the appointment at the higher step of the grade. This is important because a recruitment incentive is a one-time payment, while an appointment at a higher step is permanent.

**B. Pay Rate Determination**

1. An attempt will be made to maintain equity between the pay of the new appointee and that of current employees doing comparable work. Decisions to pay the first step should be based on a variety of factors which include, but are not limited to, post graduate degrees relating to the position being filled, professional licenses, exceptional work experience, etc. When a decision is made to pay higher than the step 1, it should be based on the fact that the credentials are not commonly available in the workforce.
2. The hiring official, will consider one or more of the following factors, as applicable in the case at hand, to request a higher than minimum rate of pay using the superior qualifications or special needs pay-setting authority.
  - a. Level, type, or quality of the candidate's skills or competencies.
  - b. Candidate's existing salary, recent salary history, or salary documented in a competing job offer (taking into account the location where the salary was or would be earned and comparing the salary to payable rates of basic pay in the same location).
  - c. Significant disparities between the Federal and non-Federal salaries for the skills and competencies required in the position to be filled.
  - d. Existing labor market conditions and employment trends, including the availability and quality of candidates for the same or similar positions.
  - e. Success of recent efforts to recruit candidates for the same or similar positions.
  - f. Recent turnover in the same or similar positions
  - g. The importance/criticality of the position to be filled and the effect on the Agency if it is not filled or if there is a delay in filling it.
  - h. The desirability of the geographic location, duties, and/or work environment associated with the position.
  - i. FEMA's workforce needs as documented in the strategic human capital plan.
  - j. Other relevant factors.

**C. Required Approval and Documentation**

1. Written documentation to authorize a rate above the minimum rate must be made before a candidate enters on duty in the position to which appointed.

2. The Human Resources Liaison, in conjunction with the hiring official, will prepare a written memorandum requesting a rate above the minimum rate of the grade (step 1), based on superior qualifications or special needs.
3. The written memorandum will address the following factors:
  - a. The superior qualifications of the candidate or the special agency need for the candidate's services which justifies a higher than minimum rate;
  - b. An explanation of the factor(s) and supporting documentation which were used to justify the rate at which the employee's pay is set. The written documentation must explain how the factors directly relate to the rate requested;
  - c. The reasons for requesting a higher than minimum rate instead of or in addition to a recruitment incentive.
4. The memorandum requesting the superior qualifications or special needs pay authority will be signed by the hiring official and will require approval by the Office Head, Associate Administrator or Regional Administrator.
5. The Human Resources Liaison will submit the following to the Office of the Chief Component Human Capital Officer:
  - a. Signed memorandum that documents the justification of the superior qualifications appointment or special needs pay setting approval.
  - b. Current position description for the job being filled.
  - c. Candidate's resume for Federal employment in which the selection was based.
  - d. Vacancy announcement advertising the position and identification of other recruitment sources used.
  - e. Copies of all certificates issued to the selecting official for consideration.
  - f. Copy of the candidate's supporting documentation (e. g. latest earnings statements, previous year's W2, Wage and Tax Statement) verifying salary history.
6. The Human Resources Specialist will review the written request and supporting documentation and make an initial determination.
7. The Human Resources Specialist will prepare a decision memorandum for the Chief Component Human Capital Officer or his/her designee. The memorandum will include the Human Resources Specialist's recommendation to approve or disapprove and the factors considered.
8. The Human Resources Specialist will submit the superior qualifications or special needs request, supporting documentation, and decision memorandum to the Chief Component Human Capital Officer or his/her designee.
9. The Chief Component Human Capital Officer or his/her designee will review the written justification and supporting documentation from the Program Office and the recommendation from the Human Resources Specialist and make a final determination.
10. The Human Resources Specialist will document approved superior qualifications or special needs requests on the SF-52, Request for Personnel Action as indicated in the Office of Personnel Management's Guide to Processing Personnel Actions and Guide to Personnel Data Standards.
  - a. Block 29 – Pay Rate Determination – 7 Superior Qualifications Rate
  - b. Remarks – P04 – Pay set using the superior qualifications and special needs pay setting authority under 5 CFR 531.212.

11. The Human Resources Specialist will maintain a separate record for each superior qualifications or special needs appointment. The record will be maintained in a centralized location within the Recruitment and Staffing Branch. The documentation will be sufficient enough to allow the action to be reconstructed from the record.
12. Each record will document the superior qualifications of the candidate or the special need of the Agency for the candidate's services; an explanation of the factors and supporting documentation considered to justify the rate at which the pay was set; an explanation of how the considered factors directly relate to the rate approved; and the reasons for authorizing an advanced rate instead of or in addition to a recruitment bonus.

**C. CHRISTOPHE GAY, M.D., P.A.**

*FAMILY PRACTICE*

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235 W. Palm, Suite 102  
Bellville, Texas 77418

ph. (979) 865-8484  
fax (979) 865-8686

October 23, 2018

To Cadre Management Team, FFMA

It has come to my attention that Max Meindl is unable to properly care for his coronary Artery Disease and the resultant edema. Because of his prolonged commute time he is unable to comfortably take all his medications properly. This is adversely affecting his health. As I understand there is Tele-Work available to him. This would greatly Benefit his overall health, both in the ability to sleep better and to take his meds properly. The Tele-Work does not have to be daily, but needs to be made available when his health condition waves and needs immediate attention. I foresee that improving his work condition with Tele-Work modifications should also improve his work production.

Sincerely,

C. Christophe Gay MD, PA

A handwritten signature in black ink, appearing to read "C. Gay, MD". The signature is fluid and cursive, with "C." and "MD" being more stylized.

**DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
REQUEST FOR REASONABLE ACCOMMODATION**

**Privacy Act Statement**

**Authority:** The Privacy Act of 1974 (Privacy Act), 5 U.S.C. § 552a as amended, requires that you provide FEMA with certain information in order to process a request. The Rehabilitation Act of 1973, 29 U.S.C. § 701 as amended, stipulates that Federal agencies must provide reasonable accommodation to qualified individuals with disabilities. Further, Executive Order 13164 mandates that Federal agencies provide written procedures for requesting reasonable accommodations and maintain records in order to monitor the procedure's effectiveness.

**Purpose:** To provide reasonable accommodations to employees and applicants with disabilities according to Executive Order 13164.

**Routine Uses:** The information on this form may be disclosed as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/ALL-033 - Reasonable Accommodations Records System of Records, 76 Fed. Reg. 41,274 (July 13, 2011) and upon written request, by agreement, or as required by law.

**Disclosure:** FEMA's obligation to consider an individual's request for reasonable accommodation begins when the individual makes the request. However, the Request for Reasonable Accommodation form should be filled out as soon as possible following a request. The disclosure of information on this form is voluntary; however, failure to provide the requested information may prevent FEMA from accommodating your request.

1. Applicant's/Employee's Name  Max J Meindl	2. Telephone Number  (202) 374-9426
3. Organization/Office  Department of Homeland Security, Federal Emergency Management Agency, Regional Offices, Region Six, Regional Administratio	4. Date of Request  08/20/2018

5. Accommodation Requested (Be as specific as possible, e.g., sign language interpreter, or adaptive equipment such as voice recognition/keyboards, screen readers/magnification, etc.):

Tele-work/flexible work option as required to accommodate medical condition.

6. Reason for Request:

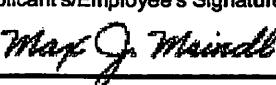
Occasional Tele-work would assist job performance relating to physical/medical constraints. My work is work is portable and can be performed effectively outside the office; tasks are easily quantifiable or primarily project-oriented; tasks can be scheduled as single blocks of time; and tasks don't require frequent interaction with a formal/informal work-team or necessitate frequent ad hoc meetings. I have exhibited myself as an individual with self-starter characteristics, good organizational skills, and I can function independently.

I have a disability, Coronary Artery Disease (Heart Condition), leading to potential CHF or Congestive Heart Failure as advised by my primary care provider with the VA Health Services. It is allegedly a terminal illness with its own set of unique indicators and symptoms. (Symptoms and conditions are and include the following: fatigue, irregular heartbeat, chest pain that radiates through the upper body, swelling in your ankles, feet, and legs, a cough that develops from congested lungs, rapid breathing, weight gain, wheezing. In some instances, patients are awakened at night, gasping for air. Some may be unable to sleep unless sitting upright.) I experience many of the referenced conditions, the swelling of my legs, ankles and feet and fluid accumulation in the lungs are the conditions that have my primary attention, but the shortness of breath and other conditions are in the mix. I mention these conditions because they make me physically uncomfortable and I may appear to fidget or move around in my chair, cross and uncross my legs or slouch to extend my legs and feet out to alleviate the pressure I feel from the fluid buildup.

7. If accommodation is time sensitive, please explain:



23 Oct '18

8. Applicant's/Employee's Title  Emergency Management Specialist (Recovery)	9. Applicant's/Employee's Signature  	10. Date  Aug 16, 2018
---	---	------------------------------

**MANAGEMENT RESPONSE TO REQUEST FOR REASONABLE ACCOMMODATION**

11. Request for Reasonable Accommodation (check one):       Granted       Interim/Alternate Granted (Provide comments in number 16)  
 Denied (if denied, answer questions in number 13 )

12. Applicant's/Employee's Name

13. Request for Reasonable Accommodation Denied Because (May check more than one box):

- Accommodation Ineffective       Accommodation Would Cause Undue Hardship       Accommodation Would Require Removal of an Essential Function of the job  
 Medical Documentation Inadequate       Accommodation Would Require Lowering of Performance or Production Standard  
 Other (Please identify):

14. Detailed reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):

15. If the individual proposed one type of reasonable accommodation which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reason for the denial of the requested accommodation and why you believe the chosen accommodation would be effective:

16. Comments

17. If an individual wishes to request reconsideration of this decision, she/he must take the following steps:

- An employee may appeal directly to his/her Second Level Supervisor. The employee may present additional information in support of his/her request.
- An applicant may appeal directly to the Disability Employment Program Manager of the Office of Equal Rights. The applicant may present additional information in support of his/her request.

18. If an individual wishes to file an EEO Complaint, or to pursue MSPB or union grievance procedures, she/he must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. 1614, contact an EEO Counselor in the Office of Equal Rights within 45 days from the date of this denial of reasonable accommodation; or
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
- Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3

19. Name Of Deciding Official	20. Signature Of Deciding Official	21. Date
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**1 Copy of this form must be provided to the employee or applicant who made the request.**

**1 Copy of this form must be provided to the Disability Employment Program Manager of the Office of Equal Rights.**

# FORMAL WRITTEN COMPLAINT

## DISCRIMINATION AND HARASSMENT AT FEMA

1. Your name, address, and telephone number;
  - a. Max J Meindl
  - b. 5 E Austin, Bellville, Texas 77418
  - c. 832-293-3671
2. A short description of the events that you believe were discriminatory (for example, you were terminated, demoted, harassed);
  - a. I am being targeted by leadership for special attention.
  - b. Retaliation FOR WRITING A COMPLAINT OUTLING MY CONCERNS TO THE OFFICE Chief of Staff, Sandra Cooley.
  - c. Harassment
  - d. I am being denied promotional opportunities
  - e. I feel as if I am being harassed for pointing out the inexperience of FEMA middle management and the way they treat their employees.
  - f. I am being harassed because of my disability and health conditions and pointing out to management their misinterpretation of the FMLA when they tried to stop me from doing reduced hours per the law.
  - g. I haD a very problematic heart surgery in April 2019 and FEMA management has been less than understanding in my recovery process from several chronic conditions.
  - h. They are judiciously papering the file to imply deficiencies in my performance while at the same time the State of Texas is requesting my being assigned to complex applicants based upon my performance ability in moving applicant forward in the grant process.
  - i. This is personal with someone in leadership.
  - j. For example, I was written up for copying and pasting a technical response from a co-worker in an answer to another co-worker. As an individual with paralegal experience I would never paraphrase a deposition so why would I paraphrase a technical response in an email. These are legal and permanent files that are part of the recovery process. I have sent several thousand emails over the course of the disaster and management picks to write me up on so they can paper a trail that inevitably, as they plan, will lead to having me terminated or not renew my contract.
  - k. Individuals with 1/5<sup>th</sup> my experience are being offered promotions when I am the only one in the office with the required/mandated FEMA appropriate training classes and an open task book for the position. These individuals come to me for advice on their applicants.
  - l. As the record from a congressional hearing stipulates: **HEARING BEFORE THE  
SUBCOMMITTEE ON OVERSIGHT AND MANAGEMENT EFFICIENCY OF THE  
COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH C  
ONGRESS FIRST SESSION JULY 27, 2017 Serial No. 115-25**
  - m. "Also is morale an issue for FEMA? Measuring morale, **FEMA is ranked 284th out of 305 agency subcomponents, which means that the agency index scores fall well below average. The FEMA work force expressed dissatisfaction with agency leadership, their fairness of performance reviews, and opportunities for professional development.** Research shows that effective leadership is the key driver of employee satisfaction. In order to improve employee morale, FEMA must provide robust training to new supervisors, motivate and engage employees, and recognize, of course, high performers."
  - n.

3. Why you believe you were discriminated against (for example, because of your race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability, genetic information or retaliation);
    - a. Age, medical condition, filing a complaint, FMLA request, reasonable accommodation request, speaking my mind when I observe inappropriate middle management “orders” or decisions, that violate policy and procedures, which by the way, we are encouraged to do by the current administrator, Pete Gaynor.
  4. A short description of any injury you suffered.
    - a. Hard to determine but I abhor having to go to work now-a-days and feel constantly harassed, written up over nonsensical issues, performance is not recognized, no opportunity to grow or be promoted to positions I am qualified for and could be compensated at a higher level. The stress is not good for my health in any way shape or form. A toxic worksite for me.
- Your signature (or your lawyer's signature).

## ATTACHMENTS

**From:** Alexander, Dennis <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>  
**Sent:** Thursday, February 27, 2020 11:58:35 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; White, Richard <[richard.white@fema.dhs.gov](mailto:richard.white@fema.dhs.gov)>  
**Cc:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>; Dyson, Robert <[Robert.Dyson@fema.dhs.gov](mailto:Robert.Dyson@fema.dhs.gov)>; Richardson, Derek <[derek.richardson.2@fema.dhs.gov](mailto:derek.richardson.2@fema.dhs.gov)>  
**Subject:** RE: TFL Reassignment

Max,

Leadership decides who they want in any given position. Currently you are trending toward deficiency in two critical areas of your performance and until they have been addressed and sustained improvement demonstrated I will not support as supervisor detail assignments or promotions. To be clear once you have improved in these areas and have my support as your supervisor there is no guarantee you will be selected.

But again, Sr. Leadership using their on consistently applied criteria will make their selections about various positions.

V/R

*Dennis*

**Dennis J. Alexander, P.E.**  
Public Assistance Group Supervisor  
Disaster DR4332 TX-- Harvey  
TRO TX Harris County Branch II  
8223 Willow Place Drive South  
Houston, TX 77070  
281-897-2017 Desk Phone  
737-230-8182 Cell Phone  
979-885-8256 Alternate Cell  
[Dennis.alexander@fema.dhs.gov](mailto:Dennis.alexander@fema.dhs.gov)



**FEMA**

**From:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Sent:** Tuesday, February 25, 2020 1:54 PM  
**To:** White, Richard <[richard.white@fema.dhs.gov](mailto:richard.white@fema.dhs.gov)>  
**Cc:** Alexander, Dennis <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>; Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** RE: TFL Reassignment

Any idea why I never get the TFL opportunity?

I'm the only one in the office who's taken the TFL training, has an open TFL Task Book and has over 31 months of experience as compared to 6-8 months for everyone else.

Am I being purposefully blackballed from performing TFL activities?

I definitely have more experience and time in the seat so to speak.

Highly unfair and improper.

## GUESS WHO'S THE TFL'S

### COMPLETE RTM

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		
MEINDL, MAX	9	0	0	0	0	100%
Emmers, Michael G.	1	0	0	0	0	100%
Heath, Tywon A.	1	0	0	0	0	100%

### PDMG REVIEW SCOPE

#### COST

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		
MEINDL, MAX	70	0	0	0	2.3	89%
Heath, Tywon A.	12	1	1	0	3.1	83%
Emmers, Michael G.	2	1	1	0	31	0%

### REVIEW AND COMPLETE

#### EEI

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		
MEINDL, MAX	259	0	0	0	1.6	96%
Heath, Tywon A.	44	10	10	0	3.3	75%
Emmers, Michael G.	8	0	0	0	11.5	88%

### VERIFY RFI

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		

MEINDL, MAX	63	0	0	0	0.4	98%
Heath, Tywon A.	4	0	0	0	7	75%
Emmers, Michael G.	1	0	0	0	0	100%

### CONFIRM EEI

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		
MEINDL, MAX	499	4	3	0	11.9	67%
Heath, Tywon A.	117	10	10	0	5.7	79%
Emmers, Michael G.	13	6	5	2	8.2	69%

### REVIEW DDD

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		
MEINDL, MAX	151	4	4	0	0.8	93%
Heath, Tywon A.	23	7	6	0	4.9	57%
Emmers, Michael G.	16	0	0	0	7.6	63%

### COMPLETE SCOPE

#### COSTING

Staff Name	Completed Tasks	Incomplete Tasks			Average Days to Complete Task	% Tasks Completed before Deadline
		Total	Overdue	On Hold w/ RFI		
MEINDL, MAX	160	1	1	0	10.8	75%
Heath, Tywon A.	13	0	0	0	2.4	92%
Emmers, Michael G.	3	1	1	0	3	100%

---

Max J Meindl, PMP  
 Program Delivery Manager | Houston TRO  
 DHS | FEMA-Recovery Directorate  
 Public Assistance Division  
 FEMA/HQ

**From:** [femamax@gmail.com](mailto:femamax@gmail.com) <[femamax@gmail.com](mailto:femamax@gmail.com)>  
**Sent:** Thursday, February 27, 2020 12:07 PM  
**To:** 'Alexander, Dennis' <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>  
**Subject:** DEFICIENCY

I understand your position Dennis but I do have a different perspective of my performance.

To condemn me to purgatory over 2 emails out of several thousand that I have sent reeks of pettiness at a minimum.

You know what is going on here so we'll let sleeping dogs lie.

My performance has been effective as indicated below but everyone can tell a story the way they wish.

Appreciate your kind and professional feedback.

**(Note to EEOC, see attached document)**

Max

*"No act of kindness, no matter how small, is ever wasted." — [Aesop](#)*

*"A spoon cannot taste of the food it carries. Likewise, a foolish man cannot understand the wise man's wisdom even if he associates with a sage." — [Dalai Lama](#)*

---

**From:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Sent:** Wednesday, October 30, 2019 9:06:35 AM  
**To:** Cooley, Sandra <[Sandra.Cooley@fema.dhs.gov](mailto:Sandra.Cooley@fema.dhs.gov)>  
**Cc:** [femamax@gmail.com](mailto:femamax@gmail.com) <[femamax@gmail.com](mailto:femamax@gmail.com)>  
**Subject:** RE: FMLA Recertification - M. Meindl

Ms. Cooley,

Thank you so very much for the clarification.

I hope to have the recertification done this week or early next week, based upon current medical issues/assessments although, I have been scheduled for additional CAT scans and associated testing.

The scope of the medical issues is evolving but I very much appreciate having a workload that keeps me busy and distracted from my physical issues, although my morning startup is a bit challenging.

I try to be here by 8:30 – 09:00 and work until 4:30 or 5:30 to ensure I get my full 8 hours in.

This year, with all of the unpaid leave, has put a definite stress on the family and the finances.

I appreciate your kind and detailed response to my concerns.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

**From:** Cooley, Sandra <[Sandra.Cooley@fema.dhs.gov](mailto:Sandra.Cooley@fema.dhs.gov)>  
**Sent:** Wednesday, October 30, 2019 7:17 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** [femamax@gmail.com](mailto:femamax@gmail.com); Cooley, Sandra <[Sandra.Cooley@fema.dhs.gov](mailto:Sandra.Cooley@fema.dhs.gov)>  
**Subject:** RE: FMLA Recertification - M. Meindl

Max,

Thank you for reaching out. I want you to know that your Supervisor, Tim Wick is working hard to ensure he takes care of and supports all of his employees. At this Tim is only attempting to ensure that you have a updated FMLA in place nothing more. Next he will reassess the workload of all staff performing the same work and each person is contributing to the workload in a manner consistent with the requirements of their assigned position. He will make the necessary adjustments to ensure the workload is properly distributed in a manner which provides equity to his employees and efficiency of support to customers. Any employee carrying too much will have the work reduced and any employee not carrying enough will have the work increased. Employees who need FMLA or Reasonable Accommodations will be supported without exception. However this does not mean that we will reduce the quantity or quality of the work to be performed. Employees who need to take leave will be required to manage their workload and not allow their absences to impact their customers or put a burden on their co-workers to cover for them. Tim's approach of each employee being held accountable to perform the work assigned is a little different than his previously approach. In the past Tim when employees called in at the last minute he assigned others to cover for them in the new approach he will assign others to cover and then have the absent employee cover for the other employee to keep the workload distributed equally. This approach is not designed to make anyone feel singled out but rather to create a work environment where the expectation is that each employee contributes toward the mission consistent in regards to quality and quantity of work performed.

Please be patient as we go through this process of supporting Tim and other TRO Supervisors who have been so driven from a JFO perspective to just get the work done that as we shift to more of a fix cite operational posture we have to also foster a work environment which supports high performing teams where everyone contributes with or without an accommodation or FMLA.

I hope this email helps to clarify your understanding.

**Sandra A. Cooley**

Acting Chief of Staff/Deputy Chief of Staff  
Field Leadership Chief of Staff – Type 1  
Texas Recovery Office – Harvey  
M: 202.805.6761  
E: [sandra.cooley@fema.dhs.gov](mailto:sandra.cooley@fema.dhs.gov)

Sincerely,  
Your Signature Block

**From:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Sent:** Tuesday, October 22, 2019 4:48 PM  
**To:** Cooley, Sandra <[Sandra.Cooley@fema.dhs.gov](mailto:Sandra.Cooley@fema.dhs.gov)>  
**Cc:** [femamax@gmail.com](mailto:femamax@gmail.com)  
**Subject:** FW: FMLA Recertification - M. Meindl

Ms. Cooley,  
I am forwarding this email to you for information purposes.  
I have no problem doing the FMLA recertification, subject to the time issues and making appointments.  
What concerns me is that I feel as if I have been singled out for special attention.  
The who of that issue is subject to a bit of detective work but I know who has questioned me in the past.  
If I wasn't doing my job, that would be one thing but I am doing it and I do it well.  
If you have any insight or words of encouragement.. send them on.

Be well.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

**WARNING:** This email contains FOR OFFICIAL USE ONLY (FOUO) OR PRIVACY DATA.  
It may contain information exempt from public release under the Freedom of Information Act (5 U.S.C. 552).  
The information contained herein must be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO/PII information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.

**From:** Meindl, Max  
**Sent:** Tuesday, October 22, 2019 4:22 PM  
**To:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>; David, Patricia <[Patricia.David@fema.dhs.gov](mailto:Patricia.David@fema.dhs.gov)>  
**Cc:** Wick, Timothy <[Timothy.Wick@fema.dhs.gov](mailto:Timothy.Wick@fema.dhs.gov)>; TERRY, DETRA S. <[DETRA.TERRY@FEMA.DHS.GOV](mailto:DETRA.TERRY@FEMA.DHS.GOV)>; Alexander, Dennis <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>; [brent@guerradays.com](mailto:brent@guerradays.com); FEMA-EqualRights <[FEMA-EqualRights@fema.dhs.gov](mailto:FEMA-EqualRights@fema.dhs.gov)>  
**Subject:** RE: FMLA Recertification - M. Meindl

JG,

My next appointment with the VA is 10/29/2019 with the ENT (ear, nose, throat) group at the DeBakey VA hospital to attempt to ascertain the source for my recurring dizzy spells.

My next appointment with my primary care physician is next Feb, 2020.

My next appointment with my pulmonary care specialist for my COPD (Chronic Obstructive Pulmonary Disease) is also next year.

I will do an online request to see my primary at the Katy VA outpatient clinic, but I'm not sure if that can happen within 15 days, it is the VA, so nothing is for certain.

I will also attempt to get an appointment with my primary care private physician in Bellville.

I must admit that as an senior citizen and as an individual who has identified, in the onboarding process, as an individual with a disability and when factoring in the very problematic heart surgery and subsequent associated health issues, I am concerned about the way the institution and/or individuals within the institution, treat those identified as disabled, more specifically, myself.

If my work was lacking, maybe I could understand, but it isn't and I don't understand.

It does seem that personalities have drifted in to the equation, in my opinion.

I appreciate your assistance and efforts with my disability and during my recovery but, I must admit that it has been an extremely distasteful experience with other FEMA personnel.

I will endeavor to get the paperwork returned in a timely manner but I am concerned about the 15 day window.

Please advise.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)

**From:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>

**Sent:** Tuesday, October 22, 2019 3:13 PM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Cc:** Wick, Timothy <[Timothy.Wick@fema.dhs.gov](mailto:Timothy.Wick@fema.dhs.gov)>

**Subject:** FMLA Recertification - M. Meindl

Good afternoon Max,

On May 1, 2019 you were initially approved for FMLA due to a serious/chronic health condition. Given that it has now been more than thirty (30) calendar days since your last medical update for your current FMLA condition, I am requesting that you provide me with an FMLA recertification as it relates to your current FMLA condition of record. The recertification is now necessary to ensure that the workload on your team can be planned and managed effectively while assisting you during your time of recovery. Therefore, I am requesting that you work with your physician to respond to all questions where appropriate especially those related to the questions identified below. These questions are not separate and apart from the recertification form but can be responded to within the context of the questions already provided on the form. (29 CFR 825.308(a), permits recertification every 30 days for chronic or permanent/long-term conditions.)

Purpose of this FMLA Recertification Update:

1. To validate if you are continuing to see the physician for the specific condition listed on your FMLA application dated and signed by your physician, on 4/11/2019.
2. Request that you provide an estimate of the duration of your condition & if you will be incapacitated for a single continuous period of time. (See questions #1 & #4).
3. Request that you specify what dates, if any, you will have planned appointments within the next 30 days. (See Question #5)
4. Request that your physician state whether or not you require care on an intermittent or reduced schedule basis, including any time for recovery. (See Question #6)
5. Request that your physician provide an estimate of when you will have flare-ups during your recovery period (if known) that will prevent you from performing your job functions. (See question #7).

Your health remains of paramount concern to me as well as our mission. My goal remains to work cooperatively with you and your physician in a manner which affords you the best opportunity to recover and return to full time employment status. However, failure to provide this requested FMLA Recertification information within fifteen (15) working days of receipt will result in the denial of any FMLA related leave until the information is provided.

If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

**From:** Cooley, Sandra <Sandra.Cooley@fema.dhs.gov>  
**Sent:** Tuesday, October 22, 2019 5:09 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** femamax@gmail.com  
**Subject:** Re: FMLA Recertification - M. Meindl

Let me review your concerns and circle back Max. Appreciate the opportunity to review.

---

**From:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Sent:** Tuesday, October 22, 2019 4:47:59 PM  
**To:** Cooley, Sandra <[Sandra.Cooley@fema.dhs.gov](mailto:Sandra.Cooley@fema.dhs.gov)>  
**Cc:** [femamax@gmail.com](mailto:femamax@gmail.com) <[femamax@gmail.com](mailto:femamax@gmail.com)>  
**Subject:** FW: FMLA Recertification - M. Meindl

Ms. Cooley,  
I am forwarding this email to you for information purposes.  
I have no problem doing the FMLA recertification, subject to the time issues and making appointments.  
What concerns me is that I feel as if I have been singled out for special attention.  
The who of that issue is subject to a bit of detective work but I know who has questioned me in the past.  
If I wasn't doing my job, that would be one thing but I am doing it and I do it well.  
If you have any insight or words of encouragement.. send them on.

Be well.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426

**From:** [femamax@gmail.com](mailto:femamax@gmail.com) <[femamax@gmail.com](mailto:femamax@gmail.com)>

**Sent:** Thursday, February 27, 2020 12:07 PM

**To:** 'Alexander, Dennis' <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>

**Subject:** DEFICIENCY

I understand your position Dennis but I do have a different perspective of my performance.

To condemn me to purgatory over 2 emails out of several thousand that I have sent reeks of pettiness at a minimum.

You know what is going on here so we'll let sleeping dogs lie.

My performance has been effective as indicated below but everyone can tell a story the way they wish.

Appreciate your kind and professional feedback.

Staff Name	RTM Completed Tasks	Staff Name	REVIEW AND COMPLETE EEI	Staff Name	PDMG COMPLETE DDD	Staff Name	COMPLETE PROJECT SCOPE AND COST ROUTING	Staff Name	PDMG REVIEW DDD/SCOPE/COST	Staff Name	PDMG REVIEW SCOPE/COST	Staff Name	COMPLETE INITIAL PROJECT DEVELOPMENT	Staff Name	REVIEW CREATED RFI (PDMG)	Staff Name	VERIFY RFI (PDMG)	Staff Name	COMPLETE WORK ORDER
Denson, Melva E.	9	CLEBOURN-MCPHERSO, TOYA V.	460	Phillips, Natalie M.	621	SHERMAN, ZERA R.	182	MEINDL, MAX	158	Legere, Shane C.	122	MEINDL, MAX	501	MEINDL, MAX	55	MEINDL, MAX	63	CLEBOURN-MCPHERSO, TOYA V.	118
MEINDL, MAX	9	Phillips, Natalie M.	394	Denson, Melva E.	464	MEINDL, MAX	162	CLEBOURN-MCPHERSO, TOYA V.	147	Marchetto, Jeffrey	102	CLEBOURN-MCPHERSO, TOYA V.	408	Phillips, Natalie M.	26	Phillips, Natalie M.	15	Phillips, Natalie M.	102
Teston, Sheree R.	9	Davis, Henry E.	340	SHERMAN, ZERA R.	384	Phillips, Natalie M.	162	Phillips, Natalie M.	135	Phillips, Natalie M.	95	Phillips, Natalie M.	404	Burris, Terry L.	20	RABSATT JR, ECEDRO	14	SHERMAN, ZERA R.	58
Cassidy, Richard	8	MEINDL, MAX	260	Afolayan, Akinlabi A.	361	Bassett, Jerome	123	Davis, Henry E.	131	ALJABBARY, MWFAQ	75	Davis, Henry E.	356	RABSATT JR, ECEDRO	17	Simonson, Nikolas	14	Bassett, Jerome	42
Legere, Shane C.	8	SHERMAN, ZERA R.	228	FOSTER, SHONDALON G.	354	Denson, Melva E.	106	Cassidy, Richard	96	Simonson, Nikolas	73	SHERMAN, ZERA R.	288	SHERMAN, ZERA R.	16	LaPoten, Halden	13	Stevens, Mark D.	41
Miller, summer M.	8	Denson, Melva E.	226	CLEBOURN-MCPHERSO, TOYA V.	347	Simonson, Nikolas	101	Burris, Terry L.	83	MEINDL, MAX	70	Bassett, Jerome	264	CLEBOURN-MCPHERSO, TOYA V.	15	Cassidy, Richard	12	MEINDL, MAX	30
White, Richard A.	7	Simonson, Nikolas	210	Simonson, Nikolas	238	FOSTER, SHONDALON G.	84	LaPoten, Halden	81	SHERMAN, ZERA R.	69	JOHNSON, BRENDA R.	253	Simonson, Nikolas	15	d'Amecourt, John C.	11	Simonson, Nikolas	29
JOHNSON, BRENDA R.	6	Afolayan, Akinlabi A.	172	MEINDL, MAX	202	Cassidy, Richard	80	Denson, Melva E.	77	Vulgamore, Joe R.	63	Afolayan, Akinlabi A.	235	Cassidy, Richard	14	Patten, Russell E.	11	Marchetto, Jeffrey	28
Phillips, Natalie M.	6	LaPoten, Halden	170	Bassett, Jerome	185	Marchetto, Jeffrey	79	RABSATT JR, ECEDRO	76	Denson, Melva E.	55	Simonson, Nikolas	220	ALJABBARY, MWFAQ	13	Sanders, Marlys	10	Vulgamore, Joe R.	28

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 2:22 PM  
**To:** femamax@gmail.com  
**Subject:** FMLA  
**Attachments:** Electronic Code of Federal Regulations-PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 2:06 PM  
**To:** Alexander, Dennis  
**Subject:** RE: WebTA

FYI:

**From:** Gause, Jacqueline  
**Sent:** Tuesday, May 21, 2019 10:04 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** Reasonable accommodation

*Good morning Max,*

*I believe a little while back you requested to work reduced hours due to medical restrictions. I have reached out to ERO to get more guidance on what employees can do in situations where a supervisor/leadership initially denies an alternative work schedule that was due to medical reason. If you still need or wish to pursue an alternate work schedule through the reasonable accommodation route you can reach out to ERO for more guidance.*

*Charise Scott - 202-856-2114  
Tam Nguyen - 609-508-2673*

*Regards,*

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

Max J Meindl, PMP  
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**From:** Alexander, Dennis  
**Sent:** Wednesday, June 26, 2019 1:53 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: WebTA

FYI, maybe you know this, but FMLA is for a long term out of office, not for a few hours here or there.

*Thanks,  
Dennis*

**Dennis J. Alexander, P.E.**  
Public Assistance Group Supervisor  
Disaster DR4332 TX-- Harvey  
TRO TX Harris County Branch II  
8332 Willow Place Drive South  
Houston, TX 77070  
281-897-2017 Desk Phone  
737-230-8182 Cell Phone  
[Dennis.alexander@fema.dhs.gov](mailto:Dennis.alexander@fema.dhs.gov)



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**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:47 PM  
**To:** Alexander, Dennis <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>  
**Subject:** FW: WebTA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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---

**From:** Gause, Jacqueline

**Sent:** Wednesday, May 29, 2019 9:56 AM

**To:** Meindl, Max <max.meindl@fema.dhs.gov>; Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** RE: WebTA

Good morning,

FMLA does not carry any leave. FMLA allows an employee to take up to 480 hours of unpaid for a personal or family medical situation.

**Excerpt from OPM:**

**Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period.**

**An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA.**

The employee can request FMLA LWOP, but will not receive any compensation. If the employee wishes to be paid while out on leave they will need to use their annual or sick leave with the FMLA code.

If you have additional questions or need me to go into further detail please let me know.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

---

**From:** Meindl, Max

**Sent:** Friday, May 24, 2019 9:39 AM

**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** WebTA

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I requested MFLA leave without pay which I have been doing for several weeks now.

Please advise soonest.

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Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 2:01 PM  
**To:** Alexander, Dennis  
**Subject:** RE: WebTA



## Amount of Leave – Intermittent Leave

§ 825.202

- Employee is entitled to take intermittent or reduced schedule leave for:
  - Employee's or qualifying family member's serious health condition when the leave is medically necessary
  - Covered servicemember's serious injury or illness when the leave is medically necessary
  - A qualifying exigency arising out of a military member's covered active duty status
- Leave to bond with a child after the birth or placement must be taken as a continuous block of leave unless the employer agrees to allow intermittent or reduced schedule leave



U.S. Department of Labor  
Wage and Hour Division

| 1-866-4-USWAGE

| www.dol.gov/whd



### §825.202 Intermittent leave or reduced leave schedule.

(a) *Definition.* FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. *Intermittent leave* is FMLA leave taken in separate blocks of time due to a single qualifying reason. A *reduced leave schedule* is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) *Medical necessity.* For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employer, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. See §§825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave

schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. See §§825.113 and 825.127.

(c) *Birth or placement*. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. Such a schedule reduction might occur, for example, where an employee, with the employer's agreement, works part-time after the birth of a child, or takes leave in several segments. The employer's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. See §825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. See also §825.120 (pregnancy) and §825.121 (adoption and foster care).

(d) *Qualifying exigency*. Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

[78 FR 8902, Feb. 6, 2013, as amended at 80 FR 10001, Feb. 25, 2015]

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Alexander, Dennis  
**Sent:** Wednesday, June 26, 2019 1:53 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: WebTA

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*Thanks,  
Dennis*

**Dennis J. Alexander, P.E.**  
Public Assistance Group Supervisor  
Disaster DR4332 TX-- Harvey  
TRO TX Harris County Branch II  
8332 Willow Place Drive South  
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281-897-2017 Desk Phone  
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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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**From:** Gause, Jacqueline  
**Sent:** Wednesday, May 29, 2019 9:56 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Atchison, Randy <[Randy.Atchison@fema.dhs.gov](mailto:Randy.Atchison@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: WebTA

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Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max

**Sent:** Friday, May 24, 2019 9:39 AM

**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>

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## **Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:53 PM  
**To:** Alexander, Dennis  
**Subject:** RE: WebTA

It allows for reduced hours.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
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Mobile: 202-322-6241

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Good morning,

FMLA does not carry any leave. FMLA allows an employee to take up to 480 hours of unpaid for a personal or family medical situation.

**Excerpt from OPM:**

**Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period.**

**An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA.**

The employee can request FMLA LWOP, but will not receive any compensation. If the employee wishes to be paid while out on leave they will need to use their annual or sick leave with the FMLA code.

If you have additional questions or need me to go into further detail please let me know.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

---

**From:** Meindl, Max

**Sent:** Friday, May 24, 2019 9:39 AM

**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** WebTA

Randy,

My understanding is that with approved MFLA I am not required to use up my sick days or annual leave.

I requested MFLA leave without pay which I have been doing for several weeks now.

Please advise soonest.

*"Cannot take TWOP until all your leave has been used. Also please put the hours in the day block of the calendar. Thank You Randy Atchison"*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:51 PM  
**To:** Alexander, Dennis  
**Subject:** FW: WebTa

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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---

**From:** Agaiby, Angela  
**Sent:** Tuesday, May 14, 2019 9:33 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** WebTa

Good morning,

Please submit your oLWOP/FMLA request in WebTA under leave a premium pay for 05/09/19 and 05/10/19. Once your supervisor has approved the request please go into the system and re-affirm your time. Then I can validate.

Please let me know if you have any questions.

Thank you

*Angela Agaiby*  
PA Operations Support Specialist  
DR-4332  
8223 Willow Place Dr. S  
Houston, TX 77070  
512-574-7612  
[Angela.Agaiby@FEMA.DHS.GOV](mailto:Angela.Agaiby@FEMA.DHS.GOV)



## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:47 PM  
**To:** Alexander, Dennis  
**Subject:** FW: WebTA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Gause, Jacqueline  
**Sent:** Wednesday, May 29, 2019 9:56 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Atchison, Randy <[Randy.Atchison@fema.dhs.gov](mailto:Randy.Atchison@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: WebTA

Good morning,

FMLA does not carry any leave. FMLA allows an employee to take up to 480 hours of unpaid for a personal or family medical situation.

**Excerpt from OPM:**

**Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period.**

**An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA.**

The employee can request FMLA LWOP, but will not receive any compensation. If the employee wishes to be paid while out on leave they will need to use their annual or sick leave with the FMLA code.

If you have additional questions or need me to go into further detail please let me know.

Regards,

## *Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max  
**Sent:** Friday, May 24, 2019 9:39 AM  
**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>  
**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** WebTA

Randy,  
My understanding is that with approved MFLA I am not required to use up my sick days or annual leave.  
I requested MFLA leave without pay which I have been doing for several weeks now.  
Please advise soonest.

*"Cannot take TWOP until all your leave has been used. Also please put the hours in the day block of the calendar. Thank You Randy Atchison"*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:44 PM  
**To:** Alexander, Dennis  
**Subject:** FW: Timesheet FMLA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Gause, Jacqueline  
**Sent:** Tuesday, April 23, 2019 3:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Obasa, Babajide <[babajide.obasa@fema.dhs.gov](mailto:babajide.obasa@fema.dhs.gov)>  
**Subject:** RE: Timesheet FMLA

Good afternoon,

I will need you to provide me with your paystub showing your hours worked. You can obtain this information from my epp. I need you to submit paystub from when you converted to CORE, PP25 (2018), and PP 7 (2019).

Please let me know if you have any other questions.

Regards,

*Jacqueline Gause, MSc*  
Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max  
**Sent:** Tuesday, April 23, 2019 1:30 PM  
**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Cc:** Obasa, Babajide <babajide.obasa@fema.dhs.gov>  
**Subject:** RE: Timesheet FMLA

Reservist since 08/2017.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Gause, Jacqueline  
**Sent:** Monday, April 22, 2019 4:21 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Obasa, Babajide <babajide.obasa@fema.dhs.gov>  
**Subject:** RE: Timesheet FMLA

Good afternoon Max,

Prior to becoming a CORE for the TRO were you employed with FEMA? Currently, you have been with the TRO since June 2018 thus, you do not meet the 1 yr requirement for FMLA. If you have prior time with FEMA as a CORE, reservist, or local hire please let me know so that I can verify the time.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max  
**Sent:** Monday, April 22, 2019 10:39 AM  
**To:** Guelzow, Nicole <nicole.guelzow@fema.dhs.gov>  
**Cc:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Obasa, Babajide <babajide.obasa@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>; Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Subject:** RE: Timesheet FMLA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Guelzow, Nicole  
**Sent:** Tuesday, April 2, 2019 4:51 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Obasa, Babajide <babajide.obasa@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>; Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Subject:** Timesheet FMLA  
**Importance:** High

Good afternoon Max,

I am performing timekeeping duties while your regular timekeeper is out of the office. In reviewing your timesheet, I see that you are claiming LWOP – FMLA.

Have you been approved for FMLA?

If you have, I apologize as the paperwork was not provided to the Austin office. If not, the leave category should be changed to LWOP until you receive approval.

Please let us know the status of your FMLA application as soon as possible so that we can move forward with your timesheet certification.

Respectfully,

*Nicole Guelzow, MPA*  
Administrative Specialist (HR)  
Texas Recovery Office

11000 N Interstate 35

Austin, TX 78753

(202) 718-1306 cell

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:41 PM  
**To:** Alexander, Dennis  
**Subject:** FW: FMLA  
  
**Importance:** High

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Obasa, Babajide  
**Sent:** Tuesday, April 23, 2019 10:05 AM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** RE: FMLA  
**Importance:** High

Hello and Happy Tuesday!

Yes Patricia...Jackie will follow up with Mr. Meindl as to the appropriate next steps.

Thank you so much 😊

J-

---

**From:** Silva, Patricia  
**Sent:** Tuesday, April 23, 2019 6:36 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Obasa, Babajide <[babajide.obasa@fema.dhs.gov](mailto:babajide.obasa@fema.dhs.gov)>; Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** RE: FMLA

Good morning Mr. Meindl,

I have reviewed your paperwork and all seems in order. I have copied Jide Obasa and Jacqueline Gause in this email as they are now the leads for FMLA in the TRO. Please consult with them on next steps.

Jide/Jackie- could you please inform Mr. Meindl of next steps.

Thank you,

*Patricia Silva*

Employee/Labor Relations Specialist

Office of the Chief Component Human Capital Officer (OCCHCO)| FEMA|DHS

500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor

Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)

Office: 202. 212. 5238

Mobile: 202.368.7217

---

**From:** Meindl, Max

**Sent:** Monday, April 22, 2019 11:40 AM

**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>

**Subject:** RE: FMLA

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Silva, Patricia

**Sent:** Wednesday, March 13, 2019 5:57 AM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Subject:** RE: FMLA

Good morning Mr. Meindl,

You need to communicate to your supervisor or record the need take FMLA leave at least 30 calendar days before the start of the planned absence. I have attached the Absence and Leave Manual for your review. Chapter 5 addresses FMLA.

I have also received the medical certification in connection with your request for FMLA leave.; however, the following required information is missing from the medical certification or is vague and needs clarification:

1. It is not clear whether you need FMLA leave intermittently or for a continuous period of time or both.
  - a. If your FMLA leave is for a continuous period of time, your doctor needs to state so. In the medical documentation you provided it only states "a few days after heart surgery". In addition, the your doctor will need to include the date of your surgery.
  - b. If your request is for intermittent leave for a planned medical treatment, the dates (actual or estimates) on which such treatment is expected to be given, the duration of such treatment, and the period of recovery, if any, before you would be able to return to work;
2. Your medical provider stated that your condition will cause episodic flare ups; however, the certification is missing the frequency of the flare ups. The medical certification needs to include an estimate of the frequency of the flare ups and the duration of related incapacity that you may have over the next 6 months (Part B, question #7).

Please be advised that the complete medical documentation is due 15 calendar days from this email.

Let me know if you have any questions.

Thank you,

*Patricia Silva*

Employee/Labor Relations Specialist  
Office of the Chief Component Human Capital Officer (OCCHCO)| FEMA|DHS  
500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor  
Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)  
Office: 202. 212. 5238  
Mobile: 202.368.7217

---

**From:** Meindl, Max  
**Sent:** Tuesday, March 12, 2019 3:13 PM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>  
**Cc:** femamax@gmail.com; rick@guerradays.com  
**Subject:** RE: FMLA

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

No, Jamie is not aware of the request that I am aware of.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Silva, Patricia  
**Sent:** Tuesday, March 12, 2019 2:02 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: FMLA

Mr. Meindl,

Who is your supervisor of record? Are they aware of your FMLA request?

*Patricia Silva*

Employee/Labor Relations Specialist  
Office of the Chief Component Human Capital Officer (OCCHCO)| FEMA|DHS  
500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor  
Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)  
Office: 202. 212. 5238  
Mobile: 202.368.7217

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 2:29 PM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>  
**Cc:** femamax@gmail.com  
**Subject:** RE: FMLA

Document attached.

Please advise as to the procedure subsequent the submission of this document to you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Silva, Patricia  
**Sent:** Wednesday, March 6, 2019 1:03 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: FMLA

Yes, that is correct.

*Patricia Silva*

Employee/Labor Relations Specialist  
Office of the Chief Component Human Capital Officer (OCCHCO) | FEMA|DHS  
500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor  
Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)  
Office: 202. 212. 5238  
Mobile: 202.368.7217

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 11:56 AM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>  
**Subject:** FMLA

I have been advised that you're the individual I'm supposed to send my FMLA forms to.  
Is that correct?

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, October 23, 2019 1:37 PM  
**To:** Gause, Jacqueline; David, Patricia  
**Cc:** Wick, Timothy; Terry, Detra; Alexander, Dennis; brent@guerradays.com; FEMA-EqualRights  
**Subject:** RE: FMLA Recertification - M. Meindl

Thanks JG, no problem, I'm working on an update with my providers, to appropriately capture/document/list all of the existing/new/challenging/interesting, issues that have manifested since the surgery. Appreciate your assistance..

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Sent:** Wednesday, October 23, 2019 1:09 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; Alexander, Dennis <dennis.alexander@fema.dhs.gov>; brent@guerradays.com; FEMA-EqualRights <FEMA-EqualRights@fema.dhs.gov>  
**Subject:** RE: FMLA Recertification - M. Meindl

Good afternoon,

The FMLA update process being applied in this situation is consistent with policy. Your approved FMLA condition of record is the matter being addressed as it relates to the updates being requested. You have said in your response that you are not scheduled to see the physician until next year and that you will request an appointment and attempt to get one as soon as possible. I will follow up with you in seven (7) days to see if you were able to get an appointment for this matter.

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Thanks for your cooperation with this matter. Please let me know if you have additional questions or concerns.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

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

**Sent:** Tuesday, October 22, 2019 4:22 PM

**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>

**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; Alexander, Dennis

<dennis.alexander@fema.dhs.gov>; brent@guerradays.com; FEMA-EqualRights <FEMA-EqualRights@fema.dhs.gov>

**Subject:** RE: FMLA Recertification - M. Meindl

JG,

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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**Sent:** Tuesday, October 22, 2019 3:13 PM

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

**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>

**Subject:** FMLA Recertification - M. Meindl

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Human Resources  
Federal Emergency Management Agency  
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Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
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## **Meindl, Max**

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**From:** Gause, Jacqueline  
**Sent:** Wednesday, October 23, 2019 1:09 PM  
**To:** Meindl, Max; David, Patricia  
**Cc:** Wick, Timothy; Terry, Detra; Alexander, Dennis; brent@guerradays.com; FEMA-EqualRights  
**Subject:** RE: FMLA Recertification - M. Meindl

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Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Cooley, Sandra  
**Sent:** Tuesday, October 22, 2019 5:09 PM  
**To:** Meindl, Max  
**Cc:** femamax@gmail.com  
**Subject:** Re: FMLA Recertification - M. Meindl

Let me review your concerns and circle back Max. Appreciate the opportunity to review.

Get [Outlook for iOS](#)

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**From:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Sent:** Tuesday, October 22, 2019 4:47:59 PM  
**To:** Cooley, Sandra <Sandra.Cooley@fema.dhs.gov>  
**Cc:** femamax@gmail.com <femamax@gmail.com>  
**Subject:** FW: FMLA Recertification - M. Meindl

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FEMA

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**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

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Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

## **Meindl, Max**

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**Cc:** femamax@gmail.com  
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I will endeavor to get the paperwork returned in a timely manner but I am concerned about the 15 day window.

Please advise.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Sent:** Tuesday, October 22, 2019 3:13 PM

**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>  
**Subject:** FMLA Recertification - M. Meindl

Good afternoon Max,

On May 1, 2019 you were initially approved for FMLA due to a serious/chronic health condition. Given that it has now been more than thirty (30) calendar days since your last medical update for your current FMLA condition, I am requesting that you provide me with an FMLA recertification as it relates to your current FMLA condition of record. The recertification is now necessary to ensure that the workload on your team can be planned and managed effectively while assisting you during your time of recovery. Therefore, I am requesting that you work with your physician to respond to all questions where appropriate especially those related to the questions identified below. These questions are not separate and apart from the recertification form but can be responded to within the context of the questions already provided on the form. (29 CFR 825.308(a), permits recertification every 30 days for chronic or permanent/long-term conditions.)

Purpose of this FMLA Recertification Update:

1. To validate if you are continuing to see the physician for the specific condition listed on your FMLA application dated and signed by your physician, on 4/11/2019.
2. Request that you provide an estimate of the duration of your condition & if you will be incapacitated for a single continuous period of time. (See questions #1 & #4).
3. Request that you specify what dates, if any, you will have planned appointments within the next 30 days. (See Question #5)
4. Request that your physician state whether or not you require care on an intermittent or reduced schedule basis, including any time for recovery. (See Question #6)
5. Request that your physician provide an estimate of when you will have flare-ups during your recovery period (if known) that will prevent you from performing your job functions. (See question #7).

Your health remains of paramount concern to me as well as our mission. My goal remains to work cooperatively with you and your physician in a manner which affords you the best opportunity to recover and return to full time employment status. However, failure to provide this requested FMLA Recertification information within fifteen (15) working days of receipt will result in the denial of any FMLA related leave until the information is provided.

If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241



## Meindl, Max

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 22, 2019 4:23 PM  
**To:** femamax@gmail.com  
**Subject:** FW: FMLA Recertification - M. Meindl

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 22, 2019 4:22 PM  
**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>; TERRY, DETRA S. <DETTRA.TERRY@FEMA.DHS.GOV>; Alexander, Dennis <dennis.alexander@fema.dhs.gov>; brent@guerradays.com; FEMA-EqualRights <FEMA-EqualRights@fema.dhs.gov>  
**Subject:** RE: FMLA Recertification - M. Meindl

JG,

My next appointment with the VA is 10/29/2019 with the ENT (ear, nose, throat) group at the DeBakey VA hospital to attempt to ascertain the source for my recurring dizzy spells.

My next appointment with my primary care physician is next Feb, 2020.

My next appointment with my pulmonary care specialist for my COPD (Chronic Obstructive Pulmonary Disease) is also next year.

I will do an online request to see my primary at the Katy VA outpatient clinic, but I'm not sure if that can happen within 15 days, it is the VA, so nothing is for certain.

I will also attempt to get an appointment with my primary care private physician in Bellville.

I must admit that as an senior citizen and as an individual who has identified, in the onboarding process, as an individual with a disability and when factoring in the very problematic heart surgery and subsequent associated health issues, I am concerned about the way the institution and/or individuals within the institution, treat those identified as disabled, more specifically, myself.

If my work was lacking, maybe I could understand, but it isn't and I don't understand.

It does seem that personalities have drifted in to the equation, in my opinion.

I appreciate your assistance and efforts with my disability and during my recovery but, I must admit that it has been an extremely distasteful experience with other FEMA personnel.

I will endeavor to get the paperwork returned in a timely manner but I am concerned about the 15 day window.

Please advise.

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Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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**From:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Sent:** Tuesday, October 22, 2019 3:13 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>  
**Subject:** FMLA Recertification - M. Meindl

Good afternoon Max,

On May 1, 2019 you were initially approved for FMLA due to a serious/chronic health condition. Given that it has now been more than thirty (30) calendar days since your last medical update for your current FMLA condition, I am requesting that you provide me with an FMLA recertification as it relates to your current FMLA condition of record. The recertification is now necessary to ensure that the workload on your team can be planned and managed effectively while assisting you during your time of recovery. Therefore, I am requesting that you work with your physician to respond to all questions where appropriate especially those related to the questions identified below. These questions are not separate and apart from the recertification form but can be responded to within the context of the questions already provided on the form. (29 CFR 825.308(a), permits recertification every 30 days for chronic or permanent/long-term conditions.)

Purpose of this FMLA Recertification Update:

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Your health remains of paramount concern to me as well as our mission. My goal remains to work cooperatively with you and your physician in a manner which affords you the best opportunity to recover and return to full time employment status. However, failure to provide this requested FMLA Recertification information within fifteen (15) working days of receipt will result in the denial of any FMLA related leave until the information is provided.

If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Gause, Jacqueline  
**Sent:** Tuesday, October 22, 2019 3:13 PM  
**To:** Meindl, Max  
**Cc:** Wick, Timothy  
**Subject:** FMLA Recertification - M. Meindl  
**Attachments:** FMLA - Health provider form.pdf

Good afternoon Max,

On May 1, 2019 you were initially approved for FMLA due to a serious/chronic health condition. Given that it has now been more than thirty (30) calendar days since your last medical update for your current FMLA condition, I am requesting that you provide me with an FMLA recertification as it relates to your current FMLA condition of record. The recertification is now necessary to ensure that the workload on your team can be planned and managed effectively while assisting you during your time of recovery. Therefore, I am requesting that you work with your physician to respond to all questions where appropriate especially those related to the questions identified below. These questions are not separate and apart from the recertification form but can be responded to within the context of the questions already provided on the form. (29 CFR 825.308(a), permits recertification every 30 days for chronic or permanent/long-term conditions.)

Purpose of this FMLA Recertification Update:

1. To validate if you are continuing to see the physician for the specific condition listed on your FMLA application dated and signed by your physician, on 4/11/2019.
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If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:51 PM  
**To:** Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you.

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 3:15 PM  
**To:** Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:11 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you Mr. Meindl. I work with Karen who is currently on leave. I have forwarded your message to OER. I have been told to ask you to fill out the attached form and return it to me so that they can close the case out.

Thank you,  
Loretta

Loretta Vardy  
Branch Chief for Mediation and Training  
ADR Division/OCC/FEMA  
500 C Street SW  
4NE 2407  
Washington D.C. 20472-3400

Office: 202-212-1563

Cell: 202-286-8804

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---

**From:** Meindl, Max

**Sent:** Tuesday, November 13, 2018 11:55 AM

**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>

**Cc:** Walters, Albert <Albert.Walters@fema.dhs.gov>; Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>

**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,

Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint.

Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Asaro, Karen

**Sent:** Wednesday, November 7, 2018 4:10 PM

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

**Subject:** Automatic reply: RA Request

Hello,

I will be out of the office until November 23, 2018 and I will not have access to email during this time. I will respond promptly upon my return.

If you need to speak with someone during my absence please call Loretta Vardy at 202 286-8804.

Thank You,  
Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
mobile: 571 431-2863

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 2:15 PM  
**To:** Vardy, Loretta  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint  
**Attachments:** FEMA EEO Withdrawal Form- Letterhead-signed.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:11 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

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Loretta

Loretta Vardy  
Branch Chief for Mediation and Training  
ADR Division/OCC/FEMA  
500 C Street SW  
4NE 2407  
Washington D.C. 20472-3400

Office: 202-212-1563  
Cell: 202-286-8804

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---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 11:55 AM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>  
**Cc:** Walters, Albert <Albert.Walters@fema.dhs.gov>; Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,

Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint. Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

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**From:** Asaro, Karen  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Automatic reply: RA Request

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Thank You,  
Karen Asaro, ADR Advisor

FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
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## **Meindl, Max**

---

**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:11 PM  
**To:** Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint  
**Attachments:** FEMA EEO Withdrawal Form- Letterhead.doc

Thank you Mr. Meindl. I work with Karen who is currently on leave. I have forwarded your message to OER. I have been told to ask you to fill out the attached form and return it to me so that they can close the case out.

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Loretta Vardy  
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ADR Division/OCC/FEMA  
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Washington D.C. 20472-3400

Office: 202-212-1563  
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**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 11:55 AM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>  
**Cc:** Walters, Albert <Albert.Walters@fema.dhs.gov>; Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,  
Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint.  
Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division

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# FEMA

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**From:** Asaro, Karen  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Automatic reply: RA Request

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Thank You,  
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500 C Street, SW, Suite 4NE 2407  
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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 11:19 AM  
**To:** femamax@gmail.com  
**Subject:** FW: Fed HR Review

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 10:17 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: Fed HR Review

Yes, you can either attach a Word doc with your comments to your file, or you can put them in the comment box which looks as follows just below where you sign electronically:

Quarter 3 Performance Review Acknowledgements

I certify that the quarter 3 progress review and discussion occurred.

Rating Official Signature

Erase e-Sign

Electronically signed by: Jamie L. Mcallister

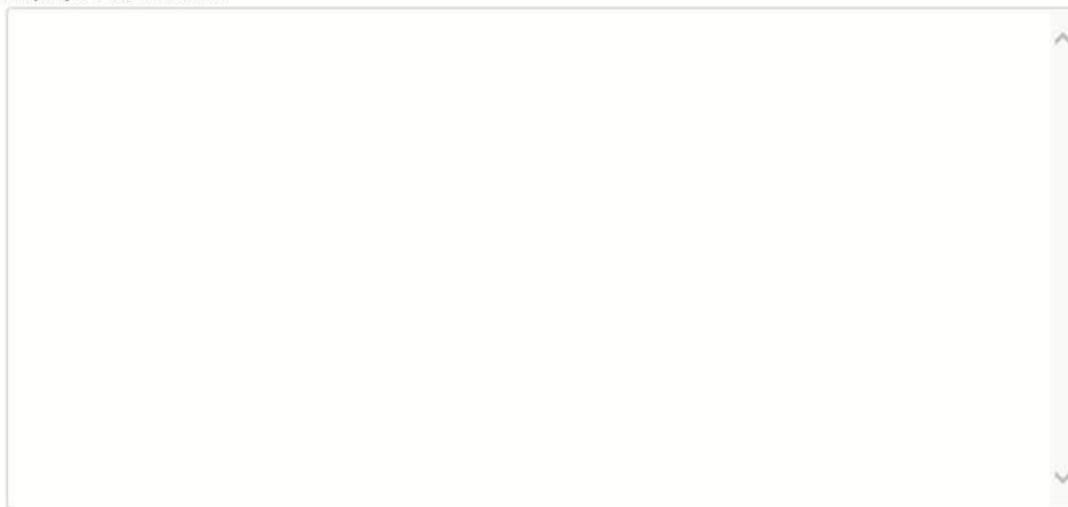
Date

Rating Official Comments:

Employee Signature

Date

Employee Comments:



---

**From:** Meindl, Max

**Sent:** Friday, November 9, 2018 9:59 AM

**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>

**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** RE: Fed HR Review

To clarify,

Yesterday you advised me that I could comment/upload in my evaluation pursuant to the points you initially proffered as concerns in my review, is that correct?

It was nice making your acquaintance also, and here's wishing you the best in your endeavors.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 9:51 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[dakra.terry@fema.dhs.gov](mailto:dakra.terry@fema.dhs.gov)>  
**Subject:** Fed HR Review

Good Morning Max,

Very glad to meet you yesterday. The performance comments provided by Detra have been uploaded into FedHR under your case #248282 and I have also attached them. I believe that I have resolved the issue of the reviews being locked. HR sometimes locks the forms while they are working on them, and it's not uncommon to have this issue. Please go ahead and sign Quarter 2 and Quarter 3.

Quarter 2 documents in FEDHR were your Individual Development Plan that you had previously signed and a PDF of the performance goals.

Regards,

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 10:55 AM  
**To:** Asaro, Karen  
**Cc:** Walters, Albert; Vardy, Loretta; Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,

Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint. Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Asaro, Karen  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Automatic reply: RA Request

Hello,

I will be out of the office until November 23, 2018 and I will not have access to email during this time. I will respond promptly upon my return.

If you need to speak with someone during my absence please call Loretta Vardy at 202 286-8804.

Thank You,  
Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407

Washington, DC 20472  
mobile: 571 431-2863

*This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this message in error please reply immediately to the sender and delete this message. Thank you.*

## **Meindl, Max**

---

**From:** Walters, Albert  
**Sent:** Tuesday, November 13, 2018 10:18 AM  
**To:** Meindl, Max  
**Subject:** RE: Mediation with Karen Asari

Max,

I am willing and we owe Karen an answer. I know she needs to report the progress on the mediation and I informed her that we were meeting last week. If we need to copy the lady she identified for immediate assistance we need to copy her on any communications with Karen. I am available today to discuss. You can call me on my cell.

Thanks,

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:46 AM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** RE: Mediation with Karen Asari

You and I can wrap it up Albert, if you're willing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:50 AM  
**To:** Walters, Albert  
**Subject:** RE: Mediation with Karen Asari

Albert,  
By the way, I appreciate your professional and kind assistance, it was a welcome change and experience.  
Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:49 AM  
**To:** Walters, Albert  
**Subject:** RE: Mediation with Karen Asari

Albert,  
I received the following from Karen last week:

*Hello,*

*I will be out of the office until November 23, 2018 and I will not have access to email during this time. I will respond promptly upon my return.*

*If you need to speak with someone during my absence please call Loretta Vardy at 202 286-8804.*

*Thank You,  
Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
mobile: 571 431-2863*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:46 AM  
**To:** Walters, Albert  
**Subject:** RE: Mediation with Karen Asari

You and I can wrap it up Albert, if you're willing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

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**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 10:17 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** RE: Fed HR Review

Yes, you can either attach a Word doc with your comments to your file, or you can put them in the comment box which looks as follows just below where you sign electronically:

### Quarter 3 Performance Review Acknowledgements

**I certify that the quarter 3 progress review and discussion occurred.**

Rating Official Signature

**Erase e-Sign**  
Electronically signed by: Jamie L. Mcallister

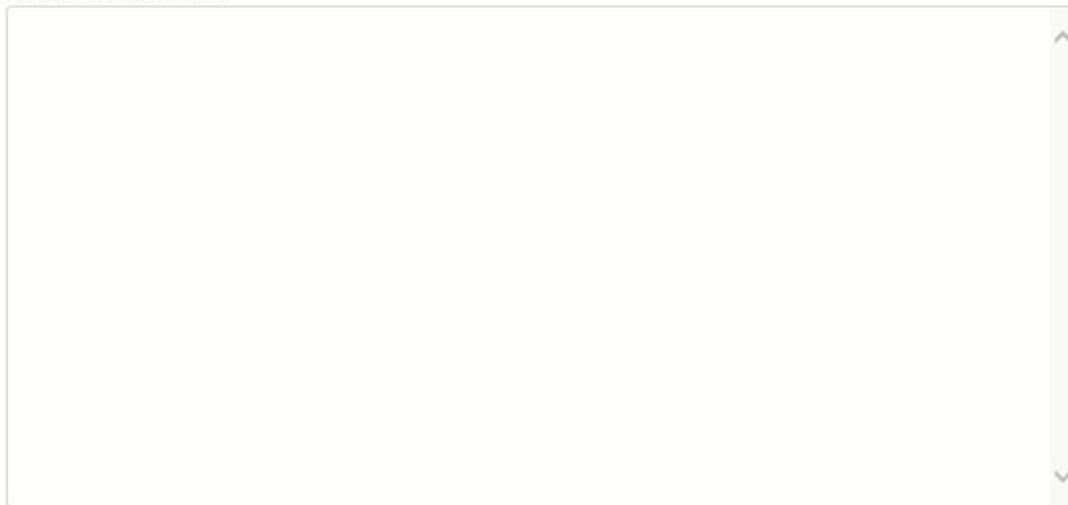
Date

Rating Official Comments:

Employee Signature

Date

Employee Comments:



---

**From:** Meindl, Max  
**Sent:** Friday, November 9, 2018 9:59 AM  
**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>  
**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** RE: Fed HR Review

To clarify,

Yesterday you advised me that I could comment/upload in my evaluation pursuant to the points you initially proffered as concerns in my review, is that correct?

It was nice making your acquaintance also, and here's wishing you the best in your endeavors.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 9:51 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** Fed HR Review

Good Morning Max,

Very glad to meet you yesterday. The performance comments provided by Detra have been uploaded into FedHR under your case #248282 and I have also attached them. I believe that I have resolved the issue of the reviews being locked. HR sometimes locks the forms while they are working on them, and it's not uncommon to have this issue. Please go ahead and sign Quarter 2 and Quarter 3.

Quarter 2 documents in FEDHR were your Individual Development Plan that you had previously signed and a PDF of the performance goals.

Regards,

*Jamie McAllister*  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Chatman, Edward  
**Sent:** Friday, November 2, 2018 9:31 AM  
**To:** FEMA-4332-DR-TX-All-Hands  
**Subject:** Security Procedures for Visitors & Guests  
**Attachments:** FEMA Directive 121-3 Revision 1.pdf

Greetings,

The Security Staff and Management is requesting that we all comply with the FEMA Security Directive 121-3, Revision 1 regarding visitors and access to FEMA facilities.  
If you are expecting visitor(s), you must provide the following information to the Security Manager in advance:

- Visitor(s) Name
- Affiliated Agency
- Point of Contact at the TRO (or Branches)
- Name and phone number of the person who will escort them (if different from the POC)

Attached please find the related guidelines. If you have any questions, please contact [Point of Contact](#)

Thank you!

Regards,

Edward Chatman  
Security Manager  
DR-4332-TX TRO  
Federal Emergency Management Agency (FEMA)  
Cell: 202-803-3548  
edward.chatman@fema.dhs.gov

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:46 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia <[Dacia.Lancaster@fema.dhs.gov](mailto:Dacia.Lancaster@fema.dhs.gov)>; FEMA.Harassment <[fema.harassment@fema.dhs.gov](mailto:fema.harassment@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** RE: OER AHU-18-164 Closure Letter

Another issue to keep in mind is that the meetings I am having concerns about were called "Sit-With", see below. Policy was violated in even calling these meetings sit-withs, in my opinion.

-----Original Appointment-----

*From: Harrison, Jade Sent: Tuesday, August 14, 2018 6:38 PM  
To: Meindl, Max; Terry, Detra; Slie, Brian Subject: M. Meindl **Sit-with**  
When: Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
Where: Houston office- Rm 225, conference call number provided*

### From the Sit With Guidance document:

PAGS Sit-With Guidance

What is a sit-with?

A sit-with is a one-on-one feedback coaching session between a manager and staff. Staff will participate in an initial sit-with with their manager, during which they will discuss their previous disaster roles, particular technical specialties and skill sets. This discussion will inform leadership on the level of complexity for a staff's assignment.

Please note that a sit-with is a one-on-one meeting and all of these alleged “sit-withs” were group hugs without the benefit of the hug, more like a ganging up on the new guy.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

Another issue to keep in mind is that the meetings I am having concerns about were called “Sit-With”, see below. Policy was violated in even calling these meetings sit-withs, in my opinion.

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To: Meindl, Max; Terry, Detra; Slie, Brian Subject: M. Meindl **Sit-with**  
When: Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:07 AM  
**To:** femamax@gmail.com  
**Subject:** FW: sit with comms  
**Attachments:** RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 1:28 PM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** sit with comms

For your information, the sit with email chain that triggered the harassment filing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:05 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:03 AM  
**To:** Lancaster, Dacia <[Dacia.Lancaster@fema.dhs.gov](mailto:Dacia.Lancaster@fema.dhs.gov)>; FEMA.Harassment <[fema.harassment@fema.dhs.gov](mailto:fema.harassment@fema.dhs.gov)>  
**Cc:** FEMA-OCSO-MISCON <[fema-ocso-miscon@fema.dhs.gov](mailto:fema-ocso-miscon@fema.dhs.gov)>; Grant, Raphael <[raphael.grant@fema.dhs.gov](mailto:raphael.grant@fema.dhs.gov)>; Hass, Andrew <[andrew.hass@fema.dhs.gov](mailto:andrew.hass@fema.dhs.gov)>; Hayes, Ashton <[ashton.hayes@fema.dhs.gov](mailto:ashton.hayes@fema.dhs.gov)>; Hoburg, Leigh <[Leigh.Hoburg@fema.dhs.gov](mailto:Leigh.Hoburg@fema.dhs.gov)>; Jackson, Robyne <[Robyne.Jackson@fema.dhs.gov](mailto:Robyne.Jackson@fema.dhs.gov)>; Jaeger, Michelle <[michelle.jaeger@fema.dhs.gov](mailto:michelle.jaeger@fema.dhs.gov)>; Murrock, Kristin <[kristin.murrock@fema.dhs.gov](mailto:kristin.murrock@fema.dhs.gov)>; Pellicci, Kelley <[Kelley.Pellicci@fema.dhs.gov](mailto:Kelley.Pellicci@fema.dhs.gov)>; Piper, Dalita <[dalita.piper@fema.dhs.gov](mailto:dalita.piper@fema.dhs.gov)>  
**Subject:** RE: OER AHU-18-164 Closure Letter

To whom it may concern,

I find the letter closing this complaint of harassment specious and inaccurate at best.

The statement that an investigation was conducted and "witness statement" and/or "evidence collected" led to allegations being unsubstantiated, is interesting at a minimum.

Pursuant to the attachment in this email and a copy of a previously sent email, sent to, what I assume to be the primary investigator, stipulated in no uncertain terms that there were no witnesses to the alleged harassment and that the harassment was my perception of an escalation or a previous meeting wherein I had been inappropriately accused and unprofessionally addressed in front of other parties.

The harassment claim has to do with my perception of the escalation only, no witnesses involved.

Below is a copy of the email stipulating my concerns when I filed the complaint:

*From: Meindl, Max*

**Sent:** Wednesday, September 12, 2018 1:19 PM  
**To:** Walters, Albert <Albert.Walters@fema.dhs.gov>  
**Subject:** cover email

I am, after a couple of weeks of considerable handwringing and possible/potential blowback considerations, hereby submitting the attached complaint, although I am very concerned about retaliation.

I have been falsely accused, in my opinion, and it appears the parties involved are escalating the issue to the possible detriment of my employment.

I categorically deny the allegations and assertions as put forth.

I have had a very successful tenure with FEMA since 09/2017 when deployed to the Beaumont East team.

I was a high producer of "applicant signed projects" and continue to do the same here as demonstrated in the Grants Manager Metrics.

I never had any problem with "communications" until all of the sudden I can't seem to do anything correct in my current deployment here in Houston.

I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair. A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as "Fiction" because we never discussed the items in his summary report and I advised he and DPAG of the same.

Show me a specific example of the alleged "communication" or "body language" issue.

I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.

I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl

832-293-3671

FEMA PDMG

Houston PA

202-374-9426

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-Administrative Investigations Directive Committee@fema.dhs.gov](mailto:FEMA-AID-Administrative%20Investigations%20Directive%20Committee@fema.dhs.gov)>

AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov>

**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## Meindl, Max

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**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:03 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-OCSO-MISCON; Grant, Raphael; Hass, Andrew; Hayes, Ashton; Hoburg, Leigh; Jackson, Robyne; Jaeger, Michelle; Murrock, Kristin; Pellicci, Kelley; Piper, Dalita  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

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*Thank you in advance.*

*Max Meindl  
832-293-3671*

*FEMA PDMG  
Houston PA*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**Subject:** OER AHU-18-164 Closure Letter

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V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 10:17 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** RE: Fed HR Review

Yes, you can either attach a Word doc with your comments to your file, or you can put them in the comment box which looks as follows just below where you sign electronically:

### Quarter 3 Performance Review Acknowledgements

**I certify that the quarter 3 progress review and discussion occurred.**

Rating Official Signature

**Erase e-Sign**  
Electronically signed by: Jamie L. Mcallister

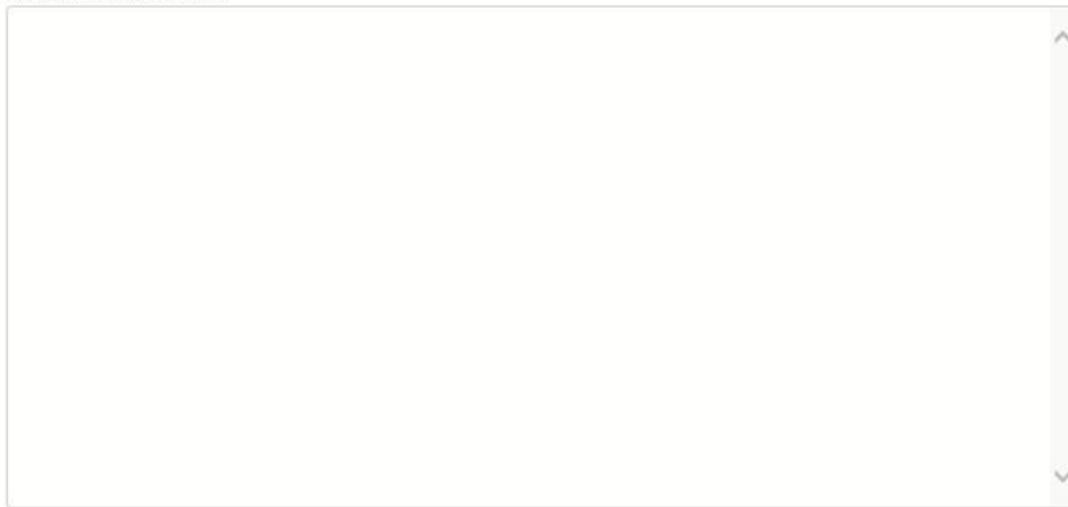
Date

Rating Official Comments:

Employee Signature

Date

Employee Comments:



---

**From:** Meindl, Max  
**Sent:** Friday, November 9, 2018 9:59 AM  
**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>  
**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** RE: Fed HR Review

To clarify,

Yesterday you advised me that I could comment/upload in my evaluation pursuant to the points you initially proffered as concerns in my review, is that correct?

It was nice making your acquaintance also, and here's wishing you the best in your endeavors.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 9:51 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** Fed HR Review

Good Morning Max,

Very glad to meet you yesterday. The performance comments provided by Detra have been uploaded into FedHR under your case #248282 and I have also attached them. I believe that I have resolved the issue of the reviews being locked. HR sometimes locks the forms while they are working on them, and it's not uncommon to have this issue. Please go ahead and sign Quarter 2 and Quarter 3.

Quarter 2 documents in FEDHR were your Individual Development Plan that you had previously signed and a PDF of the performance goals.

Regards,

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Chatman, Edward  
**Sent:** Friday, November 2, 2018 9:31 AM  
**To:** FEMA-4332-DR-TX-All-Hands  
**Subject:** Security Procedures for Visitors & Guests  
**Attachments:** FEMA Directive 121-3 Revision 1.pdf

Greetings,

The Security Staff and Management is requesting that we all comply with the FEMA Security Directive 121-3, Revision 1 regarding visitors and access to FEMA facilities.  
If you are expecting visitor(s), you must provide the following information to the Security Manager in advance:

- Visitor(s) Name
- Affiliated Agency
- Point of Contact at the TRO (or Branches)
- Name and phone number of the person who will escort them (if different from the POC)

Attached please find the related guidelines. If you have any questions, please contact [Point of Contact](#)

Thank you!

Regards,

Edward Chatman  
Security Manager  
DR-4332-TX TRO  
Federal Emergency Management Agency (FEMA)  
Cell: 202-803-3548  
edward.chatman@fema.dhs.gov

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:46 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia <[Dacia.Lancaster@fema.dhs.gov](mailto:Dacia.Lancaster@fema.dhs.gov)>; FEMA.Harassment <[fema.harassment@fema.dhs.gov](mailto:fema.harassment@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** RE: OER AHU-18-164 Closure Letter

Another issue to keep in mind is that the meetings I am having concerns about were called "Sit-With", see below. Policy was violated in even calling these meetings sit-withs, in my opinion.

-----Original Appointment-----

From: Harrison, Jade Sent: Tuesday, August 14, 2018 6:38 PM  
To: Meindl, Max; Terry, Detra; Slie, Brian Subject: M. Meindl **Sit-with**  
When: Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
Where: Houston office- Rm 225, conference call number provided

### From the Sit With Guidance document:

PAGS Sit-With Guidance

What is a sit-with?

A **sit-with** is a one-on-one feedback coaching session between a manager and staff. Staff will participate in an initial sit-with with their manager, during which they will discuss their previous disaster roles, particular technical specialties and skill sets. This discussion will inform leadership on the level of complexity for a staff's assignment.

Please note that a sit-with is a one-on-one meeting and all of these alleged “sit-withs” were group hugs without the benefit of the hug, more like a ganging up on the new guy.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

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Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:07 AM  
**To:** femamax@gmail.com  
**Subject:** FW: sit with comms  
**Attachments:** RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 1:28 PM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** sit with comms

For your information, the sit with email chain that triggered the harassment filing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
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## **Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:05 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

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DHS | FEMA-Recovery Directorate  
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I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair. A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as "Fiction" because we never discussed the items in his summary report and I advised he and DPAG of the same.

Show me a specific example of the alleged "communication" or "body language" issue.

I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.

I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl

832-293-3671

FEMA PDMG  
Houston PA  
202-374-9426

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-](#)

AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov>

**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## Meindl, Max

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:03 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-OCSO-MISCON; Grant, Raphael; Hass, Andrew; Hayes, Ashton; Hoburg, Leigh; Jackson, Robyne; Jaeger, Michelle; Murrock, Kristin; Pellicci, Kelley; Piper, Dalita  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

To whom it may concern,

I find the letter closing this complaint of harassment specious and inaccurate at best.

The statement that an investigation was conducted and “witness statement” and/or “evidence collected” led to allegations being unsubstantiated, is interesting at a minimum.

Pursuant to the attachment in this email and a copy of a previously sent email, sent to, what I assume to be the primary investigator, stipulated in no uncertain terms that there were no witnesses to the alleged harassment and that the harassment was my perception of an escalation or a previous meeting wherein I had been inappropriately accused and unprofessionally addressed in front of other parties.

The harassment claim has to do with my perception of the escalation only, no witnesses involved.

Below is a copy of the email stipulating my concerns when I filed the complaint:

*From: Meindl, Max  
Sent: Wednesday, September 12, 2018 1:19 PM  
To: Walters, Albert <Albert.Walters@fema.dhs.gov>  
Subject: cover email*

*I am, after a couple of weeks of considerable handwrangling and possible/potential blowback considerations, hereby submitting the attached complaint, although I am very concerned about retaliation.*

*I have been falsely accused, in my opinion, and it appears the parties involved are escalating the issue to the possible detriment of my employment.*

*I categorically deny the allegations and assertions as put forth.*

*I have had a very successful tenure with FEMA since 09/2017 when deployed to the Beaumont East team.*

*I was a high producer of “applicant signed projects” and continue to do the same here as demonstrated in the Grants Manager Metrics.*

*I never had any problem with “communications” until all of the sudden I can’t seem to do anything correct in my current deployment here in Houston.*

*I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair. A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as “Fiction” because we never discussed the items in his summary report and I advised he and DPAG of the same.*

*Show me a specific example of the alleged “communication” or “body language” issue.*

*I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.*

*I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.*

*I would also request a contact to ADR so I can pursue that avenue as well.*

*Please contact me with any questions, guidance, advice if required.*

*Please advise soonest.*

*Thank you in advance.*

*Max Meindl  
832-293-3671*

*FEMA PDMG  
Houston PA*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee  
**Subject:** OER AHU-18-164 Closure Letter  
**Attachments:** scannedDoc (007).pdf

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Castaneda, Melinda  
**Sent:** Monday, October 15, 2018 11:14 AM  
**To:** FEMA-4332-DR-TX-All-Hands  
**Subject:** TRO-ADR Continuous Availability

See important message from ADR. Thank you.

**Please forward your questions to the appropriate [Point of Contact](#)**

---

Greetings,

I'm writing to let you know that I will be out on rotation until 10/29. I will still be intermittently available via phone/e-mail.

ADR Advisor Sunny Gutierrez will be here at the TRO while I'm out. Sunny served the Texas Mission previously, so she may be familiar to some of you.

ADR Advisors Judy Gordon and Carl McGill will continue serving at Branch II Houston and providing coverage for Branch III.

Please feel free to contact any of us.

Thank you for all you do, every day.

Take good care of yourselves and each other.

Aileen

*AILEEN DENTON SETTER  
Alternative Dispute Resolution Advisor  
Texas Recovery Office  
11000 North Interstate Highway 35  
Austin, TX 78753  
FEMA iPhone: (225) 910-5254  
E-mail: [Aileen.DentonSetter@fema.dhs.gov](mailto:Aileen.DentonSetter@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 9, 2018 9:43 AM  
**To:** Asaro, Karen; Walters, Albert  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

I am available as required and at any time convenient to all parties.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Asaro, Karen  
**Sent:** Sunday, October 7, 2018 3:20 PM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you. As soon as I hear from Mr. Meindl, I will confirm the date/time.

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

**From:** Walters, Albert  
**Sent:** Saturday, October 6, 2018 9:06 AM

**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Good morning Ms. Asaro,

My availability for a discussion with Mr. Meindl over the next 2 weeks is:

October 11, 2018 – From 10:00am until 2:00pm  
October 12, 2018 – From 10:00am until 2:00pm  
October 15, 2018 – From 11:00am until 3:00pm  
October 17, 2018 – From 1:00pm until 2:00pm  
October 19, 2018 – From 10:00am until 2:00pm

Thanks,

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV

---

**From:** Asaro, Karen  
**Sent:** Sunday, September 30, 2018 12:10 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>; Walters, Albert <Albert.Walters@fema.dhs.gov>  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

Hello Mr. Meindl and Mr. Walters,

I received an email from Erik Skinner, OER, on Friday letting me know that things are on track for scheduling the mediation conference call.

I will be at a mediation conference this week (week of Oct. 1) and unavailable for mediation. If you could send me some dates you are available the week of Oct. 8 and the week of Oct. 15, I will coordinate with all of our schedules, and confirm the first date/time that works for everyone.

Thank you for your assistance with scheduling and I look forward to hearing from you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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## **Meindl, Max**

---

**From:** Asaro, Karen  
**Sent:** Sunday, October 7, 2018 3:20 PM  
**To:** Walters, Albert; Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you. As soon as I hear from Mr. Meindl, I will confirm the date/time.

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FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
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**From:** Walters, Albert  
**Sent:** Saturday, October 6, 2018 9:06 AM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
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Public Assistance Group Supervisor  
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**Subject:** HS-FEMA-02488-2018 EEO Complaint

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---

## **Meindl, Max**

---

**From:** Walters, Albert  
**Sent:** Saturday, October 6, 2018 8:06 AM  
**To:** Asaro, Karen; Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

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October 12, 2018 – From 10:00am until 2:00pm  
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Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV

---

**From:** Asaro, Karen  
**Sent:** Sunday, September 30, 2018 12:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

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Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472

Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Asaro, Karen  
**Sent:** Sunday, September 30, 2018 12:10 PM  
**To:** Meindl, Max; Walters, Albert  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

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FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
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Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, September 13, 2018 9:00 AM  
**To:** Walters, Albert  
**Subject:** ADDITIONAL STATEMENT  
**Attachments:** Albert.pdf

For the file.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 1:28 PM  
**To:** Walters, Albert  
**Subject:** sit with comms  
**Attachments:** RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with

For your information, the sit with email chain that triggered the harassment filing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**Subject:** Canceled: M. Meindl Sit-with  
**Location:** Houston office- Rm 225, conference call number provided

**Start:** Wed 8/15/2018 2:00 PM  
**End:** Wed 8/15/2018 2:30 PM  
**Show Time As:** Free

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Harrison, Jade  
**Required Attendees:** Meindl, Max; Terry, Detra; Slie, Brian

**Importance:** High

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:  
1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 1:19 PM  
**To:** Walters, Albert  
**Subject:** cover email

Albert,  
Per your request.

I am, after a couple of weeks of considerable handwringing and possible/potential blowback considerations, hereby submitting the attached complaint, although I am very concerned about retaliation.

I have been falsely accused, in my opinion, and it appears the parties involved are escalating the issue to the possible detriment of my employment.

I categorically deny the allegations and assertions as put forth.

I have had a very successful tenure with FEMA since 09/2017 when deployed to the Beaumont East team.

I was a high producer of “applicant signed projects” and continue to do the same here as demonstrated in the Grants Manager Metrics.

I never had any problem with “communications” until all of the sudden I can’t seem to do anything correct in my current deployment here in Houston.

I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair.

A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as “Fiction” because we never discussed the items in his summary report and I advised he and DPAG of the same.

Show me a specific example of the alleged “communication” or “body language” issue.

I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.

I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl  
832-293-3671

FEMA PDMG  
Houston PA  
202-374-9426

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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## **Meindl, Max**

---

**From:** Asaro, Karen  
**Sent:** Wednesday, September 12, 2018 9:55 AM  
**To:** Walters, Albert; Meindl, Max  
**Subject:** RE: EEO Mediation

Hello Mr. Walters,

I assumed as much and just wanted to clarify for Mr. Meindl that your meeting was not the mediation session since he forwarded the meeting request to me.

Thanks,  
Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

---

**From:** Walters, Albert  
**Sent:** Wednesday, September 12, 2018 10:53 AM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Re: EEO Mediation

Karen,

This meeting is in reference to a harassment complaint Max has filed.

Get [Outlook for iOS](#)

---

**From:** Asaro, Karen  
**Sent:** Wednesday, September 12, 2018 9:23:57 AM  
**To:** Meindl, Max; Walters, Albert  
**Subject:** EEO Mediation

Hello Mr. Meindl and Mr. Walters,

Mr. Meindl forwarded a meeting request to me which as I understand it, Mr. Walters is requesting a meeting with Mr. Meindl to discuss the EEO complaint.

I am writing to clarify that this meeting is NOT part of the mediation conference call I am trying to schedule once I know both parties' availability.

Thank you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
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## **Meindl, Max**

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**From:** Walters, Albert  
**Sent:** Wednesday, September 12, 2018 9:53 AM  
**To:** Asaro, Karen; Meindl, Max  
**Subject:** Re: EEO Mediation

Karen,

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Get [Outlook for iOS](#)

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**From:** Asaro, Karen  
**Sent:** Wednesday, September 12, 2018 9:23:57 AM  
**To:** Meindl, Max; Walters, Albert  
**Subject:** EEO Mediation

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I am writing to clarify that this meeting is NOT part of the mediation conference call I am trying to schedule once I know both parties' availability.

Thank you,

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## **Meindl, Max**

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**From:** Asaro, Karen  
**Sent:** Wednesday, September 12, 2018 9:24 AM  
**To:** Meindl, Max; Walters, Albert  
**Subject:** EEO Mediation

Hello Mr. Meindl and Mr. Walters,

Mr. Meindl forwarded a meeting request to me which as I understand it, Mr. Walters is requesting a meeting with Mr. Meindl to discuss the EEO complaint.

I am writing to clarify that this meeting is NOT part of the mediation conference call I am trying to schedule once I know both parties' availability.

Thank you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 9:23 AM  
**To:** Walters, Albert  
**Subject:** Accepted: Statement Concerning - Harassment

## **Meindl, Max**

---

**Subject:** Statement Concerning - Harassment  
**Location:** My Office

**Start:** Wed 9/12/2018 1:00 PM  
**End:** Wed 9/12/2018 2:00 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Walters, Albert  
**Required Attendees:** Walters, Albert; Meindl, Max  
**Optional Attendees:** Asaro, Karen; Jordan, Lakeisha

Good Evening Max,

I would like to get your statement concerning your complaint. Please be prepared to discuss the issue..

Albert

## **Meindl, Max**

---

**Subject:** Statement Concerning - Harassment  
**Location:** My Office

**Start:** Wed 9/12/2018 1:00 PM  
**End:** Wed 9/12/2018 2:00 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Walters, Albert  
**Required Attendees:** Walters, Albert; Meindl, Max  
**Optional Attendees:** Asaro, Karen; Jordan, Lakeisha

Good Evening Max,

I would like to get your statement concerning your complaint. Please be prepared to discuss the issue..

Albert

## **Meindl, Max**

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**Location:** My Office

**Start:** Wed 9/12/2018 1:00 PM  
**End:** Wed 9/12/2018 2:00 PM

**Recurrence:** (none)

**Meeting Status:** Accepted

**Organizer:** Walters, Albert  
**Required Attendees:** Walters, Albert; Meindl, Max  
**Optional Attendees:** Asaro, Karen; Jordan, Lakeisha

Good Evening Max,

I would like to get your statement concerning your complaint. Please be prepared to discuss the issue..

Albert

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, September 6, 2018 9:36 AM  
**To:** Asaro, Karen  
**Subject:** RE: mediation conference call

10-4

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Asaro, Karen  
**Sent:** Thursday, September 6, 2018 8:35 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: mediation conference call

Hello Mr. Meindl,

I am still waiting to hear back from Mr. Walters regarding his availability. I will let you know once I have heard from him.

Thanks,  
Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
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**From:** Meindl, Max  
**Sent:** Tuesday, September 4, 2018 3:13 PM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>  
**Subject:** RE: mediation conference call

1. Thursday before 1:00 PM,
2. Wed. next week 09:00 to 15:00,
3. Thursday next week 09:00 to 15:00.

I am in the office until about noon tomorrow but not sure about availability of a tele-conference room or anything.

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FEMA

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**From:** Asaro, Karen  
**Sent:** Tuesday, September 4, 2018 1:56 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** mediation conference call

Hello Mr. Meindl,

Thank you for speaking with me today regarding the mediation conference call. If you can send me several dates that you are available for scheduling mediation, I will coordinate with Mr. Walters' availability and confirm the earliest date that works with everyone's schedule.

Thank you,

Karen

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## **Meindl, Max**

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**From:** Meindl, Max  
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202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Asaro, Karen  
**Sent:** Tuesday, September 4, 2018 1:56 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
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Thank you,

Karen

Karen Asaro, ADR Advisor  
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---

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, September 5, 2018 6:37 PM  
**To:** Jones, Patricia  
**Subject:** Re: IBD

Done

Get [Outlook for iOS](#)

---

**From:** Jones, Patricia  
**Sent:** Wednesday, September 5, 2018 3:12:18 PM  
**To:** Meindl, Max  
**Cc:** Boone, William; Slie, Brian  
**Subject:** IBD

Good Afternoon,

We have recently sent out your IBD, you can locate this in FED HR. As of today yours has not been signed. Please go into this site by COB tomorrow and sign these documents. They will be reviewed on Friday by the Branch Director and Chief of Staff.

Should you need assistance please contact me,

Thanks so much,

*Trisha*

Patricia Jones  
PA Ops Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



*If nothing ever changed there'd be no Butterflies..*

*With honor and integrity, we will safeguard the American people, our homeland, and our values.*

## **Meindl, Max**

---

**From:** Jones, Patricia  
**Sent:** Wednesday, September 5, 2018 3:16 PM  
**To:** Meindl, Max  
**Subject:** IDP's

**Importance:** High

This is correcting the Subject line of the last email.  
It should read IDP. Sorry for the error

*Trisha*

Patricia Jones  
PA Ops Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



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## **Meindl, Max**

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**From:** Jones, Patricia  
**Sent:** Wednesday, September 5, 2018 3:12 PM  
**To:** Meindl, Max  
**Cc:** Boone, William; Slie, Brian  
**Subject:** IBD

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## **Meindl, Max**

---

**From:** Jones, Patricia  
**Sent:** Wednesday, September 5, 2018 3:08 PM  
**To:** Meindl, Max  
**Cc:** Boone, William; Slie, Brian  
**Subject:** IBD

Good Afternoon,

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Thanks so much,

*Trisha*

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, September 5, 2018 10:55 AM  
**To:** Jordan, Lakeisha  
**Subject:** RE: Request for Availability - OER AHU Intake  
**Attachments:** Max Meindl-affidavit-signed.pdf

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Jordan, Lakeisha  
**Sent:** Wednesday, September 5, 2018 10:08 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Request for Availability - OER AHU Intake

Good morning, Max,

Thank you for your response. Are you still available to speak this morning before noon? If so, I will give you a call.

If you are no longer available today, I will send you a calendar invite to speak tomorrow around 10:30AM.

Thanks,

Lakeisha Jordan  
Office of Equal Rights | FEMA  
(202) 531-2978

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---

**From:** Meindl, Max  
**Sent:** Tuesday, September 4, 2018 4:34 PM  
**To:** Jordan, Lakeisha <[lakeisha.jordan@fema.dhs.gov](mailto:lakeisha.jordan@fema.dhs.gov)>  
**Subject:** RE: Request for Availability - OER AHU Intake

Tomorrow before noon, Thursday before noon.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Jordan, Lakeisha  
**Sent:** Tuesday, September 4, 2018 3:31 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Request for Availability - OER AHU Intake

Good afternoon, Max,

I am an EEO Specialist in the Office of Equal Rights and your case was recently reassigned to me to conduct an intake on behalf of the Anti-Harassment Unit (AHU). I would like to briefly speak to you to obtain the preliminary facts of your case.

Can you please let me know the best available times to reach you this week, along with your phone number?

Thanks,

Lakeisha Jordan  
Office of Equal Rights | FEMA  
(202) 531-2978

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## **Meindl, Max**

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**From:** Jordan, Lakeisha  
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**Sent:** Tuesday, September 4, 2018 4:34 PM  
**To:** Jordan, Lakeisha <[lakeisha.jordan@fema.dhs.gov](mailto:lakeisha.jordan@fema.dhs.gov)>  
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Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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202-374-9426  
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## **Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Tuesday, September 4, 2018 2:13 PM  
**To:** Asaro, Karen  
**Subject:** RE: mediation conference call

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**From:** Asaro, Karen  
**Sent:** Tuesday, September 4, 2018 1:56 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** mediation conference call

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Thank you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Asaro, Karen  
**Sent:** Tuesday, September 4, 2018 9:50 AM  
**To:** Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Sounds good. I have a staff meeting from 12-1 pm (Eastern).

Look forward to speaking with you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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**From:** Meindl, Max  
**Sent:** Tuesday, September 4, 2018 10:39 AM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Let me catch up a bit on my projects and will call early afternoon.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Asaro, Karen  
**Sent:** Monday, September 3, 2018 9:29 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

Hello Mr. Meindl,

The Office of Equal Rights (OER) has referred your EEO Complaint to the Alternative Dispute Resolution (ADR) Division for mediation. I wanted to let you know that I am the mediator assigned. I was hoping we could talk tomorrow, Tuesday, September 4. My schedule is flexible so if you want to give me a call when you have time, I can be reached at 571 431-2863. If you happen to get my voice mail when you call, I probably will be on another call. Just leave a call back number and I will return your call as soon as I am free.

Thank you and I look forward to talking with you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, September 4, 2018 9:39 AM  
**To:** Asaro, Karen  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Let me catch up a bit on my projects and will call early afternoon.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Asaro, Karen  
**Sent:** Monday, September 3, 2018 9:29 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

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The Office of Equal Rights (OER) has referred your EEO Complaint to the Alternative Dispute Resolution (ADR) Division for mediation. I wanted to let you know that I am the mediator assigned. I was hoping we could talk tomorrow, Tuesday, September 4. My schedule is flexible so if you want to give me a call when you have time, I can be reached at 571 431-2863. If you happen to get my voice mail when you call, I probably will be on another call. Just leave a call back number and I will return your call as soon as I am free.

Thank you and I look forward to talking with you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Asaro, Karen  
**Sent:** Monday, September 3, 2018 9:29 AM  
**To:** Meindl, Max  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

Hello Mr. Meindl,

The Office of Equal Rights (OER) has referred your EEO Complaint to the Alternative Dispute Resolution (ADR) Division for mediation. I wanted to let you know that I am the mediator assigned. I was hoping we could talk tomorrow, Tuesday, September 4. My schedule is flexible so if you want to give me a call when you have time, I can be reached at 571 431-2863. If you happen to get my voice mail when you call, I probably will be on another call. Just leave a call back number and I will return your call as soon as I am free.

Thank you and I look forward to talking with you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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---

## **Meindl, Max**

---

**From:** Swann, Mary  
**Sent:** Tuesday, August 28, 2018 1:59 PM  
**To:** Meindl, Max  
**Subject:** RE: Request of Additional Information

Hello Mr. Meindl,

Thank you for your response.

*Respectfully,*

*Mary Swann, EEO Specialist  
DHS-FEMA-OER  
3900 Karina Lane, Room 242  
Denton, TX 76202  
(940) 891-8573 (Ofc)  
(540) 504-2712 (eFAX)  
mary.swann@fema.dhs.gov*

---

**From:** Meindl, Max  
**Sent:** Tuesday, August 28, 2018 1:27 PM  
**To:** Swann, Mary <Mary.Swann@fema.dhs.gov>  
**Subject:** RE: Request of Additional Information

Ms. Swann,  
Per your request:

Please provide the following requested information by close of business today.  
*I am in the process of contacting the responsible management official (RMO) regarding your claims.  
In your response to remedies/resolutions, you stated indeterminate.  
I will need you to provide some type/form of resolution to provide the RMO upon my contact.*

Also, please provide  
- the name and title of Ms. Harrison's supervisor.

*Brian C. Slie  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
940.368.9270 Cell  
Brian.slie@fema.dhs.gov*

- the names and titles of the management officials in your chain of command.

*Detra Terry, Task Force Lead  
Detra S. Terry  
Public Assistance-PDM/DIS  
DR-4332-TX  
202.718.0109 / iFEMA cell*

*detra.terry@fema.dhs.gov  
Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV*

- and, please spell out the acronyms you have used throughout your report.

<i>DPAG</i>	<i>Deputy Public Assistance Group Lead</i>
<i>TAC PDMG</i>	<i>Technical Assistance Contractor Program Delivery Manager</i>
<i>PAPG</i>	<i>Public Assistance Policy Guide</i>
<i>JFO</i>	<i>Joint Field Office</i>
<i>TFL</i>	<i>Task Force Lead</i>
<i>PDMG</i>	<i>Program Delivery Manager</i>

If you have questions, feel free to contact me at (940) 891-8573.

**Max J Meindl, PMP**  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Swann, Mary  
**Sent:** Tuesday, August 28, 2018 9:43 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Request of Additional Information

Good morning Mr. Meindl,

Hope things are going well.

Please provide the following requested information by close of business today. I am in the process of contacting the responsible management official (RMO) regarding your claims. In your response to remedies/resolutions, you stated indeterminate. I will need you to provide some type/form of resolution to provide the RMO upon my contact.

Also, please provide

- the name and title of Ms. Harrison's supervisor.
- the names and titles of the management officials in your chain of command.
- and, please spell out the acronyms you have used throughout your report.

If you have questions, feel free to contact me at (940) 891-8573.

Thank you in advance for your response and cooperation.

*Respectfully,*

*Mary Swann, EEO Specialist  
DHS-FEMA Office of Equal Rights  
3900 Karina Lane, Room 242  
Denton, TX 76202  
(940) 891-8573 (Ofc)  
(540) 504-2712 (eFAX)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, August 28, 2018 1:27 PM  
**To:** Swann, Mary  
**Subject:** RE: Request of Additional Information

Ms. Swann,  
Per your request:

Please provide the following requested information by close of business today.  
*I am in the process of contacting the responsible management official (RMO) regarding your claims.*  
*In your response to remedies/resolutions, you stated indeterminate.*  
*I will need you to provide some type/form of resolution to provide the RMO upon my contact.*

Also, please provide

- the name and title of Ms. Harrison's supervisor.

*Brian C. Slie*  
*Deputy Infrastructure Branch Director*  
*DR 4332 TX JFO Austin*  
*Region 6 Infrastructure Branch*  
*DHS/FEMA*  
*940.368.9270 Cell*  
*Brian.slie@fema.dhs.gov*

- the names and titles of the management officials in your chain of command.

*Detra Terry, Task Force Lead*  
*Detra S. Terry*  
*Public Assistance-PDM/DIS*  
*DR-4332-TX*  
*202.718.0109/iFEMA cell*  
*detra.terry@fema.dhs.gov*  
*Albert P. Walters III*  
*Public Assistance Group Supervisor*  
*Disaster 4332 – Harvey*  
*Cell Phone 504-570-4412*  
*Albert.Walters@FEMA.DHS.GOV*

- and, please spell out the acronyms you have used throughout your report.

<i>DPAG</i>	<i>Deputy Public Assistance Group Lead</i>
<i>TAC PDMG</i>	<i>Technical Assistance Contractor Program Delivery Manager</i>
<i>PAPG</i>	<i>Public Assistance Policy Guide</i>
<i>JFO</i>	<i>Joint Field Office</i>
<i>TFL</i>	<i>Task Force Lead</i>
<i>PDMG</i>	<i>Program Delivery Manager</i>

If you have questions, feel free to contact me at (940) 891-8573.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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---

**From:** Swann, Mary  
**Sent:** Tuesday, August 28, 2018 9:43 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Request of Additional Information

Good morning Mr. Meindl,

Hope things are going well.

Please provide the following requested information by close of business today. I am in the process of contacting the responsible management official (RMO) regarding your claims. In your response to remedies/resolutions, you stated indeterminate. I will need you to provide some type/form of resolution to provide the RMO upon my contact.

Also, please provide

- the name and title of Ms. Harrison's supervisor.
- the names and titles of the management officials in your chain of command.
- and, please spell out the acronyms you have used throughout your report.

If you have questions, feel free to contact me at (940) 891-8573.

Thank you in advance for your response and cooperation.

*Respectfully,*

*Mary Swann, EEO Specialist  
DHS-FEMA Office of Equal Rights  
3900 Karina Lane, Room 242  
Denton, TX 76202  
(940) 891-8573 (Ofc)  
(540) 504-2712 (eFAX)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, August 28, 2018 11:43 AM  
**To:** Henri, Foudiya  
**Cc:** Goudy, Douglas  
**Subject:** RE: Max Meindl request for Reasonable Accommodation

Hello Max,

What is the name of your Supervisor please?\_ DETRA TERRY

Was the RA request sent to the Supervisor? YES

If yes please let me know.

Also sent to: *From: Meindl, Max*

*Sent: Thursday, August 23, 2018 2:11 PM*

*To: Terry, Detra <detra.terry@fema.dhs.gov>*

*Cc: Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com*

*Subject: RA*

I can assist with the RA request ONLY.

For Informal Complaint assistance please contact Doug Goudy directly.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Henri, Foudiya  
**Sent:** Tuesday, August 28, 2018 11:28 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>  
**Subject:** Max Meindl request for Reasonable Accommodation  
**Importance:** High

Hello Max,

What is the name of your Supervisor please? \_\_\_\_\_ . Was the RA request sent to the Supervisor? If yes please let me know. I can assist with the RA request ONLY.

For Informal Complaint assistance please contact Doug Goudy directly.

Thank you,  
Foudiya Henri  
202-394-4633 Cell

---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Swann, Mary  
**Sent:** Tuesday, August 28, 2018 9:43 AM  
**To:** Meindl, Max  
**Subject:** Request of Additional Information

Good morning Mr. Meindl,

Hope things are going well.

Please provide the following requested information by close of business today. I am in the process of contacting the responsible management official (RMO) regarding your claims. In your response to remedies/resolutions, you stated indeterminate. I will need you to provide some type/form of resolution to provide the RMO upon my contact.

Also, please provide

- the name and title of Ms. Harrison's supervisor.
- the names and titles of the management officials in your chain of command.
- and, please spell out the acronyms you have used throughout your report.

If you have questions, feel free to contact me at (940) 891-8573.

Thank you in advance for your response and cooperation.

*Respectfully,*

*Mary Swann, EEO Specialist  
DHS-FEMA Office of Equal Rights  
3900 Karina Lane, Room 242  
Denton, TX 76202  
(940) 891-8573 (Ofc)  
(540) 504-2712 (eFAX)  
mary.swann@fema.dhs.gov*

## **Meindl, Max**

---

**From:** femamax@gmail.com  
**Sent:** Sunday, August 26, 2018 3:42 PM  
**To:** Meindl, Max  
**Subject:** PIP  
**Attachments:** fema255-0-1.doc.docx

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 3:18 PM  
**To:** Swann, Mary  
**Subject:** RE: Potential EEO Complaint  
**Attachments:** Consent.pdf; EEO Complainants Rights Responsibilities (002)-signed.pdf; EEO Counselor Checklist (002)-signed.pdf; Max Meindl-affidavit-signed.pdf

If you believe you have been discriminated against and wish to pursue the EEO process, please provide the following information

1. your name, title and contact phone number;  
a. *Max Meindl, PMP, Emergency Management Specialist (PDMG), 832-293-3671*
2. your work address and home address (do not provide a P.O. Box number);  
a. *8223 Willowplace Blvd, Houston TX. (work)*  
b. *5 E. Austin, Bellville, TX 77418 (home)*
3. basis(es) of the alleged discrimination;  
a. if age is the basis, provide date of birth; *06/21/1951*  
b. if disability is the basis, provide the name of disability; *coronary Artery Disease, possible/leading to Congestive Heart Failure (CHF)*  
c. if retaliation is the basis, provide date of prior EEO Activity or the incident you believe to be discriminatory; *Believe retaliation was for my determination of applicant eligibility in contravention to prevailing thought. The issue with an applicant, City of Bellaire, pursuant my determination of a policy issue in contradiction to the prevailing point of view and that of the TAC PDMG. The apparent consensus for the issue at hand was that the applicant was not eligible for a specific claimed damage. After reviewing the available information in the PAPG and information sent from the JFO, I concluded that the applicant could possibly be eligible and proffered the opinion that asking or advising them to withdraw the claim was incorrect and not supported by the information I had reviewed and that it would be a disservice to the applicant to have them withdraw the claim as opposed to the issuance of a Determination Memo (DM). With a DM, the applicant at least retains the right to appeal whereas a withdrawal would result in no right to appeal, if I understand the process correctly. I had previously obtained approval from the Task Lead to submit an official "Policy Inquiry" to the policy team to obtain further clarification and direction. We, TFL and I, discussed the issue and agreed that waiting for the policy clarification would be the appropriate path to take.*
4. a brief bullet list of each incident you believe to be discriminatory to include  
a. name(s) of the alleged discriminating party;  
    *Jade Harrison*  
c. date(s) of the incident; and  
i. *July 26th 2018*  
d. name(s) of any witness to the alleged discrimination;  
i. *T.K. Shadowens*  
e. remedies/resolution to resolve your issues.  
i. *indeterminate*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Swann, Mary  
**Sent:** Monday, August 20, 2018 1:09 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FW: Potential EEO Complaint

Good afternoon Mr. Meindl,

I will need your signature on each form (except "your Right to Equal Opportunity) before proceeding with the EEO process. If you have questions, please call.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:13 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FW: Potential EEO Complaint

Good Morning,

I apologize, did not include the EEO forms. See attachments.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:09 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Potential EEO Complaint

Good Morning,

My name is Mary Swann, EEO Counselor in the Office of Equal Rights (OER). Please let me know if you will be available on Monday, August 20, 2018 at 11:30am CST to discuss your potential request for EEO Counseling. If the time is not convenient, provide a time. I have attached the EEO Counseling forms (ADR Consent, Counseling Checklist, and Complainant's Rights and Responsibilities) for your review before the scheduled meeting. I will review the forms with you and address any questions you may have during the meeting. I also attached a copy of FEMA OER flyer "Your Right to Equal Opportunity" which gives a brief explanation of the EEO Counseling process. I will remind you that an individual has 45 days from the date of the alleged discriminatory incident to request EEO counseling.

If you believe you have been discriminated against and wish to pursue the EEO process, please provide the following information

- your name, title and contact phone number;
- your work address and home address (do not provide a P.O. Box number);
- basis(es) of the alleged discrimination;
  - if age is the basis, provide date of birth;
  - if disability is the basis, provide the name of disability;
  - if retaliation is the basis, provide date of prior EEO Activity or the incident you believe to be discriminatory;
- a brief bullet list of each incident you believe to be discriminatory to include
  - name(s) of the alleged discriminating party;
  - date(s) of the incident; and
  - name(s) of any witness to the alleged discrimination;
- remedies/resolution to resolve your issues.

Thank you in advance for your response.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Goudy, Douglas  
**Sent:** Thursday, August 23, 2018 1:11 PM  
**To:** Meindl, Max  
**Subject:** Automatic reply: RA

I'm currently out of the office returning August 27, 2018. If you require immediate assistance please call (202) 212-3535 and follow prompt to leave message for the Informal Unit.

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, August 21, 2018 2:53 PM  
**To:** Denton Setter, Aileen  
**Subject:** Accepted: Conversation

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, August 21, 2018 10:00 AM  
**To:** Jones, Patricia  
**Subject:** RE: Conference Call for IDP's

Trisha,  
Thank you so much for the update.  
Have a great day!

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Jones, Patricia  
**Sent:** Tuesday, August 21, 2018 9:49 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Conference Call for IDP's

Mr Meindl,

The IDP form has been uploaded into FED HR Navigator. You will be able to go there and digitally sign your IDB, Plan and 2<sup>nd</sup> Quarter. The 308 is an expectation plan. These are generic forms that need to be signed. Bill Boone will be getting with you in a few months and proceed with the process.

If you need assistance please reach out to me.

Thanks,  
Trisha

*Patricia Jones 'Trisha'*  
PA Operation Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



**FEMA**

*If nothing ever changed there'd be no Butterflies...*

*With honor and integrity, we will safeguard the American people, our homeland, and our values.*

---

**From:** Meindl, Max  
**Sent:** Friday, August 17, 2018 4:27 PM  
**To:** Jones, Patricia <[patricia.jones1@fema.dhs.gov](mailto:patricia.jones1@fema.dhs.gov)>  
**Subject:** Re: Conference Call for IDP's

Per ATS and DTS I was off today and missed the call. Please advise.

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---

**From:** Jones, Patricia  
**Sent:** Friday, August 17, 2018 9:21:18 AM  
**To:** Boone, William; Atchison, Randy; Bambe, Dayo; Bazemore, Ronetta; Boyko, Brent; Carnes, Lingeria; Clebourn-McPherson, Toya; Cress, Jack; In, Anthony; Kirk, Denise; Malbrough, Alfred; Meindl, Max; Nash, Julie; Pennisi, Emma; Riley Jr, Bernard; Terry, Detra; Walker, Daniel; White, Richard; Wick, Timothy; Wiltse, David  
**Subject:** Conference Call for IDP's  
**When:** Friday, August 17, 2018 10:00 AM-11:00 AM.  
**Where:** 1-800-320-4330 PIN 654321#

Conference Call for IDP's  
1-800-320-4330  
PIN 654321#

## **Meindl, Max**

---

**From:** Jones, Patricia  
**Sent:** Tuesday, August 21, 2018 9:49 AM  
**To:** Meindl, Max  
**Subject:** RE: Conference Call for IDP's

Mr Meindl,

The IDP form has been uploaded into FED HR Navigator. You will be able to go there and digitally sign your IDB, Plan and 2<sup>nd</sup> Quarter. The 308 is an expectation plan. These are generic forms that need to be signed. Bill Boone will be getting with you in a few months and proceed with the process.

If you need assistance please reach out to me.

Thanks,  
Trisha

*Patricia Jones 'Trisha'*

PA Operation Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



*If nothing ever changed there'd be no Butterflies...  
With honor and integrity, we will safeguard the American people, our homeland, and our values.*

---

**From:** Meindl, Max  
**Sent:** Friday, August 17, 2018 4:27 PM  
**To:** Jones, Patricia <[patricia.jones1@fema.dhs.gov](mailto:patricia.jones1@fema.dhs.gov)>  
**Subject:** Re: Conference Call for IDP's

Per ATS and DTS I was off today and missed the call. Please advise.

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---

**From:** Jones, Patricia  
**Sent:** Friday, August 17, 2018 9:21:18 AM  
**To:** Boone, William; Atchison, Randy; Bambe, Dayo; Bazemore, Ronetta; Boyko, Brent; Carnes, Lingeria; Clebourn-McPherson, Toya; Cress, Jack; In, Anthony; Kirk, Denise; Malbrough, Alfred; Meindl, Max; Nash, Julie; Pennisi, Emma; Riley Jr, Bernard; Terry, Detra; Walker, Daniel; White, Richard; Wick, Timothy; Wiltse, David  
**Subject:** Conference Call for IDP's  
**When:** Friday, August 17, 2018 10:00 AM-11:00 AM.  
**Where:** 1-800-320-4330 PIN 654321#

Conference Call for IDP's  
1-800-320-4330

PIN 654321#

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Monday, August 20, 2018 5:45 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Potential EEO Complaint

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---

**From:** Meindl, Max  
**Sent:** Monday, August 20, 2018 1:22:42 PM  
**To:** Swann, Mary  
**Subject:** RE: Potential EEO Complaint

Will do, in the field with an applicant for the afternoon.  
Will do soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Swann, Mary  
**Sent:** Monday, August 20, 2018 1:09 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FW: Potential EEO Complaint

Good afternoon Mr. Meindl,

I will need your signature on each form (except "your Right to Equal Opportunity) before proceeding with the EEO process. If you have questions, please call.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights*

*3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:13 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FW: Potential EEO Complaint

Good Morning,

I apologize, did not include the EEO forms. See attachments.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:09 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Potential EEO Complaint

Good Morning,

My name is Mary Swann, EEO Counselor in the Office of Equal Rights (OER). Please let me know if you will be available on Monday, August 20, 2018 at 11:30am CST to discuss your potential request for EEO Counseling. If the time is not convenient, provide a time. I have attached the EEO Counseling forms (ADR Consent, Counseling Checklist, and Complainant's Rights and Responsibilities) for your review before the scheduled meeting. I will review the forms with you and address any questions you may have during the meeting. I also attached a copy of FEMA OER flyer "Your Right to Equal Opportunity" which gives a brief explanation of the EEO Counseling process. I will remind you that an individual has 45 days from the date of the alleged discriminatory incident to request EEO counseling.

If you believe you have been discriminated against and wish to pursue the EEO process, please provide the following information

- your name, title and contact phone number;
- your work address and home address (do not provide a P.O. Box number);
- basis(es) of the alleged discrimination;
- if age is the basis, provide date of birth;

- if disability is the basis, provide the name of disability;
  - if retaliation is the basis, provide date of prior EEO Activity or the incident you believe to be discriminatory;
- a brief bullet list of each incident you believe to be discriminatory to include
- name(s) of the alleged discriminating party;
  - date(s) of the incident; and
  - name(s) of any witness to the alleged discrimination;
- remedies/resolution to resolve your issues.

Thank you in advance for your response.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Monday, August 20, 2018 1:23 PM  
**To:** Swann, Mary  
**Subject:** RE: Potential EEO Complaint

Will do, in the field with an applicant for the afternoon.  
Will do soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Swann, Mary  
**Sent:** Monday, August 20, 2018 1:09 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FW: Potential EEO Complaint

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Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:13 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** FW: Potential EEO Complaint

Good Morning,

I apologize, did not include the EEO forms. See attachments.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)*  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:09 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Potential EEO Complaint

Good Morning,

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  - if disability is the basis, provide the name of disability;
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- a brief bullet list of each incident you believe to be discriminatory to include
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- date(s) of the incident; and
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Thank you in advance for your response.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
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(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Swann, Mary  
**Sent:** Monday, August 20, 2018 1:09 PM  
**To:** Meindl, Max  
**Subject:** FW: Potential EEO Complaint  
**Attachments:** Your Right to Equal Opportunity 07 - 18.pdf; ADR.pdf; EEO Counselor Checklist.pdf; EEO Complainants Rights Responsibilities.pdf

Good afternoon Mr. Meindl,

I will need your signature on each form (except "your Right to Equal Opportunity) before proceeding with the EEO process. If you have questions, please call.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:13 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FW: Potential EEO Complaint

Good Morning,

I apologize, did not include the EEO forms. See attachments.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

---

**From:** Swann, Mary  
**Sent:** Thursday, August 16, 2018 11:09 AM

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

**Subject:** Potential EEO Complaint

Good Morning,

My name is Mary Swann, EEO Counselor in the Office of Equal Rights (OER). Please let me know if you will be available on Monday, August 20, 2018 at 11:30am CST to discuss your potential request for EEO Counseling. If the time is not convenient, provide a time. I have attached the EEO Counseling forms (ADR Consent, Counseling Checklist, and Complainant's Rights and Responsibilities) for your review before the scheduled meeting. I will review the forms with you and address any questions you may have during the meeting. I also attached a copy of FEMA OER flyer "Your Right to Equal Opportunity" which gives a brief explanation of the EEO Counseling process. I will remind you that an individual has 45 days from the date of the alleged discriminatory incident to request EEO counseling.

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  - if disability is the basis, provide the name of disability;
  - if retaliation is the basis, provide date of prior EEO Activity or the incident you believe to be discriminatory;
- a brief bullet list of each incident you believe to be discriminatory to include
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  - date(s) of the incident; and
  - name(s) of any witness to the alleged discrimination;
- remedies/resolution to resolve your issues.

Thank you in advance for your response.

Respectfully,

*Mary Swann, EEO Specialist  
Informal Team Unit  
Office of Equal Rights  
3900 Karina Lane  
Denton, TX 76202  
(940) 891-8573 (ofc)  
(540) 504-2712 (efax)  
[mary.swann@fema.dhs.gov](mailto:mary.swann@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Monday, August 20, 2018 11:15 AM  
**To:** Meindl, Max  
**Subject:** sick

, close to heading to the emergency room today (Sunday), took nitro pills, condition stabilized, but concerning. Received Blue Cross docs on Saturday so hope to get to a non VA doctor/cardiologist soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Friday, August 17, 2018 4:27 PM  
**To:** Jones, Patricia  
**Subject:** Re: Conference Call for IDP's

Per ATS and DTS I was off today and missed the call. Please advise.

Get [Outlook for iOS](#)

---

**From:** Jones, Patricia  
**Sent:** Friday, August 17, 2018 9:21:18 AM  
**To:** Boone, William; Atchison, Randy; Bambe, Dayo; Bazemore, Ronetta; Boyko, Brent; Carnes, Lingeria; Clebourn-McPherson, Toya; Cress, Jack; In, Anthony; Kirk, Denise; Malbrough, Alfred; Meindl, Max; Nash, Julie; Pennisi, Emma; Riley Jr, Bernard; Terry, Detra; Walker, Daniel; White, Richard; Wick, Timothy; Wiltse, David  
**Subject:** Conference Call for IDP's  
**When:** Friday, August 17, 2018 10:00 AM-11:00 AM.  
**Where:** 1-800-320-4330 PIN 654321#

Conference Call for IDP's

1-800-320-4330

PIN 654321#

## **Meindl, Max**

---

**Subject:** Conference Call for IDP's  
**Location:** 1-800-320-4330 PIN 654321#

**Start:** Fri 8/17/2018 10:00 AM  
**End:** Fri 8/17/2018 11:00 AM  
**Show Time As:** Tentative

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Jones, Patricia  
**Required Attendees:** Jones, Patricia; Boone, William; Atchison, Randy; Bambe, Dayo; Bazemore, Ronetta; Boyko, Brent; Carnes, Lingeria; Clebourn-McPherson, Toya; Cress, Jack; In, Anthony; Kirk, Denise; Malbrough, Alfred; Meindl, Max; Nash, Julie; Pennisi, Emma; Riley Jr, Bernard; Terry, Detra; Walker, Daniel; White, Richard; Wick, Timothy; Wiltse, David  
**Optional Attendees:** McKnight Jr, Thomas

Conference Call for IDP's  
1-800-320-4330  
PIN 654321#

## **Meindl, Max**

---

**From:** Henri, Foudiya  
**Sent:** Thursday, August 16, 2018 9:51 AM  
**To:** Avery, Darlene; femamax@gmail.com; Meindl, Max  
**Cc:** Oke, Nicole; McPhie, Regina; FEMA-Reasonable-Accommodation; Oke, Nicole; Goudy, Douglas  
**Subject:** RE: Complaint  
**Attachments:** blank FEMA Form 256-0-1.pdf

Just tried calling Mr. Max on 832-293-3671. You may call contact me at 202-394-4633 Cell for assistance should you believe you need a Reasonable Accommodation. FEMA employees may make a request at any time.

Attached is the FEMA FORM 256-0-1 that all employees may use to document their request. The employee completes PAGE #1 and signs the bottom. Employee provides to Supervisor. If any documentation is provided that contains medical it must be password protected. Documentation only needs to be specific to the request. Please copy FEMA Reasonable Accommodation Mailbox when you forward the request.

**For further assistance with a complaint I have copied the Informal Unit Chief, Ms. Oke and Team Lead, Mr. Goudy. You may contact them directly at 202-212-3535, Hit Option #6.**

Thank you,

Foudiya Henri  
EEO Specialist / RA Coordinator  
Office of Equal Rights  
500 C St. SW Washington DC

: iPhone: 202.394.4633 | : Desk: 202.212.4490 | : 540.504.2068 | e-: [foudiya.henri@fema.dhs.gov](mailto:foudiya.henri@fema.dhs.gov) |  
e-: [fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov) Click to request an accommodation

---

**From:** Avery, Darlene [mailto:[darlene.avery@hq.dhs.gov](mailto:darlene.avery@hq.dhs.gov)]  
**Sent:** Thursday, August 16, 2018 8:02 AM  
**To:** femamax@gmail.com; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>  
**Subject:** RE: Complaint

Max Meindl

Our HQ's EEO office has received the attached email regarding disability and alleged discrimination inquiries. Our office do not process complaints or disability items for FEMA employees.

As a FEMA employee, the process is for you to reach out to the FEMA's Office of Equal Rights (OER). I am forwarding your email to the Reasonable Accommodations Program Manager, Foudiya Henri and the Information Complaints Manager/staff, Nicole Oke, Regina McPhie to learn how best they can assist you in processing your requests.

I encourage you to reach out to them if you have further questions or would like to begin the Informal complaints process.

Regards,

**Darlene Avery, MBA**

Program Manager, Disability/Reasonable Accommodation

[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)

202-357-1204 (office)

202-357-1188 (fax)

---

**From:** femamax@gmail.com <femamax@gmail.com>

**Sent:** Wednesday, August 15, 2018 4:27 PM

**To:** Avery, Darlene <[darlene.avery@hq.dhs.gov](mailto:darlene.avery@hq.dhs.gov)>

**Subject:** FW: Complaint

I am, after a couple of weeks of considerable handwrapping and possible/potential blowback considerations, hereby submitting the attached complaint, although I am very concerned about retaliation.

I have been falsely accused, in my opinion, and it appears the parties involved are escalating the issue to the possible detriment of my employment.

I categorically deny the allegations and assertions as put forth.

I have had a very successful tenure with **FEMA since 09/2017** when deployed to the Beaumont East team.

I was a high producer of “applicant signed projects” and continue to do the same here as demonstrated in the Grants Manager Metrics.

I never had any problem with “communications” until all of the sudden I can’t seem to do anything correct in my current deployment here in Houston.

I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair.

A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as “Fiction” because we never discussed the items in his summary report and I advised he and DPAG of the same.

Show me a specific example of the alleged “communication” or “body language” issue.

I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.

I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because **I feel this issue revolves around my disability and needs to be addressed.**

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl

832-293-3671

FEMA PDMG

Houston PA

202-374-9426

## **Meindl, Max**

---

**From:** Avery, Darlene <darlene.avery@hq.dhs.gov>  
**Sent:** Thursday, August 16, 2018 7:02 AM  
**To:** femamax@gmail.com; Meindl, Max  
**Cc:** Oke, Nicole; McPhie, Regina; Henri, Foudiya  
**Subject:** RE: Complaint  
**Attachments:** FW: Complaint

Max Meindl

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I encourage you to reach out to them if you have further questions or would like to begin the Informal complaints process.

Regards,

**Darlene Avery, MBA**  
Program Manager, Disability/Reasonable Accommodation  
[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)  
202-357-1204 (office)  
202-357-1188 (fax)

---

**From:** femamax@gmail.com <femamax@gmail.com>  
**Sent:** Wednesday, August 15, 2018 4:27 PM  
**To:** Avery, Darlene <darlene.avery@hq.dhs.gov>  
**Subject:** FW: Complaint

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I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl

832-293-3671

FEMA PDMG

Houston PA

202-374-9426

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, August 16, 2018 7:06 AM  
**To:** Terry, Detra  
**Subject:** Sick day

Going to VA clinic

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 15, 2018 4:49 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Sit With 7/27/2018 with PDM Max Meindl

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---

**From:** Harrison, Jade  
**Sent:** Friday, August 3, 2018 2:12:55 PM  
**To:** Meindl, Max; Shadowens, Timothy  
**Subject:** Re: Sit With 7/27/2018 with PDM Max Meindl

Max,

This is a recap of the sit-with you had with Kirk this week. All of which led up to the sit-with.

Jade Harrison  
Deputy Public Assistance Group Supervisor  
DR-4333 Harvey  
504-908-5357  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)

---

**From:** "Meindl, Max" <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Date:** Friday, August 3, 2018 at 9:11:46 AM  
**To:** "Shadowens, Timothy" <[timothy.k.shadowens@fema.dhs.gov](mailto:timothy.k.shadowens@fema.dhs.gov)>  
**Cc:** "Harrison, Jade" <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>  
**Subject:** RE: Sit With 7/27/2018 with PDM Max Meindl

I respectfully disagree with elements of this summary.  
It is inaccurate and states as fact, elements not in evidence.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

WARNING: This email contains FOR OFFICIAL USE ONLY (FOUO) OR PRIVACY DATA. It may contain information exempt from public release under the Freedom of Information Act (5 U.S.C. 552). The information contained herein must be controlled, stored, handled, transmitted,

---

**From:** Shadowens, Timothy  
**Sent:** Thursday, August 2, 2018 7:10 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Harrison, Jade <Jade.Harrison@fema.dhs.gov>  
**Subject:** Sit With 7/27/2018 with PDM Max Meindl

**Sit With 7/27/2018 with PDM Max Meindl:** Regarding City of Bellaire project #26570 the Evergreen Traffic Signal Cabinets & Controls PDM Mr. Meindl was asked by leadership not to send this project back to the CRC. As this project once was sent to the CRC, and the CRC sent it back to the field office for a review of eligibility. This project is in question of does the possible reimbursement fall under FHWA or FEMA. This was a transition of projects from TFL Berti and PDM Plunkett. The expectation was for Mr. Meindl to work and to collaborate with his teammates during this transition period.

Mr. Meindl researched the eligibility reviewing the PAPPG, FHWA (TFL Berti and PDM Plunkett provided this as well), and involved the State counterparts. Mr. Meindl felt after his research that the project was eligible and advanced it back to the CRC. The CRC immediately called back to the field office confused why this project was sent back to them.

**Current Status:** This project was sent to the LRO for a policy determination/policy inquiry. I did call CRC TFL Andrew Makardetsh at the CRC since the project is still active in the CRC. Mr. Makardetsh stated that this project as came back and forth from the field office. Mr. Makardetsh stated they (CRC) have forwarded this to the TRO for a Determination Memo submission. I stated to Mr. Makardetsh that I felt it is best to keep the current status this way, but I will notify my DPAG for her final decision.

- In addition, I also attended in person the Weekly Meeting with the PDM and the Applicant. The Applicant stated they would appreciate it if we obtain an official review from the FEMA policy team and draft a determination memo.

**TFL Kirk Shadowens Sit With - Actions to Mr. Meindl:**

- The expectation was for Mr. Meindl was to follow instructions and guidance from all leadership. TFL and other leaders expressed to Mr. Meindl several times the situation of the projects and what next steps to take. Mr. Meindl did not execute to this, as Mr. Meindl chose to do what he felt the next process step was to do. As Mr. Meindl should have not advanced this project to the CRC, until his TFL granted him permission. The expectation moving forward is for Mr. Meindl to notify and involve is TFL or leadership before advancing projects to the CRC.
- The expectation was for Mr. Meindl to work and to collaborate with his teammates during this transition period. Mr. Meindl was communicated from TFL Berti and I that he was expected to work in a team effort with the PDM Plunkett. The team effort was requested to Mr. Meindl so that he could gain full status of the transition projects. Mr. Meindl during this timeframe displayed poor interaction with staff, communication with staff, and displayed poor interaction with his peers and leaders. The expectation moving forward is for Mr. Meindl to work with all teammates and leadership. Mr. Meindl needs to involve all teammates when asked, and allow those teammates to help assist him with their updated project status, so that the execution of project completion is established by an efficient manner.

Regards,

**Kirk Shadowens**  
FEMA Task Force Leader  
Harris County Branch DR-4332-TX  
[Timothy.K.Shadowens@FEMA.DHS.Gov](mailto:Timothy.K.Shadowens@FEMA.DHS.Gov)  
202-802-3384 mobile



## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 15, 2018 3:01 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Not On My Watch (Part 2): Employee Resources  
**Attachments:** FactSheet\_Harassment\_Employees.pdf; FactSheet\_Harassment\_Supervisors and Managers.pdf

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 2, 2018 1:11:23 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Not On My Watch (Part 2): Employee Resources

---

**From:** "Office of the Administrator" <[officeoftheadministrator@fema.dhs.gov](mailto:officeoftheadministrator@fema.dhs.gov)>  
**Date:** Wednesday, August 1, 2018 at 2:55:08 PM  
**To:** "FEMA-ALL" <[FEMA-ALL@fema.dhs.gov](mailto:FEMA-ALL@fema.dhs.gov)>  
**Subject:** Not On My Watch (Part 2): Employee Resources

FEMA Team,

I would like to reiterate that ensuring FEMA maintains a safe work environment is extremely important to me and to my leadership team. As stated in my previous message, you should know that FEMA has a zero-tolerance policy for all types of harassment. If you feel you have been harassed or if you witness inappropriate behavior by anyone against a fellow employee, I am asking you to report it. I am attaching two documents that provide information on where you can do so.

I recognize that you may find it difficult to make allegations about discrimination or harassment of any type. You may feel concerned that you are at risk and worry about how filing a complaint may impact your career. I want to assure you that any employee can file a complaint without fear of reprisal because I have a zero-tolerance policy against retaliation.

Sexual harassment isn't limited to just making inappropriate advances. It also includes any unwelcome verbal or physical behavior that creates a hostile work environment whether it occurs inside or outside the workplace or through social media platforms. No one should be subjected to any such behavior by anyone you may come into contact with as part of your job, including managers, co-workers, contractors or Agency partners.

When allegations of this type are brought to the Agency's attention, I can assure you that they will be investigated promptly, and upon conclusion, appropriate action will be taken. As mentioned in Monday's message, my leadership team is establishing an Office of Professional Responsibility to ensure expeditious, fair, and objective follow-up and resolution of allegations of misconduct.

The attached documents will answer questions about the steps to report harassment claims. There is also useful information on reporting an incident to the Anti-Harassment Unit. Counseling services and health and wellness advisors are available to all FEMA employees who may not have received the support they needed in the past.

As I've said before, everyone in this Agency is responsible for creating a culture of trust, mutual respect, and dignity in our treatment of employees and for all of those we serve. I will accept nothing less.

It's important to note that the few individuals participating in this behavior by no means define the majority of the honorable, well-intentioned, and well-qualified employees who give this Agency their best every day. I want you to know I appreciate your efforts and I will always support and defend you.

## **Meindl, Max**

---

**From:** Slie, Brian  
**Sent:** Wednesday, August 15, 2018 2:35 PM  
**To:** Harrison, Jade; Meindl, Max; Terry, Detra  
**Subject:** RE: M. Meindl Sit-with

Thank you, Jade.

Brian C. Slie  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
940.368.9270 Cell  
[Brian.slie@fema.dhs.gov](mailto:Brian.slie@fema.dhs.gov)

-----Original Appointment-----

**From:** Harrison, Jade  
**Sent:** Wednesday, August 15, 2018 2:19 PM  
**To:** Meindl, Max; Terry, Detra; Slie, Brian  
**Subject:** Canceled: M. Meindl Sit-with  
**When:** Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Houston office- Rm 225, conference call number provided  
**Importance:** High

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:  
1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 15, 2018 2:30 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Branch II 205a and 207 8-13-18  
**Attachments:** FEMA-4332-DR-TX Branch II 205A 08-13-2018.pdf; FEMA-4332-DR-TX- Branch II 207 08132018.pdf

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---

**From:** Jiles, Adeaner  
**Sent:** Tuesday, August 14, 2018 8:06:08 AM  
**To:** FEMA-4332-DR-TX-Branch-II-All-Hands  
**Subject:** Branch II 205a and 207 8-13-18

Good morning all,

See attached for final 205a and 207 for Branch II as of 8-13-18.

Best,

**Liam R Bassford**  
Planning Specialist (PLSP)  
Branch II Office  
Texas Hurricane Harvey  
FEMA-4332-DR-TX  
(202) 465-0432  
[liam.bassford.2@fema.dhs.gov](mailto:liam.bassford.2@fema.dhs.gov)  
[Click here to enter the Virtual Situation Room](#)

To be removed from this all-hands list, please press Ctrl and click [here](#).

## **Meindl, Max**

---

**Subject:** Canceled: M. Meindl Sit-with  
**Location:** Houston office- Rm 225, conference call number provided

**Start:** Wed 8/15/2018 2:00 PM  
**End:** Wed 8/15/2018 2:30 PM  
**Show Time As:** Free

**Recurrence:** (none)

**Meeting Status:** Not yet responded

**Organizer:** Harrison, Jade  
**Required Attendees:** Meindl, Max; Terry, Detra; Slie, Brian

**Importance:** High

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:  
1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 15, 2018 1:58 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: IDPs  
**Attachments:** FEMA Form 255-0-1 IDP.PDF

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---

**From:** Jones, Patricia  
**Sent:** Wednesday, August 15, 2018 12:16:45 PM  
**To:** Meindl, Max  
**Subject:** IDPs

Good Afternoon Max,

I will be having a call on Thursday or Friday to discuss performance plans and IDPs (Individual Development Plan). I have attached an example IDP for your use. You will need to complete the IDP and return to me ASAP but no later than noon tomorrow 8/16. You will need to sign and date the form as well.

A meeting invite with conference pin will be sent out via email.

Regards,  
Trisha

*Patricia Jones 'Trisha'*

PA Operation Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



*If nothing ever changed there'd be no Butterflies...*

*With honor and integrity, we will safeguard the American people, our homeland, and our values.*

## **Meindl, Max**

---

**From:** Jones, Patricia  
**Sent:** Wednesday, August 15, 2018 1:40 PM  
**To:** Atchison, Randy; Bambe, Dayo; Bazemore, Ronetta; Boyko, Brent; Carnes, Lingeria;  
Clebourn-McPherson, Toya; Cress, Jack; In, Anthony; Kirk, Denise; Malbrough, Alfred;  
Meindl, Max; Nash, Julie; Pennisi, Emma; Riley Jr, Bernard; Terry, Detra; Teston, Sheree;  
Walker, Daniel; White, Richard; Wick, Timothy; Wiltse, David  
**Subject:** IDPs

Good Afternoon,

To answer some of the questions about the Form sent out, Bill wants you to fill out the top information and then list one or more training sessions you may be interested in.

Do not worry about the cost, etc.

Scan and email them back to me please.

Many Thanks,  
Trisha

*Patricia Jones 'Trisha'*

PA Operation Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



*If nothing ever changed there'd be no Butterflies...  
With honor and integrity, we will safeguard the American people, our homeland, and our values.*

## **Meindl, Max**

---

**From:** Jones, Patricia  
**Sent:** Wednesday, August 15, 2018 12:17 PM  
**To:** Meindl, Max  
**Subject:** IDPs  
**Attachments:** FEMA Form 255-0-1 IDP.PDF

Good Afternoon Max,

I will be having a call on Thursday or Friday to discuss performance plans and IDPs (Individual Development Plan). I have attached an example IDP for your use. You will need to complete the IDP and return to me ASAP but no later than noon tomorrow 8/16. You will need to sign and date the form as well.

A meeting invite with conference pin will be sent out via email.

Regards,  
Trisha

*Patricia Jones 'Trisha'*

PA Operation Support Crew Leader  
DR-4332-TX  
202-706-2160 FEMA

[Patricia.jones1@fema.dhs.gov](mailto:Patricia.jones1@fema.dhs.gov)



*If nothing ever changed there'd be no Butterflies...*

*With honor and integrity, we will safeguard the American people, our homeland, and our values.*

## **Meindl, Max**

---

**From:** Harrison, Jade  
**Sent:** Wednesday, August 15, 2018 11:20 AM  
**To:** Terry, Detra; Slie, Brian; Meindl, Max  
**Cc:** Boone, William  
**Subject:** RE: M. Meindl Sit-with

Hi Brian,

Should I move forward and reschedule the sit-with for tomorrow? and if so, please advise when you are available.

### ***Jade Harrison***

Deputy Public Assistance Group Supervisor  
FEMA- Public Assistance  
DR-4332-TX  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)  
(504) 908-5357 (Mobile)

---

**From:** Terry, Detra  
**Sent:** Wednesday, August 15, 2018 9:30 AM  
**To:** Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>; Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Boone, William <[William.Boone@fema.dhs.gov](mailto:William.Boone@fema.dhs.gov)>  
**Subject:** RE: M. Meindl Sit-with

Yes, he informed me this morning.

Thanks,

*Detra*

202.718.0109 | fCMA cell  
[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)

---

**From:** Slie, Brian  
**Sent:** Wednesday, August 15, 2018 9:28 AM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>; Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Boone, William <[William.Boone@fema.dhs.gov](mailto:William.Boone@fema.dhs.gov)>  
**Subject:** RE: M. Meindl Sit-with

Good Morning Detra,

Thank you for the visibility. Did Mr. Meindl request a sick day after he was informed that there would be a sit-with today?

Thank you,

Brian

Brian C. Slie  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
940.368.9270 Cell  
[Brian.slie@fema.dhs.gov](mailto:Brian.slie@fema.dhs.gov)

---

**From:** Terry, Detra  
**Sent:** Wednesday, August 15, 2018 8:35 AM  
**To:** Harrison, Jade <Jade.Harrison@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>  
**Subject:** RE: M. Meindl Sit-with

Good Morning,

Mr. Meindl will not be able attend today's sit-with as he has taken a sick day (8/15/2018). Meeting will be rescheduled at a later date.

Thanks,

*Detra*

202.718.0109|*iFEM*A cell  
[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)

-----Original Appointment-----

**From:** Harrison, Jade  
**Sent:** Tuesday, August 14, 2018 6:38 PM  
**To:** Meindl, Max; Terry, Detra; Slie, Brian  
**Subject:** M. Meindl Sit-with  
**When:** Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Houston office- Rm 225, conference call number provided

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:  
1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Terry, Detra  
**Sent:** Wednesday, August 15, 2018 9:30 AM  
**To:** Slie, Brian; Harrison, Jade; Meindl, Max  
**Cc:** Boone, William  
**Subject:** RE: M. Meindl Sit-with

Yes, he informed me this morning.

Thanks,

*Detra*

202.718.0109|*iFEMA* cell  
[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)

---

**From:** Slie, Brian  
**Sent:** Wednesday, August 15, 2018 9:28 AM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>; Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Boone, William <[William.Boone@fema.dhs.gov](mailto:William.Boone@fema.dhs.gov)>  
**Subject:** RE: M. Meindl Sit-with

Good Morning Detra,

Thank you for the visibility. Did Mr. Meindl request a sick day after he was informed that there would be a sit-with today?

Thank you,

Brian

Brian C. Slie  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
940.368.9270 Cell  
[Brian.slie@fema.dhs.gov](mailto:Brian.slie@fema.dhs.gov)

---

**From:** Terry, Detra  
**Sent:** Wednesday, August 15, 2018 8:35 AM  
**To:** Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Subject:** RE: M. Meindl Sit-with

Good Morning,

Mr. Meindl will not be able attend today's sit-with as he has taken a sick day (8/15/2018). Meeting will be rescheduled at a later date.

Thanks,

*Detra*

202.718.0109|~~iFEMA cell~~  
detra.terry@fema.dhs.gov

-----Original Appointment-----

**From:** Harrison, Jade

**Sent:** Tuesday, August 14, 2018 6:38 PM

**To:** Meindl, Max; Terry, Detra; Slie, Brian

**Subject:** M. Meindl Sit-with

**When:** Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).

**Where:** Houston office- Rm 225, conference call number provided

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:

1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Slie, Brian  
**Sent:** Wednesday, August 15, 2018 9:28 AM  
**To:** Terry, Detra; Harrison, Jade; Meindl, Max  
**Cc:** Boone, William  
**Subject:** RE: M. Meindl Sit-with

Good Morning Detra,

Thank you for the visibility. Did Mr. Meindl request a sick day after he was informed that there would be a sit-with today?

Thank you,

Brian

Brian C. Slie  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
940.368.9270 Cell  
[Brian.slie@fema.dhs.gov](mailto:Brian.slie@fema.dhs.gov)

---

**From:** Terry, Detra  
**Sent:** Wednesday, August 15, 2018 8:35 AM  
**To:** Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Subject:** RE: M. Meindl Sit-with

Good Morning,

Mr. Meindl will not be able attend today's sit-with as he has taken a sick day (8/15/2018). Meeting will be rescheduled at a later date.

Thanks,

*Detra*

202.718.0109|*iFEM*A cell  
[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)

-----Original Appointment-----

**From:** Harrison, Jade  
**Sent:** Tuesday, August 14, 2018 6:38 PM  
**To:** Meindl, Max; Terry, Detra; Slie, Brian  
**Subject:** M. Meindl Sit-with

**When:** Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).

**Where:** Houston office- Rm 225, conference call number provided

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:

1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Terry, Detra  
**Sent:** Wednesday, August 15, 2018 8:35 AM  
**To:** Harrison, Jade; Meindl, Max; Slie, Brian  
**Subject:** RE: M. Meindl Sit-with

Good Morning,

Mr. Meindl will not be able attend today's sit-with as he has taken a sick day (8/15/2018). Meeting will be rescheduled at a later date.

Thanks,  
*Detra*

202.718.0109|~~iFEMA cell~~  
detra.terry@fema.dhs.gov

-----Original Appointment-----

**From:** Harrison, Jade  
**Sent:** Tuesday, August 14, 2018 6:38 PM  
**To:** Meindl, Max; Terry, Detra; Slie, Brian  
**Subject:** M. Meindl Sit-with  
**When:** Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
**Where:** Houston office- Rm 225, conference call number provided

Brian,

You can use the below number to conference in tomorrow.

Conference Call number:  
1-800-320-4330

PIN: 892515

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 15, 2018 7:57 AM  
**To:** Terry, Detra  
**Subject:** Sick day

Not well, sick day

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, August 9, 2018 7:31 AM  
**To:** Harrison, Jade  
**Subject:** Re: Freeway Manor Baptist Church

Sounds great

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---

**From:** Harrison, Jade  
**Sent:** Wednesday, August 8, 2018 6:34:25 PM  
**To:** Meindl, Max  
**Subject:** RE: Freeway Manor Baptist Church

Max,

Thank you for the offer. I'll be catching up on some stuff before I leave next week. However, maybe next week we can get together for a group lunch. Thank so much!

### ***Jade Harrison***

Deputy Public Assistance Group Supervisor  
FEMA- Public Assistance  
DR-4332-TX  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)  
(504) 908-5357 (Mobile)

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 8, 2018 5:56 PM  
**To:** Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>  
**Subject:** Re: Freeway Manor Baptist Church

Jade, if you're available tomorrow for lunch I'd like to treat you to lunch before you demob. Marcus, Mary Margaret and possibly Detra are going to Churascos for lunch. Just over 249, South American cuisine, my way of saying thanks.

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---

**From:** Meindl, Max  
**Sent:** Wednesday, August 8, 2018 5:25:43 PM  
**To:** Harrison, Jade  
**Subject:** Re: Freeway Manor Baptist Church

I can't seem to withdraw because it's "pending late damage submission review ". Can you send it back somehow?

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---

**From:** Harrison, Jade  
**Sent:** Wednesday, August 8, 2018 2:35:51 PM  
**To:** Meindl, Max  
**Subject:** RE: Freeway Manor Baptist Church

Ok. Please remove the late submission in the Grants Manger today.

**Jade Harrison**

Deputy Public Assistance Group Supervisor  
FEMA- Public Assistance  
DR-4332-TX  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)  
(504) 908-5357 (Mobile)

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 8, 2018 2:15 PM  
**To:** Harrison, Jade <[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)>  
**Subject:** Re: Freeway Manor Baptist Church

JH, applicant just clarified that the building I identified as the classrooms on google earth I sent to you is what they call the warehouse so no need for adding new DI, appreciate your assistance and attentiveness. The existing DI should capture everything.

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---

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**Sent:** Wednesday, August 8, 2018 2:07:23 PM  
**To:** Harrison, Jade  
**Subject:** Re: Freeway Manor Baptist Church

I'm not sure how it was missed but I'll find out

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---

**From:** Harrison, Jade  
**Sent:** Wednesday, August 8, 2018 1:51:49 PM  
**To:** Meindl, Max  
**Subject:** RE: Freeway Manor Baptist Church

Max,

What is the Applicant's reason for not submitting the building within the 60 day DI deadline?

**Jade Harrison**

Deputy Public Assistance Group Supervisor  
FEMA- Public Assistance  
DR-4332-TX  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)  
(504) 908-5357 (Mobile)

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 8, 2018 8:54 AM  
**To:** Harrison, Jade <Jade.Harrison@fema.dhs.gov>  
**Subject:** RE: Freeway Manor Baptist Church

FYI



Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

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**Sent:** Tuesday, August 7, 2018 6:27 PM  
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FEMA- Public Assistance

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(504) 908-5357 (Mobile)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 8, 2018 5:56 PM  
**To:** Harrison, Jade  
**Subject:** Re: Freeway Manor Baptist Church

Jade, if you're available tomorrow for lunch I'd like to treat you to lunch before you demob. Marcus, Mary Margaret and possibly Detra are going to Churascos for lunch. Just over 249, South American cuisine, my way of saying thanks.

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---

**From:** Meindl, Max  
**Sent:** Wednesday, August 8, 2018 5:25:43 PM  
**To:** Harrison, Jade  
**Subject:** Re: Freeway Manor Baptist Church

I can't seem to withdraw because it's "pending late damage submission review ". Can you send it back somehow?

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---

**From:** Harrison, Jade  
**Sent:** Wednesday, August 8, 2018 2:35:51 PM  
**To:** Meindl, Max  
**Subject:** RE: Freeway Manor Baptist Church

Ok. Please remove the late submission in the Grants Manger today.

### ***Jade Harrison***

Deputy Public Assistance Group Supervisor  
FEMA- Public Assistance  
DR-4332-TX  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)  
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FYI



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Public Assistance Division

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# FEMA

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FEMA- Public Assistance

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[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)

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## **Meindl, Max**

---

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---

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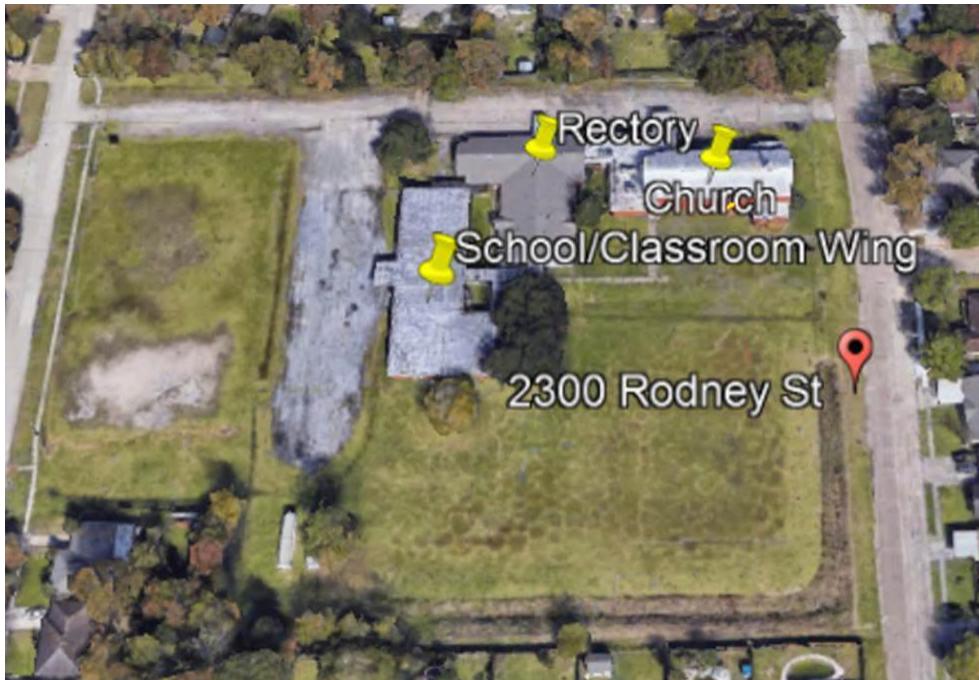
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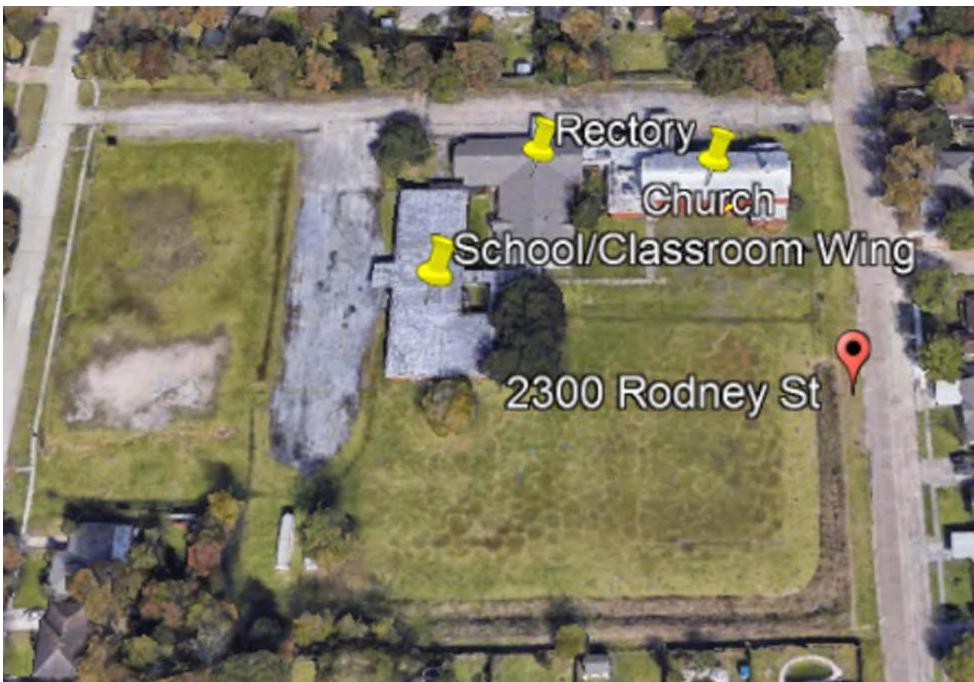
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DR-4332-TX  
[Jade.Harrison@fema.dhs.gov](mailto:Jade.Harrison@fema.dhs.gov)  
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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, August 2, 2018 1:11 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Not On My Watch (Part 2): Employee Resources  
**Attachments:** FactSheet\_Harassment\_Employees.pdf; FactSheet\_Harassment\_Supervisors and Managers.pdf

---

**From:** "Office of the Administrator" <[officeoftheadministrator@fema.dhs.gov](mailto:officeoftheadministrator@fema.dhs.gov)>  
**Date:** Wednesday, August 1, 2018 at 2:55:08 PM  
**To:** "FEMA-ALL" <[FEMA-ALL@fema.dhs.gov](mailto:FEMA-ALL@fema.dhs.gov)>  
**Subject:** Not On My Watch (Part 2): Employee Resources

FEMA Team,

I would like to reiterate that ensuring FEMA maintains a safe work environment is extremely important to me and to my leadership team. As stated in my previous message, you should know that FEMA has a zero-tolerance policy for all types of harassment. If you feel you have been harassed or if you witness inappropriate behavior by anyone against a fellow employee, I am asking you to report it. I am attaching two documents that provide information on where you can do so.

I recognize that you may find it difficult to make allegations about discrimination or harassment of any type. You may feel concerned that you are at risk and worry about how filing a complaint may impact your career. I want to assure you that any employee can file a complaint without fear of reprisal because I have a zero-tolerance policy against retaliation.

Sexual harassment isn't limited to just making inappropriate advances. It also includes any unwelcome verbal or physical behavior that creates a hostile work environment whether it occurs inside or outside the workplace or through social media platforms. No one should be subjected to any such behavior by anyone you may come into contact with as part of your job, including managers, co-workers, contractors or Agency partners.

When allegations of this type are brought to the Agency's attention, I can assure you that they will be investigated promptly, and upon conclusion, appropriate action will be taken. As mentioned in Monday's message, my leadership team is establishing an Office of Professional Responsibility to ensure expeditious, fair, and objective follow-up and resolution of allegations of misconduct.

The attached documents will answer questions about the steps to report harassment claims. There is also useful information on reporting an incident to the Anti-Harassment Unit. Counseling services and health and wellness advisors are available to all FEMA employees who may not have received the support they needed in the past.

As I've said before, everyone in this Agency is responsible for creating a culture of trust, mutual respect, and dignity in our treatment of employees and for all of those we serve. I will accept nothing less.

It's important to note that the few individuals participating in this behavior by no means define the majority of the honorable, well-intentioned, and well-qualified employees who give this Agency their best every day. I want you to know I appreciate your efforts and I will always support and defend you.

**From:** [femamax@gmail.com](mailto:femamax@gmail.com) <[femamax@gmail.com](mailto:femamax@gmail.com)>

**Sent:** Thursday, February 27, 2020 12:07 PM

**To:** 'Alexander, Dennis' <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>

**Subject:** DEFICIENCY

I understand your position Dennis but I do have a different perspective of my performance.

To condemn me to purgatory over 2 emails out of several thousand that I have sent reeks of pettiness at a minimum.

You know what is going on here so we'll let sleeping dogs lie.

My performance has been effective as indicated below but everyone can tell a story the way they wish.

Appreciate your kind and professional feedback.

Staff Name	RTM Completed Tasks	Staff Name	REVIEW AND COMPLETE EEI	Staff Name	PDMG COMPLETE DDD	Staff Name	COMPLETE PROJECT SCOPE AND COST ROUTING	Staff Name	PDMG REVIEW DDD/SCOPE/COST	Staff Name	PDMG REVIEW SCOPE/COST	Staff Name	COMPLETE INITIAL PROJECT DEVELOPMENT	Staff Name	REVIEW CREATED RFI (PDMG)	Staff Name	VERIFY RFI (PDMG)	Staff Name	COMPLETE WORK ORDER
Denson, Melva E.	9	CLEBOURN-MCPHERSO, TOYA V.	460	Phillips, Natalie M.	621	SHERMAN, ZERA R.	182	MEINDL, MAX	158	Legere, Shane C.	122	MEINDL, MAX	501	MEINDL, MAX	55	MEINDL, MAX	63	CLEBOURN-MCPHERSO, TOYA V.	118
MEINDL, MAX	9	Phillips, Natalie M.	394	Denson, Melva E.	464	MEINDL, MAX	162	CLEBOURN-MCPHERSO, TOYA V.	147	Marchetto, Jeffrey	102	CLEBOURN-MCPHERSO, TOYA V.	408	Phillips, Natalie M.	26	Phillips, Natalie M.	15	Phillips, Natalie M.	102
Teston, Sheree R.	9	Davis, Henry E.	340	SHERMAN, ZERA R.	384	Phillips, Natalie M.	162	Phillips, Natalie M.	135	Phillips, Natalie M.	95	Phillips, Natalie M.	404	Burris, Terry L.	20	RABSATT JR, ECEDRO	14	SHERMAN, ZERA R.	58
Cassidy, Richard	8	MEINDL, MAX	260	Afolayan, Akinlabi A.	361	Bassett, Jerome	123	Davis, Henry E.	131	ALJABBARY, MWFAQ	75	Davis, Henry E.	356	RABSATT JR, ECEDRO	17	Simonson, Nikolas	14	Bassett, Jerome	42
Legere, Shane C.	8	SHERMAN, ZERA R.	228	FOSTER, SHONDALON G.	354	Denson, Melva E.	106	Cassidy, Richard	96	Simonson, Nikolas	73	SHERMAN, ZERA R.	288	SHERMAN, ZERA R.	16	LaPoten, Halden	13	Stevens, Mark D.	41
Miller, summer M.	8	Denson, Melva E.	226	CLEBOURN-MCPHERSO, TOYA V.	347	Simonson, Nikolas	101	Burris, Terry L.	83	MEINDL, MAX	70	Bassett, Jerome	264	CLEBOURN-MCPHERSO, TOYA V.	15	Cassidy, Richard	12	MEINDL, MAX	30
White, Richard A.	7	Simonson, Nikolas	210	Simonson, Nikolas	238	FOSTER, SHONDALON G.	84	LaPoten, Halden	81	SHERMAN, ZERA R.	69	JOHNSON, BRENDA R.	253	Simonson, Nikolas	15	d'Amecourt, John C.	11	Simonson, Nikolas	29
JOHNSON, BRENDA R.	6	Afolayan, Akinlabi A.	172	MEINDL, MAX	202	Cassidy, Richard	80	Denson, Melva E.	77	Vulgamore, Joe R.	63	Afolayan, Akinlabi A.	235	Cassidy, Richard	14	Patten, Russell E.	11	Marchetto, Jeffrey	28
Phillips, Natalie M.	6	LaPoten, Halden	170	Bassett, Jerome	185	Marchetto, Jeffrey	79	RABSATT JR, ECEDRO	76	Denson, Melva E.	55	Simonson, Nikolas	220	ALJABBARY, MWFAQ	13	Sanders, Marlys	10	Vulgamore, Joe R.	28

**C. CHRISTOPHE GAY, M.D., P.A.**

*FAMILY PRACTICE*

[www.bellvillecosmeticlaser.com](http://www.bellvillecosmeticlaser.com)

235 W. Palm, Suite 102  
Bellville, Texas 77418

ph. (979) 865-8484  
fax (979) 865-8686

October 23, 2018

**To Cadre Management Team, FFMA**

It has come to my attention that Max Meindl is unable to properly care for his coronary Artery Disease and the resultant edema. Because of his prolonged commute time he is unable to comfortably take all his medications properly. This is adversely affecting his health. As I understand there is Tele-Work available to him. This would greatly Benefit his overall health, both in the ability to sleep better and to take his meds properly. The Tele-Work does not have to be daily, but needs to be made available when his health condition waves and needs immediate attention. I foresee that improving his work condition with Tele-Work modifications should also improve his work production.

Sincerely,

C. Christophe Gay MD, PA

A handwritten signature in black ink, appearing to read "C. Gay, MD". The signature is fluid and cursive, with "C." at the top left, followed by "Gay" with a long horizontal stroke through it, and "MD" at the bottom right.

**DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency  
REQUEST FOR REASONABLE ACCOMMODATION**

**Privacy Act Statement**

**Authority:** The Privacy Act of 1974 (Privacy Act), 5 U.S.C. § 552a as amended, requires that you provide FEMA with certain information in order to process a request. The Rehabilitation Act of 1973, 29 U.S.C. § 701 as amended, stipulates that Federal agencies must provide reasonable accommodation to qualified individuals with disabilities. Further, Executive Order 13164 mandates that Federal agencies provide written procedures for requesting reasonable accommodations and maintain records in order to monitor the procedure's effectiveness.

**Purpose:** To provide reasonable accommodations to employees and applicants with disabilities according to Executive Order 13164.

**Routine Uses:** The information on this form may be disclosed as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/ALL-033 - Reasonable Accommodations Records System of Records, 76 Fed. Reg. 41,274 (July 13, 2011) and upon written request, by agreement, or as required by law.

**Disclosure:** FEMA's obligation to consider an individual's request for reasonable accommodation begins when the individual makes the request. However, the Request for Reasonable Accommodation form should be filled out as soon as possible following a request. The disclosure of information on this form is voluntary; however, failure to provide the requested information may prevent FEMA from accommodating your request.

1. Applicant's/Employee's Name  Max J Meindl	2. Telephone Number  (202) 374-9426
3. Organization/Office  Department of Homeland Security, Federal Emergency Management Agency, Regional Offices, Region Six, Regional Administrat	4. Date of Request  08/20/2018

5. Accommodation Requested (Be as specific as possible, e.g., sign language interpreter, or adaptive equipment such as voice recognition/keyboards, screen readers/magnification, etc.):

Tele-work/flexible work option as required to accommodate medical condition.

6. Reason for Request:

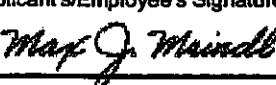
Occasional Tele-work would assist job performance relating to physical/medical constraints. My work is work is portable and can be performed effectively outside the office; tasks are easily quantifiable or primarily project-oriented; tasks can be scheduled as single blocks of time; and tasks don't require frequent interaction with a formal/informal work-team or necessitate frequent ad hoc meetings. I have exhibited myself as an individual with self-starter characteristics, good organizational skills, and I can function independently.

I have a disability, Coronary Artery Disease (Heart Condition), leading to potential CHF or Congestive Heart Failure as advised by my primary care provider with the VA Health Services. It is allegedly a terminal illness with its own set of unique indicators and symptoms. (Symptoms and conditions are and include the following: fatigue, irregular heartbeat, chest pain that radiates through the upper body, swelling in your ankles, feet, and legs, a cough that develops from congested lungs, rapid breathing, weight gain, wheezing. In some instances, patients are awakened at night, gasping for air. Some may be unable to sleep unless sitting upright.) I experience many of the referenced conditions, the swelling of my legs, ankles and feet and fluid accumulation in the lungs are the conditions that have my primary attention, but the shortness of breath and other conditions are in the mix. I mention these conditions because they make me physically uncomfortable and I may appear to fidget or move around in my chair, cross and uncross my legs or slouch to extend my legs and feet out to alleviate the pressure I feel from the fluid buildup.

7. If accommodation is time sensitive, please explain:



23 Oct '18

8. Applicant's/Employee's Title  Emergency Management Specialist (Recovery)	9. Applicant's/Employee's Signature  	10. Date  Aug 16, 2018
---	---	------------------------------

## MANAGEMENT RESPONSE TO REQUEST FOR REASONABLE ACCOMMODATION

11. Request for Reasonable Accommodation (check one):       Granted       Interim/Accommodation Granted (Provide comments in number 16)  
 Denied (if denied, answer questions in number 13 )

12. Applicant's/Employee's Name

13. Request for Reasonable Accommodation Denied Because (May check more than one box):

- Accommodation Ineffective       Accommodation Would Require Removal of an Essential Function of the job  
 Accommodation Would Cause Undue Hardship       Accommodation Would Require Lowering of Performance or Production Standard  
 Medical Documentation Inadequate  
 Other (Please identify):

14. Detailed reason(s) for the denial of reasonable accommodation (Must be specific, e.g., why accommodation is ineffective or causes undue hardship):

15. If the individual proposed one type of reasonable accommodation which is being denied, but rejected an offer of a different type of reasonable accommodation, explain both the reason for the denial of the requested accommodation and why you believe the chosen accommodation would be effective:

16. Comments

17. If an individual wishes to request reconsideration of this decision, she/he must take the following steps:

- An employee may appeal directly to his/her Second Level Supervisor. The employee may present additional information in support of his/her request.
- An applicant may appeal directly to the Disability Employment Program Manager of the Office of Equal Rights. The applicant may present additional information in support of his/her request.

18. If an individual wishes to file an EEO Complaint, or to pursue MSPB or union grievance procedures, she/he must take the following steps:

- For an EEO complaint pursuant to 29 C.F.R. 1614, contact an EEO Counselor in the Office of Equal Rights within 45 days from the date of this denial of reasonable accommodation; or
- For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or
- Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3

19. Name Of Deciding Official	20. Signature Of Deciding Official	21. Date
-------------------------------	------------------------------------	----------

1 Copy of this form must be provided to the employee or applicant who made the request.

1 Copy of this form must be provided to the Disability Employment Program Manager of the Office of Equal Rights.

**Certification of Health Care Provider for  
Employee's Serious Health Condition  
(Family and Medical Leave Act)**

**U.S. Department of Labor**

Wage and Hour Division



DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT

OMB Control Number: 1235-0003

Expires: 5/31/2018

**SECTION I: For Completion by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

Employer name and contact: Max J Meindl

Employee's job title: Emergency Management Specialist

Regular work schedule: 40 hour week, 9-5:30

Employee's essential job functions: Emergency Management, recovery services, program delivery manager assisting applicants with federal grant application for recovery from Hurricane Harvey, office/computer work and field visits/meetings.

Check if job description is attached:

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: Max J Meindl

First

Middle

Last

**SECTION III: For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

Provider's name and business address: C. Christophe Gay, M.D., 235 W. Palm, Bellville TX 77418

Type of practice / Medical specialty: Family Practice

Telephone: (979) 865-8484

Fax: (979) 865-8686

**EXPLANATION OF MEDICAL CONDITION**

1. Approximate date condition commenced: 08/04/2009

Probable duration of condition: Indeterminate, perpetual

**Mark below as applicable:**

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

   No  Yes. If so, dates of admission:

08/04/2009 (stent surgery) 05/27/2013 (stent surgery), pending surgery-

Date(s) you treated the patient for condition:

10/22/2018, 02/06/2019

Will the patient need to have treatment visits at least twice per year due to the condition?    No  Yes.

Was medication, other than over-the-counter medication, prescribed?    No  Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

   No  Yes. If so, state the nature of such treatments and expected duration of treatment:

Cardiologist, testing, evaluation and surgery

2. Is the medical condition pregnancy?  No    Yes. If so, expected delivery date: \_\_\_\_\_

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:  No    Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

**Problem: Abnormal cardiovascular function study, R94.30, Active 274525000**

**Problem: Arteriosclerosis of native coronary artery w/ angina pectoris, I25.119, Active 194828000**

**Problem: Edema, R60.9, Active 79654002**

**Problem: Arteriosclerosis of native coronary artery w/ angina pectoris**

**Problem: Abnormal cardiovascular function study (ICD-10 - R94.30)**

**Arteriosclerosis of native coronary artery w/ angina pectoris: Stress test with apical moderate ischemia.**

**PART B: AMOUNT OF LEAVE NEEDED**

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery?  No  Yes.

If so, estimate the beginning and ending dates for the period of incapacity: a few days after heart surgery

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition?  No  Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?  
 No  Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

indeterminate, predicated on physical condition of patient

Estimate the part-time or reduced work schedule the employee needs, if any:

1-2 hour(s) per day; 5 days per week from indeterminate through indeterminate

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions?  No  Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?

No  Yes. If so, explain:

issues associated with heart condition

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency :        times per        week(s)        month(s)

Duration: <sup>1</sup>        hours or        day(s) per episode

**ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER!**

Records statement from Cardiologist: He has an old LAD and RCA stents. Will further risk stratify with a LHC. We spoke about LHC. Risks include but not limited to: death, stroke, MI, need for emergency surgery, need for transfusion, groin hematoma, retroperitoneal bleed, anemia, infection. All questions were answered. Patient agrees to proceed with the above procedure. We spoke about possible PCI. Risks include but not limited to: Stroke, death, vessel dissection, perforation, need for emergency surgery, failed intervention, need for repeat procedure, restenosis & acute stent thrombosis. All questions were answered. Pt agrees to proceed w/

procedure. DES if needed. Right radial access.

## Abnormal cardiovascular function study Apical ischemia.

Arteriosclerosis of native coronary artery w/ angina pectoris I25.119 ; Abnormal cardiovascular function study R94.30 ;

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**Signature of Health Care Provider**

---

Date \_\_\_\_\_

4 Mar 19

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

**femamax@gmail.com**

---

**From:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Sent:** Monday, October 28, 2019 1:27 PM  
**To:** femamax@gmail.com  
**Subject:** FW: FMLA Determination

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
max.meindl@fema.dhs.gov<mailto:max.meindl@fema.dhs.gov>  
[fema]

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**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:52 PM  
**To:** Alexander, Dennis <dennis.alexander@fema.dhs.gov>  
**Subject:** FW: FMLA Determination

Here's the email stipulating the approval, the other emails were discussion on the FMLA.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
max.meindl@fema.dhs.gov<mailto:max.meindl@fema.dhs.gov>

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**From:** Gause, Jacqueline  
**Sent:** Thursday, May 2, 2019 9:03 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>; Agaiby, Angela <angela.agaiaby@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>

Cc: Obasa, Babajide <[babajide.obasa@fema.dhs.gov](mailto:babajide.obasa@fema.dhs.gov)>; Guelzow, Nicole <[nicole.guelzow@fema.dhs.gov](mailto:nicole.guelzow@fema.dhs.gov)>; David, Patricia <[Patricia.David@fema.dhs.gov](mailto:Patricia.David@fema.dhs.gov)>  
Subject: FMLA Determination

Good morning,

As discussed, I want to cycle back to you to let you know that your request for FMLA has been approved effective 5/01/2019. I have copied Jamie McAllister on this communication as well.

The Family and Medical Leave Act (FMLA)<<https://www.dol.gov/whd/fmla/>> generally provides employees with up to 12 weeks of unpaid, job-protected leave per year once an employee is determined to be eligible.

With regards to WebTA, please ensure that the appropriate leave i.e. annual, sick, or leave without pay is annotated under the Family and Medical Leave Act of (FMLA), as appropriate when submitting your time.

As always, please let me know if you have additional questions.

Regards,

Jacqueline Gause, MSc  
Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

**femamax@gmail.com**

---

**From:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Sent:** Wednesday, November 6, 2019 11:49 AM  
**To:** Gause, Jacqueline  
**Cc:** femamax@gmail.com  
**Subject:** RE: FMLA/Reasonable accommodation

JG,

Appreciate the update and to provide some background/foundation I submit the following:

1. Within your documentation your physician states you have a disabling medical condition which needs to be accommodated.

\* Yes, the current situation is challenging and for which some reasonable understanding on behalf of my employer would be appreciated.

\* I think Dr. Gay was referencing my frustration at my commentary to him about my being under very specific/detailed observation by management after being advised that "you are being watched" by someone who would know in a conversation that "never happened".

2. As you know on prior occasions I have recommended you request a Reasonable Accommodations for your condition.

\* I may take another look at the RA but, I'm of the opinion, based upon my previous experience, that that program is not one that FEMA embraces.

\* The boilerplate, inaccurate and untimely response to my initial RA relied heavily on the "agreement" to the terms of employment and I don't see that changing.

\* Besides changing the actual dates of my application for RA in their response, the boilerplate nature of the response speaks volumes.

\* FEMA region 6 does not embrace telework for some reason, and that would be the absolute best accommodation for me by relieving me of the 600 miles I endure for my weekly commute.

\* The commute is painful in my legs, because of the circulatory problems, but I'll do what I have to do to keep my job because I need it.

\* Working also helps in my healing process by redirecting my attention and keeping me positive and laughing with my office mates.

3. I have attached the FEMA Form 256 for your review and consideration again.

\* Thank you, I'll look at it.

4. Your physician indicates you need scheduling flexibility therefore I have prepared the form for you in draft to consider.

\* The FMLA allows for intermittent/episodic time off of short duration, 1-2 hours or so, and that is all I require as far as flexibility.

\* I really need to try to get in my 8 hour days because I've taken quite a hit to the pocketbook with all of the LWOP I've had to take this year, so I'm focusing on engaging a 9-5:30 regime that allows me more flexibility in the mornings, which typically are my most challenging times.

5. Your physician also indicated that your absences may become more excessive.

\* I wouldn't say excessive absences, but I do have pulmonary issues that require attention and weekly Cardio-rehab coming up soon, 1 hour a week for 3 months, but I had the location changed to the Methodist Hospital Willowbrook, across 249, so I can do the rehab conveniently from work without having to drive across town and lose time.

\* I do think he referenced the 1-3 hours, daily for x number of months, but that is more relating to my issues in the morning, which I am trying to address by coming in at 9 and working later to accommodate the morning challenges.

6. If this occurs then at that time we will work with you accordingly to see if other arrangements need to be made.

\* I appreciate your support and kind concern.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426

max.meindl@fema.dhs.gov<mailto:max.meindl@fema.dhs.gov>

[fema]

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From: Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
Sent: Wednesday, November 6, 2019 11:20 AM  
To: Meindl, Max <max.meindl@fema.dhs.gov>  
Subject: FMLA/Reasonable accommodation

Good morning,

Thank you for providing the FMLA update information. Your FMLA file has been updated accordingly. Within your documentation your physician states you have a disabling medical condition which needs to be accommodated. As you know on prior occasions I have recommended you request a Reasonable Accommodations for your condition. I have attached the FEMA Form 256 for your review and consideration again. Your physician indicates you need scheduling flexibility therefore I have prepared the form for you in draft to consider. Your physician also indicated that your absences may become more excessive. If this occurs then at that time we will work with you accordingly to see if other arrangements need to be made.

The ERO Lead for the TRO is Keya Jackson (202-856-1961). You can reach out to her with any questions you may have about the reasonable accommodations process.

Please let me know if you have any other questions or concerns.

Regards,

Jacqueline Gause, MSc  
Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

**femamax@gmail.com**

---

**From:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Sent:** Wednesday, November 6, 2019 12:26 PM  
**To:** Meindl, Max  
**Cc:** femamax@gmail.com  
**Subject:** RE: FMLA/Reasonable accommodation

**Flag Status:** Flagged

Good afternoon,

Thank you for the additional clarification. You may also be able to work with ERO on the medical telework piece.

Please let me know if you need anything else.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Sent:** Wednesday, November 6, 2019 11:49 AM  
**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Cc:** femamax@gmail.com  
**Subject:** RE: FMLA/Reasonable accommodation

JG,

Appreciate the update and to provide some background/foundation I submit the following:

1. Within your documentation your physician states you have a disabling medical condition which needs to be accommodated.
  - a. *Yes, the current situation is challenging and for which some reasonable understanding on behalf of my employer would be appreciated.*
  - b. *I think Dr. Gay was referencing my frustration at my commentary to him about my being under very specific/detailed observation by management after being advised that "you are being watched" by someone who would know in a conversation that "never happened".*
2. As you know on prior occasions I have recommended you request a Reasonable Accommodations for your condition.
  - a. *I may take another look at the RA but, I'm of the opinion, based upon my previous experience, that that program is not one that FEMA embraces.*
  - b. *The boilerplate, inaccurate and untimely response to my initial RA relied heavily on the "agreement" to the terms of employment and I don't see that changing.*

- c. Besides changing the actual dates of my application for RA in their response, the boilerplate nature of the response speaks volumes.
  - d. FEMA region 6 does not embrace telework for some reason, and that would be the absolute best accommodation for me by relieving me of the 600 miles I endure for my weekly commute.
  - e. The commute is painful in my legs, because of the circulatory problems, but I'll do what I have to do to keep my job because I need it.
  - f. Working also helps in my healing process by redirecting my attention and keeping me positive and laughing with my office mates.
3. I have attached the FEMA Form 256 for your review and consideration again.
- a. Thank you, I'll look at it.
4. Your physician indicates you need scheduling flexibility therefore I have prepared the form for you in draft to consider.
- a. The FMLA allows for intermittent/episodic time off of short duration, 1-2 hours or so, and that is all I require as far as flexibility.
  - b. I really need to try to get in my 8 hour days because I've take quite a hit to the pocketbook with all of the LWOP I've had to take this year, so I'm focusing on engaging a 9-5:30 regime that allows me more flexibility in the mornings, which typically are my most challenging times.
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- a. I wouldn't say excessive absences, but I do have pulmonary issues that require attention and weekly Cardio-rehab coming up soon, 1 hour a week for 3 months, but I had the location changed to the Methodist Hospital Willowbrook, across 249, so I can do the rehab conveniently from work without having to drive across town and lose time.
  - b. I do think he referenced the 1-3 hours, daily for x number of months, but that is more relating to my issues in the morning, which I am trying to address by coming in at 9 and working later to accommodate the morning challenges.
6. If this occurs then at that time we will work with you accordingly to see if other arrangements need to be made.
- a. I appreciate your support and kind concern.

---

Max J Meindl, PMP  
 Program Delivery Manager | Houston TRO  
 DHS | FEMA-Recovery Directorate  
 Public Assistance Division  
 FEMA/HQ  
 202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Sent:** Wednesday, November 6, 2019 11:20 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** FMLA/Reasonable accommodation

Good morning,

Thank you for providing the FMLA update information. Your FMLA file has been updated accordingly. Within your documentation your physician states you have a disabling medical condition which needs to be accommodated. As you know on prior occasions I have recommended you request a Reasonable Accommodations for your condition. I have attached the FEMA Form 256 for your review and consideration again. Your physician indicates you need scheduling flexibility therefore I have prepared the form for you in draft to consider. Your physician also indicated that your absences may become more excessive. If this occurs then at that time we will work with you accordingly to see if other arrangements need to be made.

The ERO Lead for the TRO is Keya Jackson (202-856-1961). You can reach out to her with any questions you may have about the reasonable accommodations process.

Please let me know if you have any other questions or concerns.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241



March 8, 2019

MEMORANDUM FOR: Max Meindl  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division

FROM: Jamie McAllister  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA

SUBJECT: Request for To Telework

This serves to deny your reasonable accommodation request for episodic telework dated November 26, 2018.

As your Supervisor of Record (SOR), I reviewed your signed 256 Form, and medical documentation submitted in support of your request to telework as a reasonable accommodation.

In order for a reasonable accommodation to be provided, it must first be determined that the individual making the request is a qualified individual with a disability. A qualified individual defined is as "an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires." 42 U.S.C. § 12111(8).

42 U.S. Code § 12102 defines the term "disability" with respect to an individual as:

- (A) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment.

The EEOC defines a reasonable accommodation as any change in the workplace or in the way things are customarily done that provides an equal employment opportunity to an individual with a disability when an employee with a disability needs an accommodation to perform the essential functions of the job held.

The EEOC defines essential functions as those job duties that are fundamental to the position that the individual holds or desires. According to the EEOC, evidence of whether a particular function is



essential includes the agency's judgment (generally a supervisor's, manager's and/or office director's judgment), and a written position description developed before a job is advertised.

The job announcement for the Cadre of On-call Response/Recovery Employee (CORE) position states:

*"All candidates must be able to deploy with little or no advance notice to anywhere in the United States and its territories for an extended period of time. Deployments may include working in excess of eight hours a day, or in excess of 40 hours per week, including weekends and holidays, and under stressful, physically demanding, and austere conditions."*

In *Demyanovich v. Cadon Plating and Coatings, LLC*, 747 F.3d 419 (6th Cir. 2014), the court found that "a written job description and the employer's judgment constitute evidence of whether a particular job function is essential". At the Texas Recovery Office Public Assistance Cadre (TRO PA) telework is not allowed for emergency management employees outside of very limited weather-related cases. Management has determined it is an essential job function to travel to the office and visit applicants in person at their office location.

Further, pursuant to 29 U.S.C. § 701 et seq., the Rehabilitation Act of 1973, an employer is not required to eliminate an essential function of a position in response to a request for reasonable accommodation. Also, see (*Minnihan v. Mediacom Commc'n Corp.*, 779 F.3d 803 (8th Cir. 2015)). Your request to telework would require removal of an essential job function. The appropriate accommodation would be a reassignment to a position that allows telework. Should you choose to appeal the SOR's decision, you may do so using the following procedure:

**Request for reconsideration:**

If an individual wishes to request reconsideration of this decision, she/he must take the following steps:

An employee may appeal directly to his/her Second Level Supervisor. The employee may present additional information in support of his/her request.

An applicant may appeal directly to the Disability Employment Program Manager of the Office of Equal Rights. The applicant may present additional information in support of his/her request.

If an individual wishes to file an EEO Complaint, or to pursue MSPB or union grievance procedures, she/he must take the following steps:

For an EEO complaint pursuant to 29 C.F.R. 1614, contact an EEO Counselor in the Office of Equal Rights within 45 days from the date of this denial of reasonable accommodation; or



For a collective bargaining claim, file a written grievance in accordance with the provisions of the Collective Bargaining Agreement; or

Initiate an appeal to the Merit Systems Protection Board within 30 days of an appealable adverse action as defined in 5 C.F.R. 1201.3

---

**Jamie McAllister, Deputy IBD**

Name & Title of Deciding Official

---

Signature of Deciding Official

---

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

## **Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)**

U.S. Department of Labor

## **Wage and Hour Division**



U.S. Wage and Hour Division

**DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

OMB Control Number: 1235-0003

Expires: 5/31/2018

**SECTION I: For Completion by the EMPLOYER**

**INSTRUCTIONS to the EMPLOYER:** The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies, and in accordance with 29 C.F.R. § 1635.9, if the Genetic Information Nondiscrimination Act applies.

**Employer name and contact:** FEMA, Jamie McCalister, 202-709-0851

**Employee's job title:** Emergency management Specialist      **Regular work schedule:** 40 hours

**Employee's essential job functions:** Applicant coordination and assistance

Check if job description is attached: **NONE**

**SECTION II: For Completion by the EMPLOYEE**

**INSTRUCTIONS to the EMPLOYEE:** Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: Max J Meindl

First

Middle

Last

**SECTION III: For Completion by the HEALTH CARE PROVIDER**

**INSTRUCTIONS to the HEALTH CARE PROVIDER:** Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Do not provide information about genetic tests, as defined in 29 C.F.R. § 1635.3(f), genetic services, as defined in 29 C.F.R. § 1635.3(e), or the manifestation of disease or disorder in the employee's family members, 29 C.F.R. § 1635.3(b). Please be sure to sign the form on the last page.

**Provider's name and business address:** VAMC HOUSTON, KATY CBOC

Type of practice / Medical specialty: Veterans Health Care, 750 Westgreen Blvd, Katy, TX 77450

Telephone: (281) 578-4600 Fax: ( )

**PART A: MEDICAL FACTS**1. Approximate date condition commenced: 3/18/2019Probable duration of condition: indeterminate**Mark below as applicable:**

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

 No  Yes. If so, dates of admission:3/19/2019, 4/3/2019, 4/4/2019, 4/5, 4/6, 4/7/2019

Date(s) you treated the patient for condition:

3/25/2019, 4/9/2019Will the patient need to have treatment visits at least twice per year due to the condition?  No  Yes.Was medication, other than over-the-counter medication, prescribed?  No  Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?

 No  Yes. If so, state the nature of such treatments and expected duration of treatment:Cardio, GI, PT2. Is the medical condition pregnancy?  No  Yes. If so, expected delivery date: \_\_\_\_\_

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition:  No  Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

Coronary arteriosclerosis (SCT 53741008), Adiposis (SCT 414916001, Benign essential hypertension (SCT 1201005)CAD - Coronary artery disease (SCT 53741008), Hyperglycemia (SCT 80394007)

**PART B: AMOUNT OF LEAVE NEEDED**

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery?  No  Yes.

If so, estimate the beginning and ending dates for the period of incapacity: 3/18/19 - 9/7/2019

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition?  No  Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?  
 No  Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

1-3x/month

Estimate the part-time or reduced work schedule the employee needs, if any:

4 hour(s) per day; \_\_\_\_\_ days per week from \_\_\_\_\_ through \_\_\_\_\_

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions?  No  Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?  
 No  Yes. If so, explain:

diagnostic testing / medication adjustment

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : 1-3 times per \_\_\_\_\_ week(s) 1-2 month(s)

Duration: \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

**ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.**

N/A

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*[Handwritten signature over 15 blank lines]*

Signature of Health Care Provider

Date

*4/11/2019*

**PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT**

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 1:08 PM  
**To:** Terry, Detra  
**Subject:** RA  
**Attachments:** Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf

See attached

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 1:11 PM  
**To:** Terry, Detra  
**Cc:** Oke, Nicole; McPhie, Regina; FEMA-Reasonable-Accommodation; Goudy, Douglas; Henri, Fouidiya; Avery, Darlene; femamax@gmail.com  
**Subject:** RA  
**Attachments:** Reasonable Accomodation-FEMA Form 256-0-1-08232018.pdf

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## Meindl, Max

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 9:22 PM  
**To:** Meindl, Max  
**Cc:** FEMA-Reasonable-Accommodation; Maddox Britt, Sandra  
**Subject:** RE: RA  
**Attachments:** RA INFORMATION SHEET-empl.doc

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 | Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

---

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Cc:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 9:26 PM  
**To:** Meindl, Max; Terry, Detra  
**Cc:** Oke, Nicole; McPhie, Regina; FEMA-Reasonable-Accommodation; Goudy, Douglas; Henri, Fouadiya; Avery, Darlene; femamax@gmail.com  
**Subject:** RE: RA

Case assigned to Sandra Maddox-Britt.

---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Cc:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouadiya <[Fouadiya.Henri@fema.dhs.gov](mailto:Fouadiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Henri, Foudiya  
**Sent:** Tuesday, August 28, 2018 11:28 AM  
**To:** Meindl, Max  
**Cc:** Goudy, Douglas  
**Subject:** Max Meindl request for Reasonable Accommodation

**Importance:** High

Hello Max,

What is the name of your Supervisor please? \_\_\_\_\_ . Was the RA request sent to the Supervisor? If yes please let me know. I can assist with the RA request ONLY.

For Informal Complaint assistance please contact Doug Goudy directly.

Thank you,  
Foudiya Henri  
202-394-4633 Cell

---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

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Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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## **Meindl, Max**

---

**From:** Maddox Britt, Sandra  
**Sent:** Wednesday, August 29, 2018 9:31 AM  
**To:** Meindl, Max  
**Subject:** RE: RA Request (Meindl)  
**Attachments:** FEMA Form 256-0-1.pdf

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you  
Sandra Britt  
202-412-4787

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 |  
Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,

RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 29, 2018 9:38 AM  
**To:** Maddox Britt, Sandra  
**Subject:** RE: RA Request (Meindl)  
**Attachments:** Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf

Yes, I provided it to my supervisor.

My chain of command as I understand it:

*Detra Terry, Task Force Lead*

*Detra S. Terry*

*Public Assistance-PDM/DIS*

*DR-4332-TX*

*202.718.0109/iFEMA cell*

*detra.terry@fema.dhs.gov*

*Albert P. Walters III*

*Public Assistance Group Supervisor*

*Disaster 4332 – Harvey*

*Cell Phone 504-570-4412*

*Albert.Walters@FEMA.DHS.GOV*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Maddox Britt, Sandra

**Sent:** Wednesday, August 29, 2018 9:31 AM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Subject:** RE: RA Request (Meindl)

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you

Sandra Britt

202-412-4787

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 | Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Maddox Britt, Sandra  
**Sent:** Thursday, September 6, 2018 4:35 PM  
**To:** Meindl, Max  
**Subject:** RE: RA Request (Meindl)

Who is your supervisor?

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 29, 2018 10:38 AM  
**To:** Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA Request (Meindl)

Yes, I provided it to my supervisor.

My chain of command as I understand it:

*Detra Terry, Task Force Lead*  
*Detra S. Terry*  
Public Assistance-PDM/DIS  
DR-4332-TX  
202.718.0109/iFEMA cell  
detra.terry@fema.dhs.gov

*Albert P. Walters III*  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Maddox Britt, Sandra  
**Sent:** Wednesday, August 29, 2018 9:31 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: RA Request (Meindl)

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you  
Sandra Britt  
[202-412-4787](#)

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 |  
Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

---

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Cc:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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## **Meindl, Max**

---

**From:** Maddox Britt, Sandra  
**Sent:** Thursday, September 6, 2018 4:37 PM  
**To:** Meindl, Max  
**Subject:** RE: RA Request (Meindl)

Never mind, I thought the name below was your signature block. So you are in PA at HQ? If so, I need to refer you to PA's RA POCs.

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 29, 2018 10:38 AM  
**To:** Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>  
**Subject:** RE: RA Request (Meindl)

Yes, I provided it to my supervisor.

My chain of command as I understand it:

*Detra Terry, Task Force Lead*

*Detra S. Terry*

*Public Assistance-PDM/DIS*

*DR-4332-TX*

*202.718.0109/iFEMA cell*

*[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)*

*Albert P. Walters III*

*Public Assistance Group Supervisor*

*Disaster 4332 – Harvey*

*Cell Phone 504-570-4412*

*[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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---

**From:** Maddox Britt, Sandra  
**Sent:** Wednesday, August 29, 2018 9:31 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: RA Request (Meindl)

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you  
Sandra Britt  
202-412-4787

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 |  
Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Fouidiya <Fouidiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, September 6, 2018 4:39 PM  
**To:** Maddox Britt, Sandra  
**Subject:** Re: RA Request (Meindl)

Houston Recovery Office, PA

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---

**From:** Maddox Britt, Sandra  
**Sent:** Thursday, September 6, 2018 4:36:49 PM  
**To:** Meindl, Max  
**Subject:** RE: RA Request (Meindl)

Never mind, I thought the name below was your signature block. So you are in PA at HQ? If so, I need to refer you to PA's RA POCs.

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 29, 2018 10:38 AM  
**To:** Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>  
**Subject:** RE: RA Request (Meindl)

Yes, I provided it to my supervisor.

My chain of command as I understand it:

*Detra Terry, Task Force Lead*  
*Detra S. Terry*  
*Public Assistance-PDM/DIS*  
*DR-4332-TX*  
*202.718.0109/iFEMA cell*  
*[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)*

*Albert P. Walters III*  
*Public Assistance Group Supervisor*  
*Disaster 4332 – Harvey*  
*Cell Phone 504-570-4412*  
*[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Maddox Britt, Sandra  
**Sent:** Wednesday, August 29, 2018 9:31 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: RA Request (Meindl)

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you  
Sandra Britt  
202-412-4787

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 |  
Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Fouidiya <Fouidiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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## **Meindl, Max**

---

**From:** Maddox Britt, Sandra  
**Sent:** Thursday, September 6, 2018 4:52 PM  
**To:** Meindl, Max  
**Subject:** RE: RA Request (Meindl)

Please forward your medical documentation to me.

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 29, 2018 10:38 AM  
**To:** Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>  
**Subject:** RE: RA Request (Meindl)

Yes, I provided it to my supervisor.

My chain of command as I understand it:

*Detra Terry, Task Force Lead*  
*Detra S. Terry*  
*Public Assistance-PDM/DIS*  
*DR-4332-TX*  
*202.718.0109/iFEMA cell*  
*detra.terry@fema.dhs.gov*

*Albert P. Walters III*  
*Public Assistance Group Supervisor*  
*Disaster 4332 – Harvey*  
*Cell Phone 504-570-4412*  
*Albert.Walters@FEMA.DHS.GOV*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Maddox Britt, Sandra  
**Sent:** Wednesday, August 29, 2018 9:31 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: RA Request (Meindl)

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you  
Sandra Britt  
[202-412-4787](#)

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 |  
Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Cc:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, September 6, 2018 5:08 PM  
**To:** Maddox Britt, Sandra  
**Subject:** Re: RA Request (Meindl)

Sent from personal email in confidence

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---

**From:** Maddox Britt, Sandra  
**Sent:** Thursday, September 6, 2018 4:51:43 PM  
**To:** Meindl, Max  
**Subject:** RE: RA Request (Meindl)

Please forward your medical documentation to me.

---

**From:** Meindl, Max  
**Sent:** Wednesday, August 29, 2018 10:38 AM  
**To:** Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA Request (Meindl)

Yes, I provided it to my supervisor.

My chain of command as I understand it:

*Detra Terry, Task Force Lead*

*Detra S. Terry*

*Public Assistance-PDM/DIS*

*DR-4332-TX*

*202.718.0109/iFEMA cell*

*detra.terry@fema.dhs.gov*

*Albert P. Walters III*  
*Public Assistance Group Supervisor*  
*Disaster 4332 – Harvey*  
*Cell Phone 504-570-4412*  
*Albert.Walters@FEMA.DHS.GOV*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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**From:** Maddox Britt, Sandra  
**Sent:** Wednesday, August 29, 2018 9:31 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: RA Request (Meindl)

Hello Mr. Meindl

I have received an email from Ms. Fernandez indicating that you have an RA request. The document attached to the email, however, is blank. Can you please send me the form you completed?

Also, who is your Supervisor of Record, and did you provide the form to your supervisor of Record?

Thank you  
Sandra Britt  
202-412-4787

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, August 23, 2018 10:22 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>  
**Subject:** RE: RA

Max:

The Office of Equal Rights/Reasonable Accommodation Unit has received your reasonable accommodation (RA) request. The case has been assigned to Sandra Maddox Britt, Reasonable Accommodation Analyst. Please fill out the attached information sheet to complete your file and send to her. Ms. Maddox-Britt will contact you soon to facilitate the RA process. If you have any questions, Ms. Maddox-Britt will assist. I have omitted the other individuals you copied in the e-mail. The RA process is a confidential one and only individuals with the need to know should be involved.

Respectfully,

*Luz A. Fernandez*

Equal Rights Specialist | AEP/RA Lead | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0915, Washington, DC 20472-3505 |  
Desk: 202.212.2740 | Mobile: 202.805.8638 | Efax: 540.504.2816 | Fax: 202.646.4320 | [Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)

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---

**From:** Meindl, Max  
**Sent:** Thursday, August 23, 2018 2:11 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Cc:** Oke, Nicole <nicolette.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Fouidiya <Fouidiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; femamax@gmail.com  
**Subject:** RA

Detra,  
RA form attached.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**Meindl, Max**

---

**From:** Merritt, Lisa  
**Sent:** Monday, September 17, 2018 2:11 PM  
**To:** Meindl, Max  
**Subject:** Reasonable Accommodation Request  
  
**Importance:** High

Hello Max,

I have received your 256 Reasonable Accommodation Request Form. In addition, we will need supporting documentation from your health care provider (on letterhead) to provide to Office of Equal Rights. Below is the information that should be included in the letter for a reasonable accommodation request:

- The nature, severity, or duration of your impairment/disability
- The extent to which the impairment/disability limits your ability to perform your job
- Why you require the particular Reasonable Accommodation (what tools do you need to do your job i.e. chair, vehicle upgrade / please be very specific)
- How the accommodation you requested will assist you in performing the essential functions of the job

Please give me a call, so we can discuss.

Thank you,

**Cadre Management Team**

Public Assistance Division

Field Support Branch

FEMA/HQ

Reservists Line: 202-212-1028

[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Merritt, Lisa  
**Sent:** Thursday, October 4, 2018 1:12 PM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation Request

Hello Max,

I reached out last week and left another voicemail. Do you have any questions about the RA process? Anything we need to go over together?

Thank you,

Lisa Merritt | Asst. Reservist Program Manager  
Public Assistance Division  
Field Support Branch  
FEMA | HQ  
202-212-2524 | [lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)  
[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

---

**From:** Merritt, Lisa  
**Sent:** Wednesday, September 26, 2018 1:29 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation Request

Hello Max,

I wanted to follow up on your reasonable accommodation. Please give me a call, so I can answer any questions you may have.

Thank you,

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**Meindl, Max**

**From:** Meindl, Max  
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**To:** Merritt, Lisa  
**Subject:** RE: Reasonable Accommodation Request

I have to meet with a cardiologist to obtain requested paperwork.

The VA does not seem to be interested in putting anything in writing so I am having to see a provider outside the VA system.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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- How the accommodation you requested will assist you in performing the essential functions of the job

Please give me a call, so we can discuss.

Thank you,

**Cadre Management Team**  
Public Assistance Division  
Field Support Branch  
FEMA/HQ  
Reservists Line: 202-212-1028  
[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

**Meindl, Max**

---

**From:** Merritt, Lisa  
**Sent:** Thursday, October 4, 2018 1:23 PM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation Request

Ok, I'm just making sure I can answer any questions you may have. The note needs to be very descriptive and provide all information that I sent to you in bullet points.

Thank you,

Lisa Merritt | Asst. Reservist Program Manager  
Public Assistance Division  
Field Support Branch  
FEMA | HQ  
202-212-2524 | [lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)  
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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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Thank you,

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**From:** Merritt, Lisa  
**Sent:** Monday, September 17, 2018 3:11 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Reasonable Accommodation Request  
**Importance:** High

Hello Max,

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Reservists Line: 202-212-1028

[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max  
**Cc:** FEMA-Reasonable-Accommodation  
**Subject:** RA Request  
**Attachments:** RA INFORMATION SHEET-Vista.doc; blank FEMA Form 256-0-1.pdf

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

The reasonable accommodation (RA) request process is a confidential one that must not be shared with anyone that does not have a need to know. Besides the supervisor of record (SOR) no other individual should be included or copied in the process, to preserve confidentiality. The RA process starts with the request of the employee for a reasonable accommodation (RA). The request can be done in any way, verbally, email, letter, etc. The SOR should request that the employee fill out a 256-0-1 form (Request for Reasonable Accommodation), attached, indicating what they are requesting as an accommodation, the reason for the request and if the request is time sensitive. The employee must sign and date the request. When an individual requests an RA, there should be an interactive process (meeting) between the SOR and the employee to better understand the employee's request and needs. If the disability is not obvious (visible), the SOR requests the employee to provide medical documentation to support the specific need for the RA requested. Sufficient medical information provides the following information:

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- How the RA requested will assist the employee in the performance of the essential functions of the position

In FEMA, the supervisor of record (SOR) is the individual that makes the decision of approving, denying or granting an alternate RA, after having an interactive discussion with the employee. OER staff can participate as facilitators, or neutral parties in the interactive discussion, if needed. The RA Analysts in the Office of Equal Rights (OER) RA Unit assist/facilitate the process. As the RA Analyst for this case, I will provide advice regarding the law, the policy and procedure and can provide assistance with the language of the response to the RA, if needed. If you need further assistance, or have any questions, please let me know.

Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 1:16 PM  
**To:** Brathwaite, Winston  
**Cc:** FEMA-Reasonable-Accommodation  
**Subject:** RE: RA Request  
**Attachments:** Reasonable Accomodation-FEMA Form 256-0-1-08232018.pdf

Previously sent to my supervisor as follows:

*From: Meindl, Max  
Sent: Thursday, August 23, 2018 1:08 PM  
To: Terry, Detra <detra.terry@fema.dhs.gov>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
max.meindl@fema.dhs.gov*

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RA Request

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max  
**Cc:** FEMA-Reasonable-Accommodation  
**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
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See attached  
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Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov)

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:02 PM  
**To:** Brathwaite, Winston  
**Cc:** FEMA-Reasonable-Accommodation  
**Subject:** RE: RA Request  
**Attachments:** RA INFORMATION SHEET-Vista-Meindl.doc; RA information.pdf; Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max  
Sent: Thursday, August 23, 2018 1:08 PM  
To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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202-374-9426  
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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

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- Limitations that the disability imposes on the individual as related to the performance of the essential functions of the individual's position
- How the RA requested will assist the employee in the performance of the essential functions of the position

In FEMA, the supervisor of record (SOR) is the individual that makes the decision of approving, denying or granting an alternate RA, after having an interactive discussion with the employee. OER staff can participate as facilitators, or neutral parties in the interactive discussion, if needed. The RA Analysts in the Office of Equal Rights (OER) RA Unit assist/facilitate the process. As the

RA Analyst for this case, I will provide advice regarding the law, the policy and procedure and can provide assistance with the language of the response to the RA, if needed. If you need further assistance, or have any questions, please let me know.

Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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**Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 2:08 PM  
**To:** Meindl, Max  
**Cc:** FEMA-Reasonable-Accommodation; Terry, Detra  
**Subject:** RE: RA Request

Thank you Mr. Meindl.

Ms. Terry, there is no need to request that Mr. Meindl complete the information form any longer. Thank you.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 3:02 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RE: RA Request

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>

**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>

**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max  
Sent: Thursday, August 23, 2018 1:08 PM  
To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)*

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---

**From:** Brathwaite, Winston

**Sent:** Monday, October 15, 2018 1:06 PM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>

**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

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request and needs. If the disability is not obvious (visible), the SOR requests the employee to provide medical documentation to support the specific need for the RA requested. Sufficient medical information provides the following information:

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- How the RA requested will assist the employee in the performance of the essential functions of the position

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA| DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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---

**Meindl, Max**

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:10 PM  
**To:** Brathwaite, Winston  
**Cc:** FEMA-Reasonable-Accommodation; Terry, Detra  
**Subject:** RE: RA Request

10-4, thank you Winston, appreciate your efforts.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 2:08 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thank you Mr. Meindl.

Ms. Terry, there is no need to request that Mr. Meindl complete the information form any longer. Thank you.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 3:02 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426



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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max  
Sent: Thursday, August 23, 2018 1:08 PM  
To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Sunday, October 21, 2018 2:43 PM  
**To:** femamax@gmail.com  
**Subject:** Fwd: Reasonable Accommodation Request

Get [Outlook for iOS](#)

---

**From:** Merritt, Lisa  
**Sent:** Thursday, October 4, 2018 1:23:25 PM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation Request

Ok, I'm just making sure I can answer any questions you may have. The note needs to be very descriptive and provide all information that I sent to you in bullet points.

Thank you,

Lisa Merritt | Asst. Reservist Program Manager  
Public Assistance Division  
Field Support Branch  
FEMA | HQ  
202-212-2524 | [lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)  
[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

---

**From:** Meindl, Max  
**Sent:** Thursday, October 4, 2018 2:16 PM  
**To:** Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation Request

I have to meet with a cardiologist to obtain requested paperwork.

The VA does not seem to be interested in putting anything in writing so I am having to see a provider outside the VA system.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Merritt, Lisa  
**Sent:** Thursday, October 4, 2018 1:12 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: Reasonable Accommodation Request

Hello Max,

I reached out last week and left another voicemail. Do you have any questions about the RA process? Anything we need to go over together?

Thank you,

Lisa Merritt | Asst. Reservist Program Manager  
Public Assistance Division  
Field Support Branch  
FEMA | HQ  
202-212-2524 | [lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)  
[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

---

**From:** Merritt, Lisa  
**Sent:** Wednesday, September 26, 2018 1:29 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: Reasonable Accommodation Request

Hello Max,

I wanted to follow up on your reasonable accommodation. Please give me a call, so I can answer any questions you may have.

Thank you,

Lisa Merritt | Asst. Reservist Program Manager  
Public Assistance Division  
Field Support Branch  
FEMA | HQ  
202-212-2524 | [lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)  
[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

---

**From:** Merritt, Lisa  
**Sent:** Monday, September 17, 2018 3:11 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Reasonable Accommodation Request  
**Importance:** High

Hello Max,

I have received your 256 Reasonable Accommodation Request Form. In addition, we will need supporting documentation from your health care provider (on letterhead) to provide to Office of Equal Rights. Below is the information that should be included in the letter for a reasonable accommodation request:

- The nature, severity, or duration of your impairment/disability
- The extent to which the impairment/disability limits your ability to perform your job
- Why you require the particular Reasonable Accommodation (what tools do you need to do your job i.e. chair, vehicle upgrade / please be very specific)
- How the accommodation you requested will assist you in performing the essential functions of the job

Please give me a call, so we can discuss.

Thank you,

**Cadre Management Team**

Public Assistance Division

Field Support Branch

FEMA/HQ

Reservists Line: 202-212-1028

[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, October 24, 2018 10:57 AM  
**To:** Brathwaite, Winston  
**Subject:** RE: RA Request  
**Attachments:** 2018\_10\_24\_10\_52\_27.pdf; RA information.pdf

Winston,  
Appreciate your correspondence and assistance.  
Documents attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

The reasonable accommodation (RA) request process is a confidential one that must not be shared with anyone that does not have a need to know. Besides the supervisor of record (SOR) no other individual should be included or copied in the process, to preserve confidentiality. The RA process starts with the request of the employee for a reasonable accommodation (RA). The request can be done in any way, verbally, email, letter, etc. The SOR should request that the employee fill out a 256-0-1 form (Request for Reasonable Accommodation), attached, indicating what they are requesting as an accommodation, the reason for the request and if the request is time sensitive. The employee must sign and date the request. When an individual requests an RA, there should be an interactive process (meeting) between the SOR and the employee to better understand the employee's request and needs. If the disability is not obvious (visible), the SOR requests the employee to provide medical documentation to support the specific need for the RA requested. Sufficient medical information provides the following information:

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- How the impairment of the major life activity or activities affects the performance of the essential functions of the individual's position
- Limitations that the disability imposes on the individual as related to the performance of the essential functions of the individual's position
- How the RA requested will assist the employee in the performance of the essential functions of the position

In FEMA, the supervisor of record (SOR) is the individual that makes the decision of approving, denying or granting an alternate RA, after having an interactive discussion with the employee. OER staff can participate as facilitators, or neutral parties in the interactive discussion, if needed. The RA Analysts in the Office of Equal Rights (OER) RA Unit assist/facilitate the process. As the RA Analyst for this case, I will provide advice regarding the law, the policy and procedure and can provide assistance with the language of the response to the RA, if needed. If you need further assistance, or have any questions, please let me know.

Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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**Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, October 24, 2018 11:13 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** RE: RA Request  
**Attachments:** blank FEMA Form 256-0-1.pdf

Thank you, Mr. Meindl:

Did you fill out the 256 Form as well? I don't see one for you on file. I have attached it to this email for your convenience. Also, for future reference, due to the confidential nature of the RA process, when sending medical documents, please password protect them. Once I receive the completed 256 Form, I will begin processing your request. Have a great day.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Wednesday, October 24, 2018 11:57 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: RA Request

Winston,  
Appreciate your correspondence and assistance.  
Documents attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned

to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 8:43 AM  
**To:** Brathwaite, Winston  
**Subject:** RE: RA Request  
**Attachments:** Dr. Gay.pdf

It is included as page 2 and 3 of behind the doctors letter (2018-10-24-10-52-27 file), I've included it again for you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thank you, Mr. Meindl:

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Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Wednesday, October 24, 2018 11:57 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: RA Request

Winston,  
Appreciate your correspondence and assistance.  
Documents attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division



# FEMA

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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

Greetings, Mr. Meindl:

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Respectfully,

*Winston D. Brathwaite, J.D.*

---

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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 8:44 AM  
**To:** Brathwaite, Winston  
**Subject:** RE: RA Request  
**Attachments:** Reasonable Accommodation-FEMA Form 256-0-1-08232018-10252018.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Sent:** Wednesday, October 24, 2018 11:13 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thank you, Mr. Meindl:

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Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Wednesday, October 24, 2018 11:57 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: RA Request

Winston,  
Appreciate your correspondence and assistance.  
Documents attached.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division



# FEMA

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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

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Respectfully,

*Winston D. Brathwaite, J.D.*

---

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---

**Meindl, Max**

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 8:45 AM  
**To:** Brathwaite, Winston  
**Subject:** FW: RA Request  
**Attachments:** RA INFORMATION SHEET-Vista-Meindl.doc; RA information.pdf; Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf

I sent this email to you on the 15<sup>th</sup>.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:02 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>

**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max

**Sent:** Monday, October 15, 2018 2:16 PM

**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>

**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max*

*Sent: Thursday, August 23, 2018 1:08 PM*

*To: Terry, Detra <detra.terry@fema.dhs.gov>*

*Subject: RA*

*See attached*

*Max J Meindl, PMP*

*Program Delivery Manager | Houston TRO*

*DHS | FEMA-Recovery Directorate*

*Public Assistance Division*

*FEMA/HQ*

*202-374-9426*

*max.meindl@fema.dhs.gov*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Brathwaite, Winston

**Sent:** Monday, October 15, 2018 1:06 PM

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

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>

**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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---

**Meindl, Max**

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 9:28 AM  
**To:** Brathwaite, Winston  
**Subject:** RE: RA Request

Winston,  
Forgot to thank you for your efforts.  
Have a wonderful day....

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Brathwaite, Winston  
**Sent:** Wednesday, October 24, 2018 11:13 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: RA Request

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Respectfully,  
Winston

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**From:** Meindl, Max  
**Sent:** Wednesday, October 24, 2018 11:57 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO



# FEMA

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**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

Greetings, Mr. Meindl:

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**Meindl, Max**

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**From:** Brathwaite, Winston  
**Sent:** Thursday, October 25, 2018 9:33 AM  
**To:** Meindl, Max  
**Subject:** RE: RA Request

Thank you Max. Have these been sent to your SOR, Ms. Detra Terry?

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 10:28 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: RA Request

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FEMA

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Winston

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**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Subject:** RE: RA Request

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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 10:35 AM  
**To:** Brathwaite, Winston  
**Subject:** RE: RA Request

At this time, just to you Winston.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Sent:** Thursday, October 25, 2018 9:33 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thank you Max. Have these been sent to your SOR, Ms. Detra Terry?

Best,  
Winston

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**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 10:28 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
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DHS | FEMA-Recovery Directorate  
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**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** RE: RA Request

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Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 4:39 PM  
**To:** TERRY, DETRA S.  
**Subject:** FW: RA Request  
**Attachments:** Reasonable Accommodation-FEMA Form 256-0-1-08232018-10252018.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 8:43 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: RA Request

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**Subject:** RE: RA Request

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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**From:** Meindl, Max  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Brathwaite, Winston; Merritt, Lisa; Henri, Foudiya; Goudy, Douglas  
**Cc:** FEMA-Reasonable-Accommodation; Asaro, Karen; TERRY, DETRA S.; femamax@gmail.com  
**Subject:** RE: RA Request

Winston,

I was just advised by my TFL (Detra Terry) that you were going to be closing my RA request and that I could open a new case. That is not acceptable to me.

I filed my initial RA on AUGUST 23<sup>rd</sup> 2018 and here we are on November 7<sup>th</sup>, 2018 with no resolution nor response. I find that a tad unacceptable and would like to inquire as to why my request cannot be handled in a timely manner, approved or denied.

**According to policy:**

FEMA Manual 1430.1 Chg.1 December 3, 2002

4-4

Chapter 5

Time Frames

*5-1. Processing Requests. FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:*

*a. Requests from applicants for employment should be expedited when necessary to ensure the applicant's ability to compete for the position. However, these requests should not exceed ten (10) business days.*

*b. If a request from an employee is processed by the supervisor, the request should be processed, and the accommodation, if granted, provided within 15 business days from the date of receipt of the request. Requests for accommodation should be expedited when the accommodation is needed to enable the employee to participate in an Agency activity scheduled to occur in the near future.*

*(1) If the decision maker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decision maker will request the information as soon as possible after his or her receipt of the request for accommodation. FEMA recognizes that the need for documentation may not become apparent until after the interactive process has begun.*

*(2) In cases where medical documentation is needed, the accommodation, if granted, will be provided within ten (10) business days for an applicant, and within 15 business days for an employee, from the date the decision maker receives the relevant information, absent any extenuating circumstances.*

*c. Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided within 15 business days from the date of the request. If medical documentation is necessary, the decision will be made within 15 business days of receipt of the medical information, absent any extenuating circumstances.*

All requested appropriate documentation has been provided as requested including my doctors statement.

Please advise soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 6:47 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** FW: RA Request

Greetings, Mr. Meindl:

Please see the email string below. Supervisors of Record have 30 days within which to render a decision on a reasonable accommodation request. As you mentioned in your email to me, your request was submitted in August. It is now going on almost 120 days with no decision rendered. We cannot allow this case to languish any further. If the SOR is prepared to render a decision the case can be processed and closed. If not, the case will be closed until the SOR is prepared to render a decision. I hope this helps.

Respectfully,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, November 7, 2018 12:10 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** FW: RA Request

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, November 7, 2018 12:06 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Subject:** RE: RA Request

Greetings, Ms. Terry. I have not heard anything back. I will therefore close this case. If you are the employee want to proceed, a new case can be opened. Thank you.

Respectfully,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, October 31, 2018 11:03 AM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** RE: RA Request

Greetings, Ms. Terry:

Following up on the below e-mail. Please let me know the status. Thank you.

Regards,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, October 25, 2018 2:44 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** FW: RA Request

Greetings, Ms. Terry:

Here are the RA documents you will need to review in order to make the determination to grant or deny Mr. Max Meindl's reasonable accommodation request. As the SOR, you are the deciding official. Page 2 of the 256 form should be completed by you. Please indicate in box #2 if the request is approved or denied. In box #16, please provide an explanation of what is being granted, why it is being granted, and for what period of time. If you have any questions, please let me know.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 9:45 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** FW: RA Request

I sent this email to you on the 15<sup>th</sup>.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:02 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max  
Sent: Thursday, August 23, 2018 1:08 PM  
To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)*

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## **Meindl, Max**

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**From:** Merritt, Lisa  
**Sent:** Thursday, November 8, 2018 6:51 AM  
**To:** Meindl, Max; Brathwaite, Winston; Henri, Foudiya  
**Subject:** RE: RA Request

Good morning Max,

I spoke with you several weeks ago and discussed that we received your RA Request Form, but no healthcare documentation. At that time, you said you would need to meet with a cardiologist to obtain requested paperwork. We are more than happy to assist you with the process. Will you be able to provide documentation shortly? Would you like to have another discussion as to what is required in the physician's note? I believe you are requesting a reasonable accommodation to telework. Have you spoke with field leadership and Equal Rights to see if they can accommodate this request and work from an alternative location?

Thank you,

Lisa Merritt | Asst. Reservist Program Manager  
Public Assistance Division  
Field Support Branch  
FEMA | HQ  
202-212-2524 | [lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)  
[FEMA-PA-Reservist-Program@fema.dhs.gov](mailto:FEMA-PA-Reservist-Program@fema.dhs.gov)

---

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**Sent:** Wednesday, November 7, 2018 5:10 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Asaro, Karen <[Karen.Asaro@fema.dhs.gov](mailto:Karen.Asaro@fema.dhs.gov)>; Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>; femamax@gmail.com  
**Subject:** RE: RA Request

Winston,  
I was just advised by my TFL (Detra Terry) that you were going to be closing my RA request and that I could open a new case. That is not acceptable to me.  
I filed my initial RA on AUGUST 23<sup>rd</sup> 2018 and here we are on November 7<sup>th</sup>, 2018 with no resolution nor response. I find that a tad unacceptable and would like to inquire as to why my request cannot be handled in a timely manner, approved or denied.

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**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
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## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 6:54 AM  
**To:** Merritt, Lisa  
**Cc:** Meindl, Max; Terry, Detra; Henri, Foudiya  
**Subject:** FW: RA Request

FYSA

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 7:47 AM  
**To:** Meindl, Max <max.meindl@dhs.gov>  
**Cc:** Terry, Detra <detra.terry@dhs.gov>  
**Subject:** FW: RA Request

Greetings, Mr. Meindl:

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Winston

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**Sent:** Wednesday, November 7, 2018 12:10 PM  
**To:** Terry, Detra <detra.terry@dhs.gov>  
**Subject:** FW: RA Request

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**Sent:** Wednesday, November 7, 2018 12:06 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@dhs.gov>  
**Subject:** RE: RA Request

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Respectfully,  
Winston

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**From:** Brathwaite, Winston  
**Sent:** Wednesday, October 31, 2018 11:03 AM  
**To:** Terry, Detra <detra.terry@dhs.gov>  
**Subject:** RE: RA Request

Greetings, Ms. Terry:

Following up on the below e-mail. Please let me know the status. Thank you.

Regards,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, October 25, 2018 2:44 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** FW: RA Request

Greetings, Ms. Terry:

Here are the RA documents you will need to review in order to make the determination to grant or deny Mr. Max Meindl's reasonable accommodation request. As the SOR, you are the deciding official. Page 2 of the 256 form should be completed by you. Please indicate in box #2 if the request is approved or denied. In box #16, please provide an explanation of what is being granted, why it is being granted, and for what period of time. If you have any questions, please let me know.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 9:45 AM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Subject:** FW: RA Request

I sent this email to you on the 15<sup>th</sup>.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:02 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RE: RA Request

FYI

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ



# FEMA

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---

**From:** Brathwaite, Winston

**Sent:** Monday, October 15, 2018 1:18 PM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>

**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,

Winston

---

**From:** Meindl, Max

**Sent:** Monday, October 15, 2018 2:16 PM

**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>

**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max*

*Sent: Thursday, August 23, 2018 1:08 PM*

*To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>*

*Subject: RA*

*See attached*

*Max J Meindl, PMP*

*Program Delivery Manager | Houston TRO*

*DHS | FEMA-Recovery Directorate*

*Public Assistance Division*

*FEMA/HQ*

*202-374-9426*

*[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

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---

**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>  
**Subject:** RA Request

Greetings, Mr. Meindl:

My name is Winston Brathwaite. I am a Reasonable Accommodation Analyst in the Office of Equal Rights. It has come to my attention that you may have recently applied for a reasonable accommodation. If that is the case, I will be the analyst assigned to your case. I have attached to this email for your convenience the RA information sheet, and a blank FEMA 256 Form. Once I have received these 2 completed forms, I will begin to expeditiously process your request.

The reasonable accommodation (RA) request process is a confidential one that must not be shared with anyone that does not have a need to know. Besides the supervisor of record (SOR) no other individual should be included or copied in the process, to preserve confidentiality. The RA process starts with the request of the employee for a reasonable accommodation (RA). The request can be done in any way, verbally, email, letter, etc. The SOR should request that the employee fill out a 256-0-1 form (Request for Reasonable Accommodation), attached, indicating what they are requesting as an accommodation, the reason for the request and if the request is time sensitive. The employee must sign and date the request. When an individual requests an RA, there should be an interactive process (meeting) between the SOR and the employee to better understand the employee's request and needs. If the disability is not obvious (visible), the SOR requests the employee to provide medical documentation to support the specific need for the RA requested. Sufficient medical information provides the following information:

- Nature, severity and duration of the disability
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- How the impairment of the major life activity or activities affects the performance of the essential functions of the individual's position
- Limitations that the disability imposes on the individual as related to the performance of the essential functions of the individual's position
- How the RA requested will assist the employee in the performance of the essential functions of the position

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, November 8, 2018 7:26 AM  
**To:** Brathwaite, Winston; Merritt, Lisa  
**Cc:** Terry, Detra; Henri, Foudiya  
**Subject:** Re: RA Request

Doctors Information was provided to Winston several weeks ago

Get [Outlook for iOS](#)

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 6:53:54 AM  
**To:** Merritt, Lisa  
**Cc:** Meindl, Max; Terry, Detra; Henri, Foudiya  
**Subject:** FW: RA Request

FYSA

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 7:47 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** FW: RA Request

Greetings, Mr. Meindl:

Please see the email string below. Supervisors of Record have 30 days within which to render a decision on a reasonable accommodation request. As you mentioned in your email to me, your request was submitted in August. It is now going on almost 120 days with no decision rendered. We cannot allow this case to languish any further. If the SOR is prepared to render a decision the case can be processed and closed. If not, the case will be closed until the SOR is prepared to render a decision. I hope this helps.

Respectfully,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, November 7, 2018 12:10 PM  
**To:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** FW: RA Request

**From:** Brathwaite, Winston  
**Sent:** Wednesday, November 7, 2018 12:06 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>  
**Subject:** RE: RA Request

Greetings, Ms. Terry. I have not heard anything back. I will therefore close this case. If you are the employee want to proceed, a new case can be opened. Thank you.

Respectfully,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, October 31, 2018 11:03 AM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: RA Request

Greetings, Ms. Terry:

Following up on the below e-mail. Please let me know the status. Thank you.

Regards,  
Winston

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, October 25, 2018 2:44 PM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** FW: RA Request

Greetings, Ms. Terry:

Here are the RA documents you will need to review in order to make the determination to grant or deny Mr. Max Meindl's reasonable accommodation request. As the SOR, you are the deciding official. Page 2 of the 256 form should be completed by you. Please indicate in box #2 if the request is approved or denied. In box #16, please provide an explanation of what is being granted, why it is being granted, and for what period of time. If you have any questions, please let me know.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, October 25, 2018 9:45 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** FW: RA Request

I sent this email to you on the 15<sup>th</sup>.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:02 PM

**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

FYI

Max J Meindl, PMP  
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DHS | FEMA-Recovery Directorate  
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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:18 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RE: RA Request

Previously sent to my supervisor as follows:

*From: Meindl, Max  
Sent: Thursday, August 23, 2018 1:08 PM  
To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)*

Max J Meindl, PMP



# FEMA

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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

Greetings, Mr. Meindl:

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 7:31 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra; Merritt, Lisa; Henri, Foudiya  
**Subject:** FW: RA Request  
**Attachments:** RA INFORMATION SHEET-Vista-Meindl.doc; RA information.pdf; Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf; Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf

FYSA. Documentation was forwarded to the SOR. Did the employee provide the medical documentation requested by the SOR/cadre to his SOR?

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, October 25, 2018 2:44 PM  
**To:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** FW: RA Request

Greetings, Ms. Terry:

Here are the RA documents you will need to review in order to make the determination to grant or deny Mr. Max Meindl's reasonable accommodation request. As the SOR, you are the deciding official. Page 2 of the 256 form should be completed by you. Please indicate in box #2 if the request is approved or denied. In box #16, please provide an explanation of what is being granted, why it is being granted, and for what period of time. If you have any questions, please let me know.

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Winston

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**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** FW: RA Request

I sent this email to you on the 15<sup>th</sup>.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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**Subject:** RE: RA Request

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**Subject:** RE: RA Request

Thanks for your response, Mr. Meindl. I will follow up with your supervisor.

Best,  
Winston

---

**From:** Meindl, Max  
**Sent:** Monday, October 15, 2018 2:16 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
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To: Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
Subject: RA  
See attached  
Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO



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**From:** Brathwaite, Winston  
**Sent:** Monday, October 15, 2018 1:06 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>  
**Subject:** RA Request

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

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**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 8:53 AM  
**To:** McAllister, Jamie  
**Cc:** Meindl, Max  
**Subject:** RA Request  
**Attachments:** Dr. Gay (002).pdf; RA INFORMATION SHEET-Vista-Meindl (005).pdf; Reasonable Accommodation-FEMA Form 256-0-1-08232018 (005).pdf; blank FEMA Form 256-0-1.pdf

Greetings, Ms. McAllister:

It was a pleasure to talk to you on the phone. Per our conversation, Mr. Max Meindl has filed a request for a reasonable accommodation. I am the Reasonable Accommodation Analyst assigned to the case and will be working with you on the request. If you are not familiar with the process, the reasonable accommodation (RA) request process is a confidential one that must not be shared with anyone that does not have a need to know. Besides the supervisor of record (SOR), no other individual should be included or copied in the process, to preserve confidentiality. The RA process starts with the request of the employee for a reasonable accommodation (RA), attached. The request can be done in any way, verbally, email, letter, etc. The SOR should request that the employee fill out a 256-0-1 form (Request for Reasonable Accommodation), attached, indicating what they are requesting as an accommodation, the reason for the request and if the request is time sensitive. The employee must sign and date the request. When an individual requests an RA, there should be an interactive process (meeting) between the SOR and the employee to better understand the employee's request and needs. If the disability is not obvious (visible), or the SOR is not familiar with the employee's circumstances, the SOR requests the employee to provide medical documentation to support the need for the RA requested. Sufficient medical information provides the following information:

- Nature, severity and duration of the disability
- What major life activity or activities the disability impairs
- How the impairment of the major life activity or activities affects the performance of the essential functions of the individual's position
- Limitations that the disability imposes on the individual as related to the performance of the essential functions of the individual's position
- How the RA requested will assist the employee in the performance of the essential functions of the position

Since the medical provider may not be familiar with the essential functions of the employee's position, here is some guidance to be applied in making the decision, regarding how essential functions are determined, as outlined in FEMA's RA policy:

Essential functions are "those job duties so fundamental to the position that the individual holds or desires that he/she cannot do the job without performing them. A function can be "essential" if, among other things, the position exists specifically to perform that function; there are a limited number of other employees who could perform the function; and/or the function is highly specialized and the individual is hired based on his/her expertise or ability to perform it. Determination of the essential functions of a position must be done on a case-by-case basis so that it reflects the job as actually performed, and not simply the components of a generic position description."

In FEMA, the supervisor of record (SOR) is the individual that makes the decision of approving, denying or granting an alternate RA, after having an interactive discussion with the employee. OER staff can participate as facilitators, or neutral parties in the interactive discussion, if needed. OER's role is to assist managers with the timely processing of reasonable accommodation requests consistent with all relevant statutes, regulations, EEOC, case law and the FEMA RA Policy. A supervisor has 30 days to make a decision on the employee's request. As the RA Analyst assigned to this case, I will provide advice to you regarding the law, the policy and procedure and can provide assistance with the language of the response to the RA, if needed. I have also attached Mr. Meindl's RA information sheet for you. Please also note that page 2 of the 256 Form must be filled out by you, with block 2 indicating whether the request is granted, and block 16 providing an explanation for what is being granted, and for what period of time. I have attached a blank 256 Form so that you can complete and return page 2 of it to me. I have also attached the medical documentation provided by Mr. Meindl's health care provider. Because it includes pii, I have password protected it. The password will be sent to you in a separate email. If you have any questions, or need any assistance, please let me know. I look forward to working with you.

Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## Meindl, Max

---

**From:** Meindl, Max  
**Sent:** Thursday, November 8, 2018 1:36 PM  
**To:** femamax@gmail.com  
**Subject:** FW: RA Request  
**Attachments:** Dr. Gay (002).pdf; RA INFORMATION SHEET-Vista-Meindl (005).pdf; Reasonable Accommodation-FEMA Form 256-0-1-08232018 (005).pdf; blank FEMA Form 256-0-1.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Brathwaite, Winston  
**Sent:** Thursday, November 8, 2018 8:53 AM  
**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>  
**Cc:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RA Request

Greetings, Ms. McAllister:

It was a pleasure to talk to you on the phone. Per our conversation, Mr. Max Meindl has filed a request for a reasonable accommodation. I am the Reasonable Accommodation Analyst assigned to the case and will be working with you on the request. If you are not familiar with the process, the reasonable accommodation (RA) request process is a confidential one that must not be shared with anyone that does not have a need to know. Besides the supervisor of record (SOR), no other individual should be included or copied in the process, to preserve confidentiality. The RA process starts with the request of the employee for a reasonable accommodation (RA), attached. The request can be done in any way, verbally, email, letter, etc. The SOR should request that the employee fill out a 256-0-1 form (Request for Reasonable Accommodation), attached, indicating what they are requesting as an accommodation, the reason for the request and if the request is time sensitive. The employee must sign and date the request. When an individual requests an RA, there should be an interactive process (meeting) between the SOR and the employee to better understand the employee's request and needs. If the disability is not obvious (visible), or the SOR is not familiar with the employee's circumstances, the SOR requests the employee to provide medical documentation to support the need for the RA requested. Sufficient medical information provides the following information:

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- What major life activity or activities the disability impairs
- How the impairment of the major life activity or activities affects the performance of the essential functions of the individual's position
- Limitations that the disability imposes on the individual as related to the performance of the essential functions of the individual's position

- How the RA requested will assist the employee in the performance of the essential functions of the position

Since the medical provider may not be familiar with the essential functions of the employee's position, here is some guidance to be applied in making the decision, regarding how essential functions are determined, as outlined in FEMA's RA policy:

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Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | Winston.D.Brathwaite@fema.dhs.gov

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## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, November 14, 2018 2:21 PM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** 256 Form  
**Attachments:** RA INFORMATION SHEET-empl.doc; blank FEMA Form 256-0-1.pdf

Greetings, Mr. Meindl:

I just spoke to your Supervisor of Record, Ms. Detra Terry, who is included in this email, regarding your recent reasonable accommodation request. Now that it appears all the documents are ready, this should hopefully not take very long to process. I have attached a blank 256 Form to this email for you to fill out at your convenience, as well as an RA information sheet. Once completed, these and the other supporting documentation for your request can be submitted via email to the [FEMA-Reasonable-Accommodation@fema.dhs.gov](mailto:FEMA-Reasonable-Accommodation@fema.dhs.gov) inbox for re-assignment. Thank you very much.

Respectfully,

*Winston D. Brathwaite, J.D.*

Affirmative Employment Specialist | AEP/RA| DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Efax: | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov)

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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, November 15, 2018 9:22 AM  
**To:** Brathwaite, Winston  
**Cc:** Terry, Detra  
**Subject:** RE: 256 Form

Winston,  
I've already submitted all of these documents and my supervisor of record, per our discussion last week (11/08/2018 @ 08:21 HRS for 2 minutes), is:

*Jamie McAllister  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
jamie.mcallister@fema.dhs.gov*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Brathwaite, Winston  
**Sent:** Wednesday, November 14, 2018 2:21 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** 256 Form

Greetings, Mr. Meindl:

I just spoke to your Supervisor of Record, Ms. Detra Terry, who is included in this email, regarding your recent reasonable accommodation request. Now that it appears all the documents are ready, this should hopefully not take very long to process. I have attached a blank 256 Form to this email for you to fill out at your convenience, as well as an RA information sheet. Once completed, these and the other supporting documentation for your request can be submitted via email to the [FEMA-Reasonable-Accommodation@fema.dhs.gov](mailto:FEMA-Reasonable-Accommodation@fema.dhs.gov) inbox for re-assignment. Thank you very much.

Respectfully,

*Winston D. Brathwaite, J.D.*

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## **Meindl, Max**

---

**From:** femamax@gmail.com  
**Sent:** Wednesday, December 12, 2018 3:50 PM  
**To:** Meindl, Max  
**Subject:** ra

December 12th, 2018

On or about August 13th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing. As of this date, I've received no answer, up or down, concerning my request. Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request. When considering that over four (4) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with. I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy. I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy. Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018? All requested and required information has been provided per policy and if you have any questions, please feel free to contact me. As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

**Meindl, Max**

---

**From:** Fernandez, Luz  
**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Meindl, Max  
**Subject:** Automatic reply: Reasonable Accommodation (RA) request

Greetings -

I'm out of the office on extended leave. I will have limited access to my phone and e-mails. For urgent matters, call the Office of Equal Rights Reasonable Accommodation Unit at 202-212-3535 Option 2.

Please forward all requests for reasonable accommodations directly to FEMA Reasonable Accommodation mailbox:  
**FEMA-Reasonable-Accommodation@fema.dhs.gov.**

For ASL Reasonable Accommodations support, email: **FEMA-Reasonable- Accommodation@fema.dhs.gov**, copy  
**Carol Curtis**: **Carol.Curtis@fema.dhs.gov** and **Gavin Junkins** at **gavin.n.junkins@fema.dhs.gov**.

Thank you -

Luz A. Fernandez

**Meindl, Max**

---

**From:** Henri, Foudiya  
**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Meindl, Max  
**Subject:** Automatic reply: Reasonable Accommodation (RA) request

I am out on use or lose leave from DEC. 10 - JAN. 5.

For a NEW RA Request please forward directly to FEMA-Reasonable-Accommodation@fema.dhs.gov for a RA Team member to assist.

For follow up to an existing request my back up while I am away is Mr. Winston.

Brathwaite@fema.dhs.gov. For follow up please contact Mr. Brathwaite directly and copy me. You do not need to copy the FEMA RA mailbox.

Thank you  
Foudiya Henri  
DHS-FEMA  
Office of Equal Rights  
202-212-4490 Desk  
202-394-4633 Cell

## **Meindl, Max**

**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 6:38 AM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

Mr. Meindl,

I was under the impression your SOR was granted. Please contact your SOR for clarification.

---

**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 5:09 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018

On or about August 23th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.

As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly four (4) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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## **Meindl, Max**

---

**From:** FEMA-Reasonable-Accommodation  
**Sent:** Thursday, December 13, 2018 7:35 AM  
**To:** Meindl, Max; Brathwaite, Winston  
**Cc:** FEMA-Reasonable-Accommodation  
**Subject:** RE: Reasonable Accommodation (RA) request

Good morning –

To whom did you submit your request? The supervisor of record is the decision maker on all RA request. OER's role is to provide technical guidance to managers and employees to ensure that RA requests are processed in accordance with FEMA's RA policy and the law.

I note that Winston in our office is the case manager assigned to this request. We will follow-up with you and your supervisor to determine the status of your request. As RAs are confidential, I have replied and omitted the other recipients included on the email below.

### **Donna M. Peterkin**

Deputy Director  
Office of Equal Rights (OER)



FEMA

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---

**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 5:09 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018

On or about August 23th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.  
As of this date, I've received no answer, up or down, concerning my request.

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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 9:31 AM  
**To:** TERRY, DETRA S.  
**Subject:** FW: Reasonable Accommodation (RA) request

Detra,  
Please see below and contact Jamie for me, please.  
According to Winston, it was granted.  
I'm at a loss to understand.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Sent:** Thursday, December 13, 2018 6:38 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

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I was under the impression your SOR was granted. Please contact your SOR for clarification.

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**Sent:** Wednesday, December 12, 2018 5:09 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouadiya <[Fouadiya.Henri@fema.dhs.gov](mailto:Fouadiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
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**Meindl, Max**

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**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 9:35 AM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

From what I understand, yes. However, if you have not been informed, I will reach back and see what happened. It may be that you simply were not informed of your approval by your SOR. Let me check and see.

Respectfully,  
Winston

---

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**Sent:** Thursday, December 13, 2018 10:32 AM  
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**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
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**Meindl, Max**

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Ok. Let me see if I can figure out what is going on. Bear with me. I will get back to you as soon as I can.

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**Sent:** Thursday, December 13, 2018 9:35 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

From what I understand, yes. However, if you have not been informed, I will reach back and see what happened. It may be that you simply were not informed of your approval by your SOR. Let me check and see.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 10:32 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

I don't understand Winston.  
Was the RA granted or the Supervisor of Record (SOR) identified?  
Appreciate all you've done Winston.  
Thank you very much.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Fouidiya <Fouidiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

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202-374-9426



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**Meindl, Max**

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**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouidiya <[Fouidiya.Henri@fema.dhs.gov](mailto:Fouidiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
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**Meindl, Max**

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**From:** Meindl, Max  
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**To:** Brathwaite, Winston  
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Thank you Winston, you're a gentleman and scholar in my book.

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DHS | FEMA-Recovery Directorate  
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<Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 10:05 AM  
**To:** TERRY, DETRA S.  
**Subject:** FW: Reasonable Accommodation (RA) request

Please see below, from Winston.

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FEMA

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**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

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## **Meindl, Max**

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**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoles.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

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Program Delivery Manager | Houston TRO

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**Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 11:51 AM  
**To:** Brathwaite, Winston  
**Subject:** RE: Reasonable Accommodation (RA) request

Winston,  
Any update or is everything still unclear?

Regards,

Max J Meindl, PMP  
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FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 12:16 PM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

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**Subject:** RE: Reasonable Accommodation (RA) request

Winston,  
Any update or is everything still unclear?

Regards,

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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FEMA/HQ  
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[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Subject:** RE: Reasonable Accommodation (RA) request

Thank you Winston, you're a gentleman and scholar in my book.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate

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Ok. The point of the RA is to assist you in doing your job. So, I apologize if you were not informed, or it was not put in place for you. I am sure there is a simple solution to this. Something may have just fallen through the cracks. As soon as I hear something, I will reach out to you and let you know.

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10-4 Winston, thank you.  
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Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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**Subject:** RE: Reasonable Accommodation (RA) request

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**Subject:** RE: Reasonable Accommodation (RA) request

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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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Mr. Meindl,

I was under the impression your SOR was granted. Please contact your SOR for clarification.

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**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouadiya <[Fouadiya.Henri@fema.dhs.gov](mailto:Fouadiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018  
On or about August 23th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.  
As of this date, I've received no answer, up or down, concerning my request.  
Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly four (4) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 3:32 PM  
**To:** Brathwaite, Winston  
**Subject:** RE: Reasonable Accommodation (RA) request

10-4, thanks.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
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**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

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**Meindl, Max**

**From:** Brathwaite, Winston  
**Sent:** Friday, December 14, 2018 9:36 AM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

Good morning Mr. Meindl:

Just wanted to follow up with you and let you know that I reached out to your SOR, Jamie McAllister this morning and left a voicemail. To the best of my knowledge Jamie is currently working on your RA.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 4:32 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

10-4, thanks.

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**Sent:** Thursday, December 13, 2018 9:42 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Ok. The point of the RA is to assist you in doing your job. So, I apologize if you were not informed, or it was not put in place for you. I am sure there is a simple solution to this. Something may have just fallen through the cracks. As soon as I hear something, I will reach out to you and let you know.

-W

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 10:39 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

10-4 Winston, thank you.

The specific RA would have assisted in my situation for the past few days if it is actually in place.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 9:36 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Ok. Let me see if I can figure out what is going on. Bear with me. I will get back to you as soon as I can.

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**Subject:** RE: Reasonable Accommodation (RA) request

I noticed that Ms. McAllister did approve an annual leave request yesterday but that is all I see anywhere.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
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# FEMA

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**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 6:38 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: Reasonable Accommodation (RA) request

Mr. Meindl,

I was under the impression your SOR was granted. Please contact your SOR for clarification.

---

**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 5:09 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Fouidiya <Fouidiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018

On or about August 23th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.  
As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly four (4) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426



# FEMA

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---

**Meindl, Max**

**From:** Meindl, Max  
**Sent:** Friday, December 14, 2018 1:17 PM  
**To:** Brathwaite, Winston  
**Subject:** RE: Reasonable Accommodation (RA) request

10-4 Winston, appreciate the update.  
A box checked yes would pretty quick to do so  
I'm guessing a reason to deny would take a bit longer.  
All conjecture I admit, but no other way to look at it, in my opinion,

Have a great day!

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Brathwaite, Winston  
**Sent:** Friday, December 14, 2018 9:36 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Good morning Mr. Meindl:

Just wanted to follow up with you and let you know that I reached out to your SOR, Jamie McAllister this morning and left a voicemail. To the best of my knowledge Jamie is currently working on your RA.

Respectfully,  
Winston

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 4:32 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

10-4, thanks.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division

FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 12:16 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

It looks like your SOR is in the process of reviewing the documentation again to make a final decision.

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 12:51 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Winston,  
Any update or is everything still unclear?

Regards,

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
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**From:** Brathwaite, Winston  
**Sent:** Thursday, December 13, 2018 10:04 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Thanks Max. If I knew you were unaware I would have acted sooner. I really thought you had been informed this was granted. Still working on it to see what happened.

---

**From:** Meindl, Max  
**Sent:** Thursday, December 13, 2018 10:45 AM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Thank you Winston, you're a gentleman and scholar in my book.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Subject:** RE: Reasonable Accommodation (RA) request

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**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian

<Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018

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All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** McAllister, Jamie  
**Sent:** Friday, December 14, 2018 2:02 PM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

Max,

I apologize for the delay.

I submitted the response and you should be receiving it shortly from Winston. Please do not hesitate to reach out to me to discuss once you get it.

### *Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

---

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**Sent:** Wednesday, December 12, 2018 4:09 PM

**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>

**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,

December 12th, 2018

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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**Meindl, Max**

**From:** Meindl, Max  
**Sent:** Friday, December 14, 2018 2:14 PM  
**To:** Brathwaite, Winston  
**Subject:** FW: Reasonable Accommodation (RA) request

Well Winston, I received the email below from Jamie and apparently she sent the information to you and not to me but I guessing that it was a denial or a qualified denial.

Looking forward to hearing from you soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** McAllister, Jamie  
**Sent:** Friday, December 14, 2018 2:02 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Max,

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I submitted the response and you should be receiving it shortly from Winston. Please do not hesitate to reach out to me to discuss once you get it.

*Jamie McAllister*  
Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

---

**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>

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All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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## Meindl, Max

**From:** Meindl, Max  
**Sent:** Friday, December 14, 2018 2:29 PM  
**To:** femamax@gmail.com  
**Subject:** RA  
**Attachments:** Reasonable Accommodation-FEMA Form 256-0-1-08232018.pdf; Request for Work Schedule FEMA Form 106-1-1-1 (002).pdf; RA INFORMATION SHEET-Vista-Meindl.doc; Dr. Gay.pdf; 123-9-0-1.pdf; 1430\_1.pdf; fema\_manual\_1430\_1\_reasonable\_accommodations.pdf; FM 123-9-1.pdf; MEDICAL TELEWORK REQUIREMENTS FORM.pdf; OPM telework agency2a-guide.pdf; TELEWORK REQUEST FOR 07242018-PLUS 4 HOURS SICK DAY.pdf; WH-382.pdf; WH-381.pdf; WH-380-E-1.pdf; wh-380-e.pdf; 123-9-0-1.pdf; TELEWORK REQUEST FOR 07242018-PLUS 4 HOURS SICK DAY.pdf; fema\_manual\_1430\_1\_reasonable\_accommodations.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, February 12, 2019 1:49 PM  
**To:** Brathwaite, Winston; Johnson, Jo Linda; Peterkin, Donna  
**Cc:** FEMA-Reasonable-Accommodation; Fernandez, Luz; Maddox Britt, Sandra; Oke, Nicole; Goudy, Douglas; Henri, Foudiya; Avery, Darlene  
**Subject:** RE: Reasonable Accommodation (RA) request

To whom it may concern,

Feb 12<sup>th</sup> 2019

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**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
**Subject:** Reasonable Accommodation (RA) request

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December 12th, 2018

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**Meindl, Max**

---

**From:** Peterkin, Donna  
**Sent:** Tuesday, February 12, 2019 1:50 PM  
**To:** Meindl, Max  
**Subject:** Automatic reply: Reasonable Accommodation (RA) request

Thank you for your email. I am out of the office on leave.

If you have an urgent Reasonable Accommodation matter, please contact Winston Braithwaite at [Winston.Braithwaite@fema.dhs.gov](mailto:Winston.Braithwaite@fema.dhs.gov).

Please see the following OER points of contact:

Reasonable Accommodation - [FEMA-Reasonable-Accommodation@fema.dhs.gov](mailto:FEMA-Reasonable-Accommodation@fema.dhs.gov)  
Anti-Harassment Unit - [FEMA.Harassment@fema.dhs.gov](mailto:FEMA.Harassment@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Oke, Nicole  
**Sent:** Tuesday, February 12, 2019 2:22 PM  
**To:** Meindl, Max; Brathwaite, Winston; Johnson, Jo Linda; Peterkin, Donna  
**Cc:** FEMA-Reasonable-Accommodation; Fernandez, Luz; Maddox Britt, Sandra; Goudy, Douglas; Henri, Foudiya; Avery, Darlene  
**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I will research the matter and circle back with a response and next steps.

Respectfully,

Nicole

Nicole Oke  
Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915  
Washington, DC 20472-3505  
Cell: 202.717.1595  
E-mail: nicole.oke@fema.dhs.gov



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---

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**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; Johnson, Jo Linda <[jolinda.johnson@fema.dhs.gov](mailto:jolinda.johnson@fema.dhs.gov)>; Peterkin, Donna <[donna.peterkin@fema.dhs.gov](mailto:donna.peterkin@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>  
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**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouidiya <[Fouidiya.Henri@fema.dhs.gov](mailto:Fouidiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
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## **Meindl, Max**

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**Sent:** Tuesday, February 12, 2019 2:43 PM  
**To:** Oke, Nicole; Meindl, Max; Johnson, Jo Linda; Peterkin, Donna  
**Cc:** FEMA-Reasonable-Accommodation; Fernandez, Luz; Maddox Britt, Sandra; Goudy, Douglas; Henri, Foudiya; Avery, Darlene  
**Subject:** RE: Reasonable Accommodation (RA) request

Hi Nicole. I was awaiting language from Mr. Meindl's cadre management to justify their denial of his request. I received that language and have been working on a draft response yesterday and today. I hope to have a draft completed by the end of this week.

Respectfully,  
Winston

---

**From:** Oke, Nicole  
**Sent:** Tuesday, February 12, 2019 3:22 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; Johnson, Jo Linda <[jlinda.johnson@fema.dhs.gov](mailto:jlinda.johnson@fema.dhs.gov)>; Peterkin, Donna <[donna.peterkin@fema.dhs.gov](mailto:donna.peterkin@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>  
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Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
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Washington, DC 20472-3505  
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**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>  
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**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>;

Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018

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As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

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I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA| DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102| Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov) , and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

**From:** Meindl, Max  
**Sent:** Wednesday, February 27, 2019 4:00 PM  
**To:** Oke, Nicole; Brathwaite, Winston; Johnson, Jo Linda; Peterkin, Donna  
**Cc:** FEMA-Reasonable-Accommodation; Fernandez, Luz; Maddox Britt, Sandra; Goudy, Douglas; Henri, Foudiya; Avery, Darlene; TERRY, DETRA S.; 'rick@guerradays.com'; Slie, Brian; McAllister, Jamie  
**Subject:** RE: Reasonable Accommodation (RA) request

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**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicolette.oke@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>  
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**Meindl, Max**

---

**From:** Johnson, Jo Linda  
**Sent:** Wednesday, February 27, 2019 4:01 PM  
**To:** Meindl, Max  
**Subject:** Automatic reply: Reasonable Accommodation (RA) request

Thank you for your email. I am TDY the week of February 25. I will return to the office March 4, 2019. I will check email periodically. Thank you for your patience with any delay in responding.

Jo Linda Johnson  
Director  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Goudy, Douglas  
**Sent:** Wednesday, February 27, 2019 4:01 PM  
**To:** Meindl, Max  
**Subject:** Automatic reply: Reasonable Accommodation (RA) request

I will be out of the office from February 22-March 1, 2019 attending training and have limited email access, if you require immediate assistance please contact Nicole Oke, Informal Unit Lead at ext. (202) 717-1595.

## **Meindl, Max**

---

**From:** Oke, Nicole  
**Sent:** Monday, March 4, 2019 5:57 AM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I apologize for the delay. You should have a response by close of business this week.

Respectfully,

Nicole

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DHS/Federal Emergency Management Agency  
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Washington, DC 20472-3505  
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**Sent:** Wednesday, March 6, 2019 1:45 PM  
**To:** Oke, Nicole  
**Cc:** femamax@gmail.com  
**Subject:** RE: Reasonable Accommodation (RA) request

Nicole,

Why is the RA process so ignored/abused by the process?

I've done everything required on my end yet the "institution" can't seem to take the request seriously nor process the request pursuant to DHS/FEMA policy.

This seems unjust, unfair and unreasonable to an individual requesting/requiring a timely response to a request.

Instead of a reasonable accommodation, so I can be allowed to do a couple of hours of telework before driving 60 miles to the office, I am required to take "leave without pay" on a regular basis resulting in a diminished paycheck.

All in all, it seems as if the default position of DHS/FEMA is to stall and/or decline any request, for whatever reason.

I would expect or request that the process, mine specifically, be looked in to, and to identify process disconnects and put eyes on a way to improve the process, especially the timeliness requirements or lack thereof

### **According to policy:**

FEMA Manual 1430.1 Chg.1 December 3, 2002

4-4

Chapter 5

Time Frames

5-1. Processing Requests. FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:

a. Requests from applicants for employment should be expedited when necessary to ensure the applicant's ability to compete for the position. However, these requests should not exceed ten (10) business days.

b. If a request from an employee is processed by the supervisor, the request should be processed, and the accommodation, if granted, provided within 15 business days from the date of receipt of the request. Requests for accommodation should be expedited when the accommodation is needed to enable the employee to participate in an Agency activity scheduled to occur in the near future.

(1) If the decision maker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decision maker will request the information as soon as possible after his or her receipt of the request for accommodation. FEMA recognizes that the need for documentation may not become apparent until after the interactive process has begun.

(2) In cases where medical documentation is needed, the accommodation, if granted, will be provided within ten (10) business days for an applicant, and within 15 business days for an employee, from the date the decision maker receives the relevant information, absent any extenuating circumstances.

c. Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided within 15 business days from the date of the request. If medical documentation is necessary, the decision will be made within 15 business days of receipt of the medical information, absent any extenuating circumstances.

We are going on 132 business days since AUGUST 23rd 2018 and 196 calendar days.

Unreasonable and unnecessary.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**From:** Oke, Nicole  
**Sent:** Monday, March 4, 2019 5:57 AM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I apologize for the delay. You should have a response by close of business this week.

Respectfully,

Nicole

Nicole Oke  
Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915  
Washington, DC 20472-3505  
Cell: 202.717.1595  
E-mail: nicole.oke@fema.dhs.gov



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**From:** Meindl, Max  
**Sent:** Wednesday, February 27, 2019 5:00 PM  
**To:** Oke, Nicole <nicole.oke@fema.dhs.gov>; Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; Johnson, Jo Linda <jolinda.johnson@fema.dhs.gov>; Peterkin, Donna <donna.peterkin@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Fouidiya <Fouidiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; rick@guerradays.com; Slie, Brian <Brian.Slie@fema.dhs.gov>; McAllister, Jamie

<jamie.mcallister@fema.dhs.gov>

**Subject:** RE: Reasonable Accommodation (RA) request

Nicole,

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I am at a loss trying to understand how FEMA/DHS policy can be so blatantly ignored/violated in such a casual manner by so many. My request was based on a serious heart condition requiring a bit of flexibility in my morning schedule to accommodate issues I face daily.

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*NOTE: Equal Rights Office policy requires the agency to provide requested Reasonable Accommodation within 10 days, barring extenuating circumstances.*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

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**Sent:** Tuesday, February 12, 2019 2:22 PM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; Johnson, Jo Linda <[jlinda.johnson@fema.dhs.gov](mailto:jlinda.johnson@fema.dhs.gov)>; Peterkin, Donna <[donna.peterkin@fema.dhs.gov](mailto:donna.peterkin@fema.dhs.gov)>

**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouadiya <[Fouadiya.Henri@fema.dhs.gov](mailto:Fouadiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>

**Subject:** RE: Reasonable Accommodation (RA) request

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Nicole Oke

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DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915

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Cell: 202.717.1595

E-mail: nicole.oke@fema.dhs.gov



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**From:** Meindl, Max

**Sent:** Tuesday, February 12, 2019 2:49 PM

**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; Johnson, Jo Linda <jolinda.johnson@fema.dhs.gov>; Peterkin, Donna <donna.peterkin@fema.dhs.gov>

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicolette.oke@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>

**Subject:** RE: Reasonable Accommodation (RA) request

To whom it may concern,

Feb 12<sup>th</sup> 2019

On or about August 27th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.

As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly SIX (6) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

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---

**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,

December 12th, 2018

On or about August 23th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.

As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly four (4) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

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## **Meindl, Max**

---

**From:** Oke, Nicole  
**Sent:** Wednesday, March 6, 2019 1:48 PM  
**To:** Meindl, Max  
**Subject:** RE: Reasonable Accommodation (RA) request

Mr. Meindl,

I am in training today. Let's talk tomorrow. Did you request fulltime telework?

Thanks,

Nicole

---

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**Sent:** Wednesday, March 6, 2019 2:45 PM  
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Chapter 5

Time Frames

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Unreasonable and unnecessary.

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FEMA

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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>; Merritt, Lisa <[lisa.merritt@fema.dhs.gov](mailto:lisa.merritt@fema.dhs.gov)>  
**Subject:** Reasonable Accommodation (RA) request

To whom it may concern,  
December 12th, 2018

On or about August 23th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.  
As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly four (4) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 1:52 PM  
**To:** Johnson, Jo Linda  
**Cc:** femamax@gmail.com  
**Subject:** FW: Reasonable Accommodation (RA) request

Ms. Johnson,

As of this date I've yet to receive an answer to my RA request filed in August of 2018.

I am at a loss trying to understand how FEMA/DHS policy can be so blatantly ignored/violated in such a casual manner by so many. My request was based on a serious heart condition requiring a bit of flexibility in my morning schedule to accommodate issues I face daily.

My heart surgery, which was scheduled for 01/25/2019, had to be postponed/rescheduled for a different time, but I am hoping it will be soon.

My simple request to FEMA/DHS was for some understanding and flexibility to assist me over the past 6 months, in a challenging time, and the FEMA team, thus far, has deemed me insignificant and not worthy of a response nor consideration of assistance. Can you explain this?

Why is the RA process so ignored/abused by the process?

I've done everything required on my end yet the "institution" can't seem to take the request seriously nor process the request pursuant to DHS/FEMA policy.

This seems unjust, unfair and unreasonable to an individual requesting/requiring a timely response to a request.

Instead of a reasonable accommodation, so I can be allowed to do a couple of hours of telework before driving 60 miles to the office, I am required to take "leave without pay" on a regular basis resulting in a diminished paycheck.

All in all, it seems as if the default position of DHS/FEMA is to stall and/or decline any request, for whatever reason.

I would expect or request that the process, mine specifically, be looked in to, and to identify process disconnects and put eyes on a way to improve the process, especially the timeliness requirements or lack thereof

### **According to policy:**

FEMA Manual 1430.1 Chg.1 December 3, 2002

4-4

Chapter 5

Time Frames

5-1. Processing Requests. FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:

a. Requests from applicants for employment should be expedited when necessary to ensure the applicant's ability to compete for the position. However, these requests should not exceed ten (10) business days.

b. If a request from an employee is processed by the supervisor, the request should be processed, and the accommodation, if granted, **provided within 15 business days** from the date of receipt of the request. Requests for accommodation should be expedited when the accommodation is needed to enable the employee to participate in an Agency activity scheduled to occur in the near future.

(1) If the decision maker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decision maker will request the information as soon as possible after his or her receipt of the request for accommodation. FEMA recognizes that the need for documentation may not become apparent until after the interactive process has begun.

(2) In cases where medical documentation is needed, the accommodation, if granted, will be **provided within ten (10) business days** for an applicant, and within **15 business days for an employee**, from the date the decision maker receives the relevant information, absent any extenuating circumstances.

c. Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided **within 15 business days from the date of the request**. If medical documentation is necessary, the decision will be made within **15 business days of receipt of the medical information**, absent any extenuating circumstances.

We are going on 132 business days since AUGUST 23rd 2018 and 196 calendar days.

Unreasonable and unnecessary.

**NOTE: Equal Rights Office policy requires the agency to provide requested Reasonable Accommodation within 10 days, barring extenuating circumstances.**

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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---

**From:** Oke, Nicole  
**Sent:** Tuesday, February 12, 2019 2:22 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; Johnson, Jo Linda <[jolinda.johnson@fema.dhs.gov](mailto:jolinda.johnson@fema.dhs.gov)>; Peterkin, Donna <[donna.peterkin@fema.dhs.gov](mailto:donna.peterkin@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouidiya <[Fouidiya.Henri@fema.dhs.gov](mailto:Fouidiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I will research the matter and circle back with a response and next steps.

Respectfully,

Nicole

Nicole Oke  
Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915  
Washington, DC 20472-3505  
Cell: 202.717.1595  
E-mail: [nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, February 12, 2019 2:49 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; Johnson, Jo Linda <jolinda.johnson@fema.dhs.gov>; Peterkin, Donna <donna.peterkin@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoles.oke@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>  
**Subject:** RE: Reasonable Accommodation (RA) request

To whom it may concern,

Feb 12<sup>th</sup> 2019

On or about August 27th, 2018, I submitted a Reasonable Accommodation (RA) request for consideration/processing.

As of this date, I've received no answer, up or down, concerning my request.

Although the RA request has passed through many hands/personnel from Washington D/C. to Houston to Austin, no one has seen it important enough to respond to my RA request.

When considering that nearly SIX (6) months have passed since my initial RA request, it would be safe to say that policy governing this specific RA request has not been complied with.

I am respectfully requesting that a response to my RA request be provided forthwith as required by FEMA policy.

I am at a loss in trying to understand the lack of response, in a timely manner, as required by policy.

Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

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**From:** Meindl, Max  
**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Slie, Brian <Brian.Slie@fema.dhs.gov>  
**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz

<Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>

**Subject:** Reasonable Accommodation (RA) request

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December 12th, 2018

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 2:00 PM  
**To:** Oke, Nicole  
**Subject:** RE: Reasonable Accommodation (RA) request

No, I specifically requested "Tele-work option when not feeling well" which is typically a couple of hours in the mornings until my heart levels out and/or quits threatening me, (that's a joke), but depending on many variables, weather, ability to sleep, ability to lie down or not. I need to sit and meditate or do breathing exercises, but for sure I'm not ready to get in a car and drive 60 miles in Houston traffic. BUT, I am able to log in and answer emails, make telephone calls, work in Grants Manager on behalf of my applicants. When all levels out, I get in the car and head to the office to finish my day. I am a producer and take care of my applicants to the point of when management wanted to transfer an applicant to another PDMG they received a letter from the applicants congressman stipulating disagreement with that decision. Lo and behold I was reassigned the applicant. I do my job, I do it well and I was just wanting some accommodation.

Max J Meindl, PMP  
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---

**From:** Oke, Nicole  
**Sent:** Wednesday, March 6, 2019 1:48 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Mr. Meindl,

I am in training today. Let's talk tomorrow. Did you request fulltime telework?

Thanks,

Nicole

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 2:45 PM  
**To:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>  
**Cc:** femamax@gmail.com  
**Subject:** RE: Reasonable Accommodation (RA) request

Nicole,  
Why is the RA process so ignored/abused by the process?

I've done everything required on my end yet the "institution" can't seem to take the request seriously nor process the request pursuant to DHS/FEMA policy.

This seems unjust, unfair and unreasonable to an individual requesting/requiring a timely response to a request.

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**According to policy:**

FEMA Manual 1430.1 Chg.1 December 3, 2002

4-4

Chapter 5

Time Frames

5-1. Processing Requests. FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:

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c. Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided within 15 business days from the date of the request. If medical documentation is necessary, the decision will be made within 15 business days of receipt of the medical information, absent any extenuating circumstances.

We are going on 132 business days since AUGUST 23rd 2018 and 196 calendar days.

Unreasonable and unnecessary.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Oke, Nicole

**Sent:** Monday, March 4, 2019 5:57 AM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I apologize for the delay. You should have a response by close of business this week.

Respectfully,

Nicole

Nicole Oke

Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915  
Washington, DC 20472-3505  
Cell: 202.717.1595  
E-mail: nicole.oke@fema.dhs.gov



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---

**From:** Meindl, Max

**Sent:** Wednesday, February 27, 2019 5:00 PM

**To:** Oke, Nicole <nicole.oke@fema.dhs.gov>; Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; Johnson, Jo Linda <jolinda.johnson@fema.dhs.gov>; Peterkin, Donna <donna.peterkin@fema.dhs.gov>

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; rick@guerradays.com; Slie, Brian <Brian.Slie@fema.dhs.gov>; McAllister, Jamie <jamie.mccallister@fema.dhs.gov>

**Subject:** RE: Reasonable Accommodation (RA) request

Nicole,

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I am at a loss trying to understand how FEMA/DHS policy can be so blatantly ignored/violated in such a casual manner by so many. My request was based on a serious heart condition requiring a bit of flexibility in my morning schedule to accommodate issues I face daily.

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*NOTE: Equal Rights Office policy requires the agency to provide requested Reasonable Accommodation within 10 days, barring extenuating circumstances.*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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---

**From:** Oke, Nicole  
**Sent:** Tuesday, February 12, 2019 2:22 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; Johnson, Jo Linda <[jolinda.johnson@fema.dhs.gov](mailto:jolinda.johnson@fema.dhs.gov)>; Peterkin, Donna <[donna.peterkin@fema.dhs.gov](mailto:donna.peterkin@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Fouadiya <[Fouadiya.Henri@fema.dhs.gov](mailto:Fouadiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I will research the matter and circle back with a response and next steps.

Respectfully,

Nicole

Nicole Oke  
Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915  
Washington, DC 20472-3505  
Cell: 202.717.1595  
E-mail: [nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)



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**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; Goudy, Douglas <[Douglas.Goudy@fema.dhs.gov](mailto:Douglas.Goudy@fema.dhs.gov)>; Henri, Foudiya <[Foudiya.Henri@fema.dhs.gov](mailto:Foudiya.Henri@fema.dhs.gov)>; Avery, Darlene <[Darlene.Avery@hq.dhs.gov](mailto:Darlene.Avery@hq.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

To whom it may concern,  
Feb 12<sup>th</sup> 2019

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Would someone, willing to take ownership, please respond to the RA on file since August 13th, 2018?

All requested and required information has been provided per policy to Winston D. Brathwaite, J.D., Affirmative Employment Specialist | AEP/RA | DHS/FEMA/Office of Equal Rights | 500 C Street SW, 4SW-0809, Washington, DC 20472-3505 | Desk: 202.212.4102 | Mobile: 202.735.4449 | Fax: 202.646.4320 | [Winston.D.Brathwaite@fema.dhs.gov](mailto:Winston.D.Brathwaite@fema.dhs.gov), and if you have any questions, please feel free to contact me.

As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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**Sent:** Wednesday, December 12, 2018 4:09 PM  
**To:** Brathwaite, Winston <[winston.d.brathwaite@fema.dhs.gov](mailto:winston.d.brathwaite@fema.dhs.gov)>; McAllister, Jamie <[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)>; Slie, Brian <[Brian.Slie@fema.dhs.gov](mailto:Brian.Slie@fema.dhs.gov)>  
**Cc:** FEMA-Reasonable-Accommodation <[fema-reasonable-accommodation@fema.dhs.gov](mailto:fema-reasonable-accommodation@fema.dhs.gov)>; Fernandez, Luz <[Luz.Fernandez@fema.dhs.gov](mailto:Luz.Fernandez@fema.dhs.gov)>; Maddox Britt, Sandra <[sandra.maddox-britt@fema.dhs.gov](mailto:sandra.maddox-britt@fema.dhs.gov)>; Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>; McPhie, Regina <[Regina.McPhie@fema.dhs.gov](mailto:Regina.McPhie@fema.dhs.gov)>; Goudy, Douglas

<Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>

**Subject:** Reasonable Accommodation (RA) request

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December 12th, 2018

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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 2:03 PM  
**To:** Oke, Nicole  
**Subject:** RE: Reasonable Accommodation (RA) request

I had to submit my FMLA paperwork today, to cover all the bases, to deal with the RA nonactivity, again a penalty option, considering it is a no pay option.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Oke, Nicole  
**Sent:** Wednesday, March 6, 2019 1:48 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: Reasonable Accommodation (RA) request

Mr. Meindl,

I am in training today. Let's talk tomorrow. Did you request fulltime telework?

Thanks,

Nicole

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 2:45 PM  
**To:** Oke, Nicole <[nicole.oke@fema.dhs.gov](mailto:nicole.oke@fema.dhs.gov)>  
**Cc:** femamax@gmail.com  
**Subject:** RE: Reasonable Accommodation (RA) request

Nicole,  
Why is the RA process so ignored/abused by the process?  
I've done everything required on my end yet the "institution" can't seem to take the request seriously nor process the request pursuant to DHS/FEMA policy.  
This seems unjust, unfair and unreasonable to an individual requesting/requiring a timely response to a request.  
Instead of a reasonable accommodation, so I can be allowed to do a couple of hours of telework before driving 60 miles to the office, I am required to take "leave without pay" on a regular basis resulting in a diminished paycheck.  
All in all, it seems as if the default position of DHS/FEMA is to stall and/or decline any request, for whatever reason.

I would expect or request that the process, mine specifically, be looked in to, and to identify process disconnects and put eyes on a way to improve the process, especially the timeliness requirements or lack thereof

According to policy:

FEMA Manual 1430.1 Chg.1 December 3, 2002

4-4

Chapter 5

Time Frames

5-1. Processing Requests. FEMA will process requests for reasonable accommodation and provide accommodations, where they are appropriate, in as short a time frame as reasonably possible. FEMA recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation requested and whether it is necessary to obtain supporting information. Time frames for processing requests and providing reasonable accommodation where no supporting information is required are as follows:

a. Requests from applicants for employment should be expedited when necessary to ensure the applicant's ability to compete for the position. However, these requests should not exceed ten (10) business days.

b. If a request from an employee is processed by the supervisor, the request should be processed, and the accommodation, if granted, provided within 15 business days from the date of receipt of the request. Requests for accommodation should be expedited when the accommodation is needed to enable the employee to participate in an Agency activity scheduled to occur in the near future.

(1) If the decision maker believes that it is necessary to obtain medical information to determine whether the requesting individual has a disability and/or to identify the functional limitations, the decision maker will request the information as soon as possible after his or her receipt of the request for accommodation. FEMA recognizes that the need for documentation may not become apparent until after the interactive process has begun.

(2) In cases where medical documentation is needed, the accommodation, if granted, will be provided within ten (10) business days for an applicant, and within 15 business days for an employee, from the date the decision maker receives the relevant information, absent any extenuating circumstances.

c. Where the Disability Program Manager is the decision maker on a request for reasonable accommodation, he/she will make a decision on the request and the accommodation, if granted, will be provided within 15 business days from the date of the request. If medical documentation is necessary, the decision will be made within 15 business days of receipt of the medical information, absent any extenuating circumstances.

We are going on 132 business days since AUGUST 23rd 2018 and 196 calendar days.

Unreasonable and unnecessary.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

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[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Oke, Nicole

**Sent:** Monday, March 4, 2019 5:57 AM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Subject:** RE: Reasonable Accommodation (RA) request

Dear Mr. Meindl,

I apologize for the delay. You should have a response by close of business this week.

Respectfully,

Nicole

Nicole Oke

Informal Unit Chief, Office of Equal Rights  
DHS/Federal Emergency Management Agency  
500 C Street, SW Room 4SW-0915  
Washington, DC 20472-3505  
Cell: 202.717.1595  
E-mail: nicole.oke@fema.dhs.gov



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---

**From:** Meindl, Max

**Sent:** Wednesday, February 27, 2019 5:00 PM

**To:** Oke, Nicole <nicole.oke@fema.dhs.gov>; Brathwaite, Winston <winston.d.brathwaite@fema.dhs.gov>; Johnson, Jo Linda <jolinda.johnson@fema.dhs.gov>; Peterkin, Donna <donna.peterkin@fema.dhs.gov>

**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; rick@guerradays.com; Slie, Brian <Brian.Slie@fema.dhs.gov>; McAllister, Jamie <jamie.mcallister@fema.dhs.gov>

**Subject:** RE: Reasonable Accommodation (RA) request

Nicole,

As of this date I've yet to receive an answer to my RA request filed in August of 2018.

I am at a loss trying to understand how FEMA/DHS policy can be so blatantly ignored/violated in such a casual manner by so many. My request was based on a serious heart condition requiring a bit of flexibility in my morning schedule to accommodate issues I face daily.

My heart surgery, which was scheduled for 01/25/2019, had to be postponed/rescheduled for a different time, but I am hoping it will be soon.

My simple request to FEMA/DHS was for some understanding and flexibility to assist me over the past 6 months, in a challenging time, and the FEMA team, thus far, has deemed me insignificant and not worthy of a response nor consideration of assistance. Can you explain this?

**NOTE: Equal Rights Office policy requires the agency to provide requested Reasonable Accommodation within 10 days, barring extenuating circumstances.**

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ



# FEMA

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Respectfully,

Nicole

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**Cc:** FEMA-Reasonable-Accommodation <fema-reasonable-accommodation@fema.dhs.gov>; Fernandez, Luz <Luz.Fernandez@fema.dhs.gov>; Maddox Britt, Sandra <sandra.maddox-britt@fema.dhs.gov>; Oke, Nicole <nicoole.oke@fema.dhs.gov>; McPhie, Regina <Regina.McPhie@fema.dhs.gov>; Goudy, Douglas <Douglas.Goudy@fema.dhs.gov>; Henri, Foudiya <Foudiya.Henri@fema.dhs.gov>; Avery, Darlene <Darlene.Avery@hq.dhs.gov>; Merritt, Lisa <lisa.merritt@fema.dhs.gov>  
**Subject:** Reasonable Accommodation (RA) request

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As a veteran and senior citizen with a documented disability in my files, it is incumbent upon someone to step forward and address this egregious oversight/situation soonest.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

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## **Meindl, Max**

---

**From:** McAllister, Jamie  
**Sent:** Friday, March 8, 2019 7:23 AM  
**To:** Meindl, Max  
**Cc:** Nguyen, Tam  
**Subject:** RA Request Response  
**Attachments:** Meindl\_1stLineDecisionFTTWRequest - Oke review (002) to JLJ.pdf

Max,

Please see response attached.

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

**Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Friday, March 8, 2019 10:47 AM  
**To:** TERRY, DETRA S.  
**Subject:** FW: RA Request Response  
**Attachments:** Meindl\_1stLineDecisionFTTWRequest - Oke review (002) to JLJ.pdf

FYI, confidential

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Nguyen, Tam <[Tam.Nguyen@fema.dhs.gov](mailto:Tam.Nguyen@fema.dhs.gov)>  
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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 2:22 PM  
**To:** femamax@gmail.com  
**Subject:** FMLA  
**Attachments:** Electronic Code of Federal Regulations-PART 825—THE FAMILY AND MEDICAL LEAVE ACT OF 1993.pdf

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## **Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 2:06 PM  
**To:** Alexander, Dennis  
**Subject:** RE: WebTA

FYI:

**From:** Gause, Jacqueline  
**Sent:** Tuesday, May 21, 2019 10:04 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** Reasonable accommodation

*Good morning Max,*

*I believe a little while back you requested to work reduced hours due to medical restrictions. I have reached out to ERO to get more guidance on what employees can do in situations where a supervisor/leadership initially denies an alternative work schedule that was due to medical reason. If you still need or wish to pursue an alternate work schedule through the reasonable accommodation route you can reach out to ERO for more guidance.*

*Charise Scott - 202-856-2114  
Tam Nguyen - 609-508-2673*

*Regards,*

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

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**From:** Alexander, Dennis  
**Sent:** Wednesday, June 26, 2019 1:53 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: WebTA

FYI, maybe you know this, but FMLA is for a long term out of office, not for a few hours here or there.

*Thanks,  
Dennis*

**Dennis J. Alexander, P.E.**  
Public Assistance Group Supervisor  
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281-897-2017 Desk Phone  
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**Sent:** Wednesday, June 26, 2019 1:47 PM  
**To:** Alexander, Dennis <[dennis.alexander@fema.dhs.gov](mailto:dennis.alexander@fema.dhs.gov)>  
**Subject:** FW: WebTA

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---

**From:** Gause, Jacqueline

**Sent:** Wednesday, May 29, 2019 9:56 AM

**To:** Meindl, Max <max.meindl@fema.dhs.gov>; Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** RE: WebTA

Good morning,

FMLA does not carry any leave. FMLA allows an employee to take up to 480 hours of unpaid for a personal or family medical situation.

**Excerpt from OPM:**

**Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period.**

**An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA.**

The employee can request FMLA LWOP, but will not receive any compensation. If the employee wishes to be paid while out on leave they will need to use their annual or sick leave with the FMLA code.

If you have additional questions or need me to go into further detail please let me know.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

---

**From:** Meindl, Max

**Sent:** Friday, May 24, 2019 9:39 AM

**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** WebTA

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I requested MFLA leave without pay which I have been doing for several weeks now.

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**Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 2:01 PM  
**To:** Alexander, Dennis  
**Subject:** RE: WebTA



U.S. Department of Labor  
Wage and Hour Division



1-866-4-USWAGE



[www.dol.gov/whd](http://www.dol.gov/whd)



## Amount of Leave – Intermittent Leave

§ 825.202

- Employee is entitled to take intermittent or reduced schedule leave for:
  - Employee's or qualifying family member's serious health condition when the leave is medically necessary
  - Covered servicemember's serious injury or illness when the leave is medically necessary
  - A qualifying exigency arising out of a military member's covered active duty status
- Leave to bond with a child after the birth or placement must be taken as a continuous block of leave unless the employer agrees to allow intermittent or reduced schedule leave



U.S. Department of Labor  
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### §825.202 Intermittent leave or reduced leave schedule.

(a) *Definition.* FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. *Intermittent leave* is FMLA leave taken in separate blocks of time due to a single qualifying reason. A *reduced leave schedule* is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) *Medical necessity.* For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or to care for a covered servicemember with a serious injury or illness, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employer, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. See §§825.306, 825.310. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a serious health condition or of a covered servicemember's serious injury or illness, or for recovery from treatment or recovery from a serious health condition or a covered servicemember's serious injury or illness. It may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered servicemember with a serious injury or illness.

(1) Intermittent leave may be taken for a serious health condition of a spouse, parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered servicemember which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave

schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered servicemember, even if he or she does not receive treatment by a health care provider. See §§825.113 and 825.127.

(c) *Birth or placement*. When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employer agrees. Such a schedule reduction might occur, for example, where an employee, with the employer's agreement, works part-time after the birth of a child, or takes leave in several segments. The employer's agreement is not required, however, for leave during which the expectant mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition. See §825.204 for rules governing transfer to an alternative position that better accommodates intermittent leave. See also §825.120 (pregnancy) and §825.121 (adoption and foster care).

(d) *Qualifying exigency*. Leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.

[78 FR 8902, Feb. 6, 2013, as amended at 80 FR 10001, Feb. 25, 2015]

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
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[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Sent:** Wednesday, June 26, 2019 1:53 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: WebTA

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*Thanks,  
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Human Resources  
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Hurricane Harvey-DR4332-TX  
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Mobile: 202-322-6241

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## **Meindl, Max**

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It allows for reduced hours.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
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**From:** Meindl, Max

**Sent:** Friday, May 24, 2019 9:39 AM

**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>

**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** WebTA

Randy,

My understanding is that with approved MFLA I am not required to use up my sick days or annual leave.

I requested MFLA leave without pay which I have been doing for several weeks now.

Please advise soonest.

*"Cannot take TWOP until all your leave has been used. Also please put the hours in the day block of the calendar. Thank You Randy Atchison"*

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:51 PM  
**To:** Alexander, Dennis  
**Subject:** FW: WebTa

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Agaiby, Angela  
**Sent:** Tuesday, May 14, 2019 9:33 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** WebTa

Good morning,

Please submit your oLWOP/FMLA request in WebTA under leave a premium pay for 05/09/19 and 05/10/19. Once your supervisor has approved the request please go into the system and re-affirm your time. Then I can validate.

Please let me know if you have any questions.

Thank you

*Angela Agaiby*  
PA Operations Support Specialist  
DR-4332  
8223 Willow Place Dr. S  
Houston, TX 77070  
512-574-7612  
[Angela.Agaiby@FEMA.DHS.GOV](mailto:Angela.Agaiby@FEMA.DHS.GOV)



## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:47 PM  
**To:** Alexander, Dennis  
**Subject:** FW: WebTA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Gause, Jacqueline  
**Sent:** Wednesday, May 29, 2019 9:56 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>; Atchison, Randy <[Randy.Atchison@fema.dhs.gov](mailto:Randy.Atchison@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: WebTA

Good morning,

FMLA does not carry any leave. FMLA allows an employee to take up to 480 hours of unpaid for a personal or family medical situation.

**Excerpt from OPM:**

**Under the Family and Medical Leave Act of 1993 (FMLA), most Federal employees are entitled to a total of up to 12 workweeks of unpaid leave during any 12-month period.**

**An employee may elect to substitute annual leave and/or sick leave, consistent with current laws and OPM's regulations for using annual and sick leave, for any unpaid leave under the FMLA.**

The employee can request FMLA LWOP, but will not receive any compensation. If the employee wishes to be paid while out on leave they will need to use their annual or sick leave with the FMLA code.

If you have additional questions or need me to go into further detail please let me know.

Regards,

## *Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max  
**Sent:** Friday, May 24, 2019 9:39 AM  
**To:** Atchison, Randy <Randy.Atchison@fema.dhs.gov>  
**Cc:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** WebTA

Randy,  
My understanding is that with approved MFLA I am not required to use up my sick days or annual leave.  
I requested MFLA leave without pay which I have been doing for several weeks now.  
Please advise soonest.

*"Cannot take TWOP until all your leave has been used. Also please put the hours in the day block of the calendar. Thank You Randy Atchison"*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:44 PM  
**To:** Alexander, Dennis  
**Subject:** FW: Timesheet FMLA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



FEMA

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---

**From:** Gause, Jacqueline  
**Sent:** Tuesday, April 23, 2019 3:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Obasa, Babajide <[babajide.obasa@fema.dhs.gov](mailto:babajide.obasa@fema.dhs.gov)>  
**Subject:** RE: Timesheet FMLA

Good afternoon,

I will need you to provide me with your paystub showing your hours worked. You can obtain this information from my epp. I need you to submit paystub from when you converted to CORE, PP25 (2018), and PP 7 (2019).

Please let me know if you have any other questions.

Regards,

*Jacqueline Gause, MSc*  
Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max  
**Sent:** Tuesday, April 23, 2019 1:30 PM  
**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Cc:** Obasa, Babajide <babajide.obasa@fema.dhs.gov>  
**Subject:** RE: Timesheet FMLA

Reservist since 08/2017.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Gause, Jacqueline  
**Sent:** Monday, April 22, 2019 4:21 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Obasa, Babajide <babajide.obasa@fema.dhs.gov>  
**Subject:** RE: Timesheet FMLA

Good afternoon Max,

Prior to becoming a CORE for the TRO were you employed with FEMA? Currently, you have been with the TRO since June 2018 thus, you do not meet the 1 yr requirement for FMLA. If you have prior time with FEMA as a CORE, reservist, or local hire please let me know so that I can verify the time.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

**From:** Meindl, Max  
**Sent:** Monday, April 22, 2019 10:39 AM  
**To:** Guelzow, Nicole <nicole.guelzow@fema.dhs.gov>  
**Cc:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Obasa, Babajide <babajide.obasa@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>; Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Subject:** RE: Timesheet FMLA

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Guelzow, Nicole  
**Sent:** Tuesday, April 2, 2019 4:51 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>; Obasa, Babajide <babajide.obasa@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>; Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Subject:** Timesheet FMLA  
**Importance:** High

Good afternoon Max,

I am performing timekeeping duties while your regular timekeeper is out of the office. In reviewing your timesheet, I see that you are claiming LWOP – FMLA.

Have you been approved for FMLA?

If you have, I apologize as the paperwork was not provided to the Austin office. If not, the leave category should be changed to LWOP until you receive approval.

Please let us know the status of your FMLA application as soon as possible so that we can move forward with your timesheet certification.

Respectfully,

*Nicole Guelzow, MPA*  
Administrative Specialist (HR)  
Texas Recovery Office

11000 N Interstate 35

Austin, TX 78753

(202) 718-1306 cell

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Wednesday, June 26, 2019 1:41 PM  
**To:** Alexander, Dennis  
**Subject:** FW: FMLA  
  
**Importance:** High

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Obasa, Babajide  
**Sent:** Tuesday, April 23, 2019 10:05 AM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** RE: FMLA  
**Importance:** High

Hello and Happy Tuesday!

Yes Patricia...Jackie will follow up with Mr. Meindl as to the appropriate next steps.

Thank you so much 😊

J-

---

**From:** Silva, Patricia  
**Sent:** Tuesday, April 23, 2019 6:36 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Obasa, Babajide <[babajide.obasa@fema.dhs.gov](mailto:babajide.obasa@fema.dhs.gov)>; Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Subject:** RE: FMLA

Good morning Mr. Meindl,

I have reviewed your paperwork and all seems in order. I have copied Jide Obasa and Jacqueline Gause in this email as they are now the leads for FMLA in the TRO. Please consult with them on next steps.

Jide/Jackie- could you please inform Mr. Meindl of next steps.

Thank you,

*Patricia Silva*

Employee/Labor Relations Specialist

Office of the Chief Component Human Capital Officer (OCCHCO)| FEMA|DHS

500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor

Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)

Office: 202. 212. 5238

Mobile: 202.368.7217

---

**From:** Meindl, Max

**Sent:** Monday, April 22, 2019 11:40 AM

**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>

**Subject:** RE: FMLA

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Silva, Patricia

**Sent:** Wednesday, March 13, 2019 5:57 AM

**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Subject:** RE: FMLA

Good morning Mr. Meindl,

You need to communicate to your supervisor or record the need take FMLA leave at least 30 calendar days before the start of the planned absence. I have attached the Absence and Leave Manual for your review. Chapter 5 addresses FMLA.

I have also received the medical certification in connection with your request for FMLA leave.; however, the following required information is missing from the medical certification or is vague and needs clarification:

1. It is not clear whether you need FMLA leave intermittently or for a continuous period of time or both.
  - a. If your FMLA leave is for a continuous period of time, your doctor needs to state so. In the medical documentation you provided it only states "a few days after heart surgery". In addition, the your doctor will need to include the date of your surgery.
  - b. If your request is for intermittent leave for a planned medical treatment, the dates (actual or estimates) on which such treatment is expected to be given, the duration of such treatment, and the period of recovery, if any, before you would be able to return to work;
2. Your medical provider stated that your condition will cause episodic flare ups; however, the certification is missing the frequency of the flare ups. The medical certification needs to include an estimate of the frequency of the flare ups and the duration of related incapacity that you may have over the next 6 months (Part B, question #7).

Please be advised that the complete medical documentation is due 15 calendar days from this email.

Let me know if you have any questions.

Thank you,

*Patricia Silva*

Employee/Labor Relations Specialist  
Office of the Chief Component Human Capital Officer (OCCHCO)| FEMA|DHS  
500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor  
Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)  
Office: 202. 212. 5238  
Mobile: 202.368.7217

---

**From:** Meindl, Max  
**Sent:** Tuesday, March 12, 2019 3:13 PM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>  
**Cc:** femamax@gmail.com; rick@guerradays.com  
**Subject:** RE: FMLA

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

No, Jamie is not aware of the request that I am aware of.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Silva, Patricia  
**Sent:** Tuesday, March 12, 2019 2:02 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: FMLA

Mr. Meindl,

Who is your supervisor of record? Are they aware of your FMLA request?

*Patricia Silva*

Employee/Labor Relations Specialist  
Office of the Chief Component Human Capital Officer (OCCHCO)| FEMA|DHS  
500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor  
Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)  
Office: 202. 212. 5238  
Mobile: 202.368.7217

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 2:29 PM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>  
**Cc:** femamax@gmail.com  
**Subject:** RE: FMLA

Document attached.

Please advise as to the procedure subsequent the submission of this document to you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Silva, Patricia  
**Sent:** Wednesday, March 6, 2019 1:03 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: FMLA

Yes, that is correct.

*Patricia Silva*

Employee/Labor Relations Specialist  
Office of the Chief Component Human Capital Officer (OCCHCO) | FEMA|DHS  
500 C. Street SW/Washington, DC, 7<sup>th</sup> Floor  
Email: [patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)  
Office: 202. 212. 5238  
Mobile: 202.368.7217

---

**From:** Meindl, Max  
**Sent:** Wednesday, March 6, 2019 11:56 AM  
**To:** Silva, Patricia <[patricia.silva@fema.dhs.gov](mailto:patricia.silva@fema.dhs.gov)>  
**Subject:** FMLA

I have been advised that you're the individual I'm supposed to send my FMLA forms to.  
Is that correct?

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Wednesday, October 23, 2019 1:37 PM  
**To:** Gause, Jacqueline; David, Patricia  
**Cc:** Wick, Timothy; Terry, Detra; Alexander, Dennis; brent@guerradays.com; FEMA-EqualRights  
**Subject:** RE: FMLA Recertification - M. Meindl

Thanks JG, no problem, I'm working on an update with my providers, to appropriately capture/document/list all of the existing/new/challenging/interesting, issues that have manifested since the surgery. Appreciate your assistance..

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Sent:** Wednesday, October 23, 2019 1:09 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; Alexander, Dennis <dennis.alexander@fema.dhs.gov>; brent@guerradays.com; FEMA-EqualRights <FEMA-EqualRights@fema.dhs.gov>  
**Subject:** RE: FMLA Recertification - M. Meindl

Good afternoon,

The FMLA update process being applied in this situation is consistent with policy. Your approved FMLA condition of record is the matter being addressed as it relates to the updates being requested. You have said in your response that you are not scheduled to see the physician until next year and that you will request an appointment and attempt to get one as soon as possible. I will follow up with you in seven (7) days to see if you were able to get an appointment for this matter.

In the meantime I will recommend to your supervisor to continue to approve your current FMLA request for the said condition until you have an appointment scheduled. The specifics of the concerns is that your current FMLA is approved for 1-3 occurrences every month and you have exceeded the frequency so your management is attempting to obtain updated information.

Thanks for your cooperation with this matter. Please let me know if you have additional questions or concerns.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

---

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

**Sent:** Tuesday, October 22, 2019 4:22 PM

**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>

**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>; Terry, Detra <detra.terry@fema.dhs.gov>; Alexander, Dennis

<dennis.alexander@fema.dhs.gov>; brent@guerradays.com; FEMA-EqualRights <FEMA-EqualRights@fema.dhs.gov>

**Subject:** RE: FMLA Recertification - M. Meindl

JG,

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Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>

**Sent:** Tuesday, October 22, 2019 3:13 PM

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

**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>

**Subject:** FMLA Recertification - M. Meindl

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Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Gause, Jacqueline  
**Sent:** Wednesday, October 23, 2019 1:09 PM  
**To:** Meindl, Max; David, Patricia  
**Cc:** Wick, Timothy; Terry, Detra; Alexander, Dennis; brent@guerradays.com; FEMA-EqualRights  
**Subject:** RE: FMLA Recertification - M. Meindl

Good afternoon,

The FMLA update process being applied in this situation is consistent with policy. Your approved FMLA condition of record is the matter being addressed as it relates to the updates being requested. You have said in your response that you are not scheduled to see the physician until next year and that you will request an appointment and attempt to get one as soon as possible. I will follow up with you in seven (7) days to see if you were able to get an appointment for this matter.

In the meantime I will recommend to your supervisor to continue to approve your current FMLA request for the said condition until you have an appointment scheduled. The specifics of the concerns is that your current FMLA is approved for 1-3 occurrences every month and you have exceeded the frequency so your management is attempting to obtain updated information.

Thanks for your cooperation with this matter. Please let me know if you have additional questions or concerns.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
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Houston, TX  
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**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>

**Cc:** Wick, Timothy <[Timothy.Wick@fema.dhs.gov](mailto:Timothy.Wick@fema.dhs.gov)>

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Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Cooley, Sandra  
**Sent:** Tuesday, October 22, 2019 5:09 PM  
**To:** Meindl, Max  
**Cc:** femamax@gmail.com  
**Subject:** Re: FMLA Recertification - M. Meindl

Let me review your concerns and circle back Max. Appreciate the opportunity to review.

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---

**From:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Sent:** Tuesday, October 22, 2019 4:47:59 PM  
**To:** Cooley, Sandra <Sandra.Cooley@fema.dhs.gov>  
**Cc:** femamax@gmail.com <femamax@gmail.com>  
**Subject:** FW: FMLA Recertification - M. Meindl

Ms. Cooley,

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The who of that issue is subject to a bit of detective work but I know who has questioned me in the past.

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Human Resources

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Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

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**Sent:** Tuesday, October 22, 2019 4:48 PM  
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**From:** Gause, Jacqueline <[jacqueline.gause@fema.dhs.gov](mailto:jacqueline.gause@fema.dhs.gov)>  
**Sent:** Tuesday, October 22, 2019 3:13 PM

**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>  
**Subject:** FMLA Recertification - M. Meindl

Good afternoon Max,

On May 1, 2019 you were initially approved for FMLA due to a serious/chronic health condition. Given that it has now been more than thirty (30) calendar days since your last medical update for your current FMLA condition, I am requesting that you provide me with an FMLA recertification as it relates to your current FMLA condition of record. The recertification is now necessary to ensure that the workload on your team can be planned and managed effectively while assisting you during your time of recovery. Therefore, I am requesting that you work with your physician to respond to all questions where appropriate especially those related to the questions identified below. These questions are not separate and apart from the recertification form but can be responded to within the context of the questions already provided on the form. (29 CFR 825.308(a), permits recertification every 30 days for chronic or permanent/long-term conditions.)

Purpose of this FMLA Recertification Update:

1. To validate if you are continuing to see the physician for the specific condition listed on your FMLA application dated and signed by your physician, on 4/11/2019.
2. Request that you provide an estimate of the duration of your condition & if you will be incapacitated for a single continuous period of time. (See questions #1 & #4).
3. Request that you specify what dates, if any, you will have planned appointments within the next 30 days. (See Question #5)
4. Request that your physician state whether or not you require care on an intermittent or reduced schedule basis, including any time for recovery. (See Question #6)
5. Request that your physician provide an estimate of when you will have flare-ups during your recovery period (if known) that will prevent you from performing your job functions. (See question #7).

Your health remains of paramount concern to me as well as our mission. My goal remains to work cooperatively with you and your physician in a manner which affords you the best opportunity to recover and return to full time employment status. However, failure to provide this requested FMLA Recertification information within fifteen (15) working days of receipt will result in the denial of any FMLA related leave until the information is provided.

If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources  
Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241



## Meindl, Max

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 22, 2019 4:23 PM  
**To:** femamax@gmail.com  
**Subject:** FW: FMLA Recertification - M. Meindl

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 22, 2019 4:22 PM  
**To:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>; David, Patricia <Patricia.David@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>; TERRY, DETRA S. <DETTRA.TERRY@FEMA.DHS.GOV>; Alexander, Dennis <dennis.alexander@fema.dhs.gov>; brent@guerradays.com; FEMA-EqualRights <FEMA-EqualRights@fema.dhs.gov>  
**Subject:** RE: FMLA Recertification - M. Meindl

JG,

My next appointment with the VA is 10/29/2019 with the ENT (ear, nose, throat) group at the DeBakey VA hospital to attempt to ascertain the source for my recurring dizzy spells.

My next appointment with my primary care physician is next Feb, 2020.

My next appointment with my pulmonary care specialist for my COPD (Chronic Obstructive Pulmonary Disease) is also next year.

I will do an online request to see my primary at the Katy VA outpatient clinic, but I'm not sure if that can happen within 15 days, it is the VA, so nothing is for certain.

I will also attempt to get an appointment with my primary care private physician in Bellville.

I must admit that as an senior citizen and as an individual who has identified, in the onboarding process, as an individual with a disability and when factoring in the very problematic heart surgery and subsequent associated health issues, I am concerned about the way the institution and/or individuals within the institution, treat those identified as disabled, more specifically, myself.

If my work was lacking, maybe I could understand, but it isn't and I don't understand.

It does seem that personalities have drifted in to the equation, in my opinion.

I appreciate your assistance and efforts with my disability and during my recovery but, I must admit that it has been an extremely distasteful experience with other FEMA personnel.

I will endeavor to get the paperwork returned in a timely manner but I am concerned about the 15 day window.

Please advise.

---

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Gause, Jacqueline <jacqueline.gause@fema.dhs.gov>  
**Sent:** Tuesday, October 22, 2019 3:13 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Cc:** Wick, Timothy <Timothy.Wick@fema.dhs.gov>  
**Subject:** FMLA Recertification - M. Meindl

Good afternoon Max,

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If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency

Department of Homeland Security

Hurricane Harvey-DR4332-TX

Texas Recovery Office

Houston, TX

Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Gause, Jacqueline  
**Sent:** Tuesday, October 22, 2019 3:13 PM  
**To:** Meindl, Max  
**Cc:** Wick, Timothy  
**Subject:** FMLA Recertification - M. Meindl  
**Attachments:** FMLA - Health provider form.pdf

Good afternoon Max,

On May 1, 2019 you were initially approved for FMLA due to a serious/chronic health condition. Given that it has now been more than thirty (30) calendar days since your last medical update for your current FMLA condition, I am requesting that you provide me with an FMLA recertification as it relates to your current FMLA condition of record. The recertification is now necessary to ensure that the workload on your team can be planned and managed effectively while assisting you during your time of recovery. Therefore, I am requesting that you work with your physician to respond to all questions where appropriate especially those related to the questions identified below. These questions are not separate and apart from the recertification form but can be responded to within the context of the questions already provided on the form. (29 CFR 825.308(a), permits recertification every 30 days for chronic or permanent/long-term conditions.)

Purpose of this FMLA Recertification Update:

1. To validate if you are continuing to see the physician for the specific condition listed on your FMLA application dated and signed by your physician, on 4/11/2019.
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If you experience difficulty providing this information within the specified period, please see me, or in my absence Patricia David, and provide a brief written statement documenting your hardship and your request for extension will be responded to within three (3) working days.

Regards,

*Jacqueline Gause, MSc*

Human Resources

Federal Emergency Management Agency  
Department of Homeland Security  
Hurricane Harvey-DR4332-TX  
Texas Recovery Office  
Houston, TX  
Mobile: 202-322-6241

## **Meindl, Max**

---

**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:51 PM  
**To:** Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you.

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 3:15 PM  
**To:** Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:11 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you Mr. Meindl. I work with Karen who is currently on leave. I have forwarded your message to OER. I have been told to ask you to fill out the attached form and return it to me so that they can close the case out.

Thank you,  
Loretta

Loretta Vardy  
Branch Chief for Mediation and Training  
ADR Division/OCC/FEMA  
500 C Street SW  
4NE 2407  
Washington D.C. 20472-3400

Office: 202-212-1563

Cell: 202-286-8804

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---

**From:** Meindl, Max

**Sent:** Tuesday, November 13, 2018 11:55 AM

**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>

**Cc:** Walters, Albert <Albert.Walters@fema.dhs.gov>; Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>

**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,

Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint.

Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP

Program Delivery Manager | Houston TRO

DHS | FEMA-Recovery Directorate

Public Assistance Division

FEMA/HQ

202-374-9426

[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Asaro, Karen

**Sent:** Wednesday, November 7, 2018 4:10 PM

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

**Subject:** Automatic reply: RA Request

Hello,

I will be out of the office until November 23, 2018 and I will not have access to email during this time. I will respond promptly upon my return.

If you need to speak with someone during my absence please call Loretta Vardy at 202 286-8804.

Thank You,  
Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
mobile: 571 431-2863

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 2:15 PM  
**To:** Vardy, Loretta  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint  
**Attachments:** FEMA EEO Withdrawal Form- Letterhead-signed.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:11 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you Mr. Meindl. I work with Karen who is currently on leave. I have forwarded your message to OER. I have been told to ask you to fill out the attached form and return it to me so that they can close the case out.

Thank you,  
Loretta

Loretta Vardy  
Branch Chief for Mediation and Training  
ADR Division/OCC/FEMA  
500 C Street SW  
4NE 2407  
Washington D.C. 20472-3400

Office: 202-212-1563  
Cell: 202-286-8804

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---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 11:55 AM  
**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>  
**Cc:** Walters, Albert <Albert.Walters@fema.dhs.gov>; Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,

Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint. Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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**From:** Asaro, Karen  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Automatic reply: RA Request

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Thank You,  
Karen Asaro, ADR Advisor

FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
mobile: 571 431-2863

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## **Meindl, Max**

---

**From:** Vardy, Loretta  
**Sent:** Tuesday, November 13, 2018 2:11 PM  
**To:** Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint  
**Attachments:** FEMA EEO Withdrawal Form- Letterhead.doc

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Loretta Vardy  
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ADR Division/OCC/FEMA  
500 C Street SW  
4NE 2407  
Washington D.C. 20472-3400

Office: 202-212-1563  
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**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>  
**Cc:** Walters, Albert <Albert.Walters@fema.dhs.gov>; Vardy, Loretta <Loretta.Vardy@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

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Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division

FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**From:** Asaro, Karen  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Automatic reply: RA Request

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500 C Street, SW, Suite 4NE 2407  
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mobile: 571 431-2863

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 11:19 AM  
**To:** femamax@gmail.com  
**Subject:** FW: Fed HR Review

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 10:17 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** RE: Fed HR Review

Yes, you can either attach a Word doc with your comments to your file, or you can put them in the comment box which looks as follows just below where you sign electronically:

Quarter 3 Performance Review Acknowledgements

I certify that the quarter 3 progress review and discussion occurred.

Rating Official Signature

Erase e-Sign

Electronically signed by: Jamie L. Mcallister

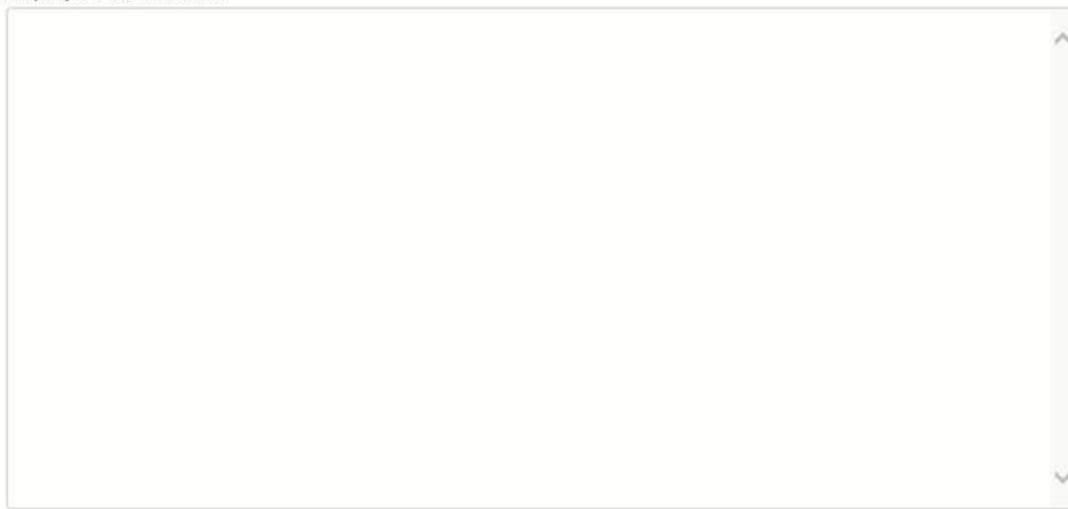
Date

Rating Official Comments:

Employee Signature

Date

Employee Comments:



---

**From:** Meindl, Max

**Sent:** Friday, November 9, 2018 9:59 AM

**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>

**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>

**Subject:** RE: Fed HR Review

To clarify,

Yesterday you advised me that I could comment/upload in my evaluation pursuant to the points you initially proffered as concerns in my review, is that correct?

It was nice making your acquaintance also, and here's wishing you the best in your endeavors.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 9:51 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[dakra.terry@fema.dhs.gov](mailto:dakra.terry@fema.dhs.gov)>  
**Subject:** Fed HR Review

Good Morning Max,

Very glad to meet you yesterday. The performance comments provided by Detra have been uploaded into FedHR under your case #248282 and I have also attached them. I believe that I have resolved the issue of the reviews being locked. HR sometimes locks the forms while they are working on them, and it's not uncommon to have this issue. Please go ahead and sign Quarter 2 and Quarter 3.

Quarter 2 documents in FEDHR were your Individual Development Plan that you had previously signed and a PDF of the performance goals.

Regards,

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 10:55 AM  
**To:** Asaro, Karen  
**Cc:** Walters, Albert; Vardy, Loretta; Meindl, Max  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Ms. Asaro,

Pursuant to the above referenced case number and complaint, I am formally requesting the withdrawal of my filing. I am satisfied with the results of my conversations with my supervisors and feel confident that the best interest of all parties would be best served with the withdrawal of my complaint. Overall, it was an educational and enlightening experience and I would like to thank all parties who were involved in an pursuing and obtaining an acceptable resolution.

Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Asaro, Karen  
**Sent:** Wednesday, November 7, 2018 4:10 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Automatic reply: RA Request

Hello,

I will be out of the office until November 23, 2018 and I will not have access to email during this time. I will respond promptly upon my return.

If you need to speak with someone during my absence please call Loretta Vardy at 202 286-8804.

Thank You,  
Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407

Washington, DC 20472  
mobile: 571 431-2863

*This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this message in error please reply immediately to the sender and delete this message. Thank you.*

## **Meindl, Max**

---

**From:** Walters, Albert  
**Sent:** Tuesday, November 13, 2018 10:18 AM  
**To:** Meindl, Max  
**Subject:** RE: Mediation with Karen Asari

Max,

I am willing and we owe Karen an answer. I know she needs to report the progress on the mediation and I informed her that we were meeting last week. If we need to copy the lady she identified for immediate assistance we need to copy her on any communications with Karen. I am available today to discuss. You can call me on my cell.

Thanks,

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:46 AM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** RE: Mediation with Karen Asari

You and I can wrap it up Albert, if you're willing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:50 AM  
**To:** Walters, Albert  
**Subject:** RE: Mediation with Karen Asari

Albert,  
By the way, I appreciate your professional and kind assistance, it was a welcome change and experience.  
Thank you.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:49 AM  
**To:** Walters, Albert  
**Subject:** RE: Mediation with Karen Asari

Albert,  
I received the following from Karen last week:

*Hello,*

*I will be out of the office until November 23, 2018 and I will not have access to email during this time. I will respond promptly upon my return.*

*If you need to speak with someone during my absence please call Loretta Vardy at 202 286-8804.*

*Thank You,  
Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
mobile: 571 431-2863*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, November 13, 2018 8:46 AM  
**To:** Walters, Albert  
**Subject:** RE: Mediation with Karen Asari

You and I can wrap it up Albert, if you're willing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
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---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** Walters, Albert  
**Sent:** Friday, November 9, 2018 4:15 PM  
**To:** Meindl, Max  
**Subject:** Mediation with Karen Asari

Max,

We owe Karen an e mail or a call to discuss the mediation and your plans going forward. Do you want to have a discussion or do you want to set up a conference call with Karen. Let me know, I am in class next week but available on Tuesday for a call..

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
[Albert.Walters@FEMA.DHS.GOV](mailto:Albert.Walters@FEMA.DHS.GOV)

## **Meindl, Max**

---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 10:17 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** RE: Fed HR Review

Yes, you can either attach a Word doc with your comments to your file, or you can put them in the comment box which looks as follows just below where you sign electronically:

### Quarter 3 Performance Review Acknowledgements

**I certify that the quarter 3 progress review and discussion occurred.**

Rating Official Signature

**Erase e-Sign**  
Electronically signed by: Jamie L. Mcallister

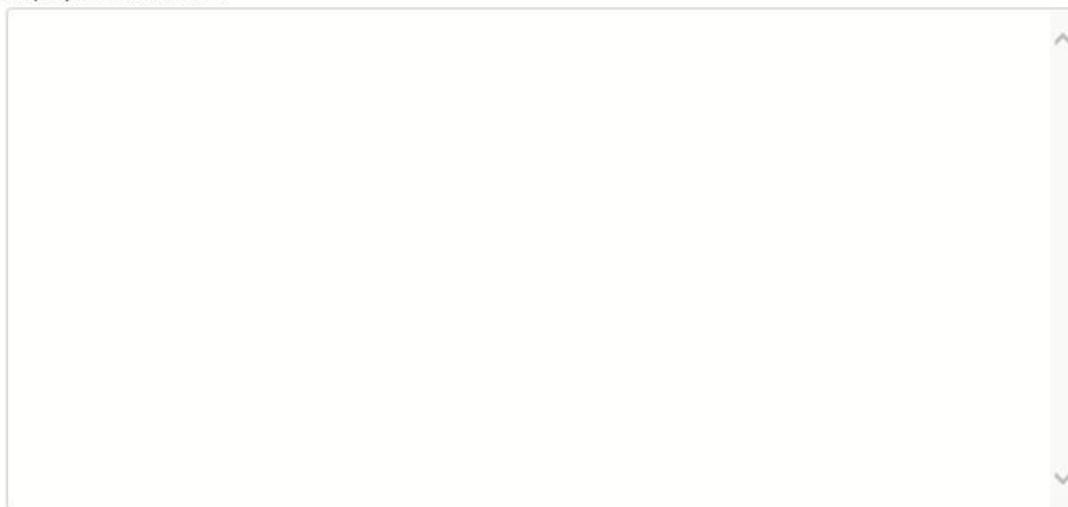
Date

Rating Official Comments:

Employee Signature

Date

Employee Comments:



---

**From:** Meindl, Max  
**Sent:** Friday, November 9, 2018 9:59 AM  
**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>  
**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** RE: Fed HR Review

To clarify,

Yesterday you advised me that I could comment/upload in my evaluation pursuant to the points you initially proffered as concerns in my review, is that correct?

It was nice making your acquaintance also, and here's wishing you the best in your endeavors.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 9:51 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** Fed HR Review

Good Morning Max,

Very glad to meet you yesterday. The performance comments provided by Detra have been uploaded into FedHR under your case #248282 and I have also attached them. I believe that I have resolved the issue of the reviews being locked. HR sometimes locks the forms while they are working on them, and it's not uncommon to have this issue. Please go ahead and sign Quarter 2 and Quarter 3.

Quarter 2 documents in FEDHR were your Individual Development Plan that you had previously signed and a PDF of the performance goals.

Regards,

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Chatman, Edward  
**Sent:** Friday, November 2, 2018 9:31 AM  
**To:** FEMA-4332-DR-TX-All-Hands  
**Subject:** Security Procedures for Visitors & Guests  
**Attachments:** FEMA Directive 121-3 Revision 1.pdf

Greetings,

The Security Staff and Management is requesting that we all comply with the FEMA Security Directive 121-3, Revision 1 regarding visitors and access to FEMA facilities.  
If you are expecting visitor(s), you must provide the following information to the Security Manager in advance:

- Visitor(s) Name
- Affiliated Agency
- Point of Contact at the TRO (or Branches)
- Name and phone number of the person who will escort them (if different from the POC)

Attached please find the related guidelines. If you have any questions, please contact [Point of Contact](#)

Thank you!

Regards,

Edward Chatman  
Security Manager  
DR-4332-TX TRO  
Federal Emergency Management Agency (FEMA)  
Cell: 202-803-3548  
edward.chatman@fema.dhs.gov

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:46 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia <[Dacia.Lancaster@fema.dhs.gov](mailto:Dacia.Lancaster@fema.dhs.gov)>; FEMA.Harassment <[fema.harassment@fema.dhs.gov](mailto:fema.harassment@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** RE: OER AHU-18-164 Closure Letter

Another issue to keep in mind is that the meetings I am having concerns about were called "Sit-With", see below. Policy was violated in even calling these meetings sit-withs, in my opinion.

-----Original Appointment-----

*From: Harrison, Jade Sent: Tuesday, August 14, 2018 6:38 PM  
To: Meindl, Max; Terry, Detra; Slie, Brian Subject: M. Meindl **Sit-with**  
When: Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
Where: Houston office- Rm 225, conference call number provided*

### From the Sit With Guidance document:

PAGS Sit-With Guidance

What is a sit-with?

A sit-with is a one-on-one feedback coaching session between a manager and staff. Staff will participate in an initial sit-with with their manager, during which they will discuss their previous disaster roles, particular technical specialties and skill sets. This discussion will inform leadership on the level of complexity for a staff's assignment.

Please note that a sit-with is a one-on-one meeting and all of these alleged “sit-withs” were group hugs without the benefit of the hug, more like a ganging up on the new guy.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

Another issue to keep in mind is that the meetings I am having concerns about were called “Sit-With”, see below. Policy was violated in even calling these meetings sit-withs, in my opinion.

-----Original Appointment-----

*From: Harrison, Jade Sent: Tuesday, August 14, 2018 6:38 PM  
To: Meindl, Max; Terry, Detra; Slie, Brian Subject: M. Meindl **Sit-with**  
When: Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
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Please note that a sit-with is a one-on-one meeting and all of these alleged “sit-withs” were group hugs without the benefit of the hug, more like a ganging up on the new guy.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:07 AM  
**To:** femamax@gmail.com  
**Subject:** FW: sit with comms  
**Attachments:** RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 1:28 PM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** sit with comms

For your information, the sit with email chain that triggered the harassment filing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:05 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:03 AM  
**To:** Lancaster, Dacia <[Dacia.Lancaster@fema.dhs.gov](mailto:Dacia.Lancaster@fema.dhs.gov)>; FEMA.Harassment <[fema.harassment@fema.dhs.gov](mailto:fema.harassment@fema.dhs.gov)>  
**Cc:** FEMA-OCSO-MISCON <[fema-ocso-miscon@fema.dhs.gov](mailto:fema-ocso-miscon@fema.dhs.gov)>; Grant, Raphael <[raphael.grant@fema.dhs.gov](mailto:raphael.grant@fema.dhs.gov)>; Hass, Andrew <[andrew.hass@fema.dhs.gov](mailto:andrew.hass@fema.dhs.gov)>; Hayes, Ashton <[ashton.hayes@fema.dhs.gov](mailto:ashton.hayes@fema.dhs.gov)>; Hoburg, Leigh <[Leigh.Hoburg@fema.dhs.gov](mailto:Leigh.Hoburg@fema.dhs.gov)>; Jackson, Robyne <[Robyne.Jackson@fema.dhs.gov](mailto:Robyne.Jackson@fema.dhs.gov)>; Jaeger, Michelle <[michelle.jaeger@fema.dhs.gov](mailto:michelle.jaeger@fema.dhs.gov)>; Murrock, Kristin <[kristin.murrock@fema.dhs.gov](mailto:kristin.murrock@fema.dhs.gov)>; Pellicci, Kelley <[Kelley.Pellicci@fema.dhs.gov](mailto:Kelley.Pellicci@fema.dhs.gov)>; Piper, Dalita <[dalita.piper@fema.dhs.gov](mailto:dalita.piper@fema.dhs.gov)>  
**Subject:** RE: OER AHU-18-164 Closure Letter

To whom it may concern,

I find the letter closing this complaint of harassment specious and inaccurate at best.

The statement that an investigation was conducted and "witness statement" and/or "evidence collected" led to allegations being unsubstantiated, is interesting at a minimum.

Pursuant to the attachment in this email and a copy of a previously sent email, sent to, what I assume to be the primary investigator, stipulated in no uncertain terms that there were no witnesses to the alleged harassment and that the harassment was my perception of an escalation or a previous meeting wherein I had been inappropriately accused and unprofessionally addressed in front of other parties.

The harassment claim has to do with my perception of the escalation only, no witnesses involved.

Below is a copy of the email stipulating my concerns when I filed the complaint:

*From: Meindl, Max*

**Sent:** Wednesday, September 12, 2018 1:19 PM  
**To:** Walters, Albert <Albert.Walters@fema.dhs.gov>  
**Subject:** cover email

I am, after a couple of weeks of considerable handwringing and possible/potential blowback considerations, hereby submitting the attached complaint, although I am very concerned about retaliation.

I have been falsely accused, in my opinion, and it appears the parties involved are escalating the issue to the possible detriment of my employment.

I categorically deny the allegations and assertions as put forth.

I have had a very successful tenure with FEMA since 09/2017 when deployed to the Beaumont East team.

I was a high producer of "applicant signed projects" and continue to do the same here as demonstrated in the Grants Manager Metrics.

I never had any problem with "communications" until all of the sudden I can't seem to do anything correct in my current deployment here in Houston.

I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair. A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as "Fiction" because we never discussed the items in his summary report and I advised he and DPAG of the same.

Show me a specific example of the alleged "communication" or "body language" issue.

I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.

I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl

832-293-3671

FEMA PDMG  
Houston PA  
202-374-9426

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-](#)

AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov>

**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## Meindl, Max

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**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:03 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-OCSO-MISCON; Grant, Raphael; Hass, Andrew; Hayes, Ashton; Hoburg, Leigh; Jackson, Robyne; Jaeger, Michelle; Murrock, Kristin; Pellicci, Kelley; Piper, Dalita  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

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*Please advise soonest.*

*Thank you in advance.*

*Max Meindl  
832-293-3671*

*FEMA PDMG  
Houston PA*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

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V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 10:17 AM  
**To:** Meindl, Max  
**Cc:** Terry, Detra  
**Subject:** RE: Fed HR Review

Yes, you can either attach a Word doc with your comments to your file, or you can put them in the comment box which looks as follows just below where you sign electronically:

### Quarter 3 Performance Review Acknowledgements

**I certify that the quarter 3 progress review and discussion occurred.**

Rating Official Signature

**Erase e-Sign**  
Electronically signed by: Jamie L. Mcallister

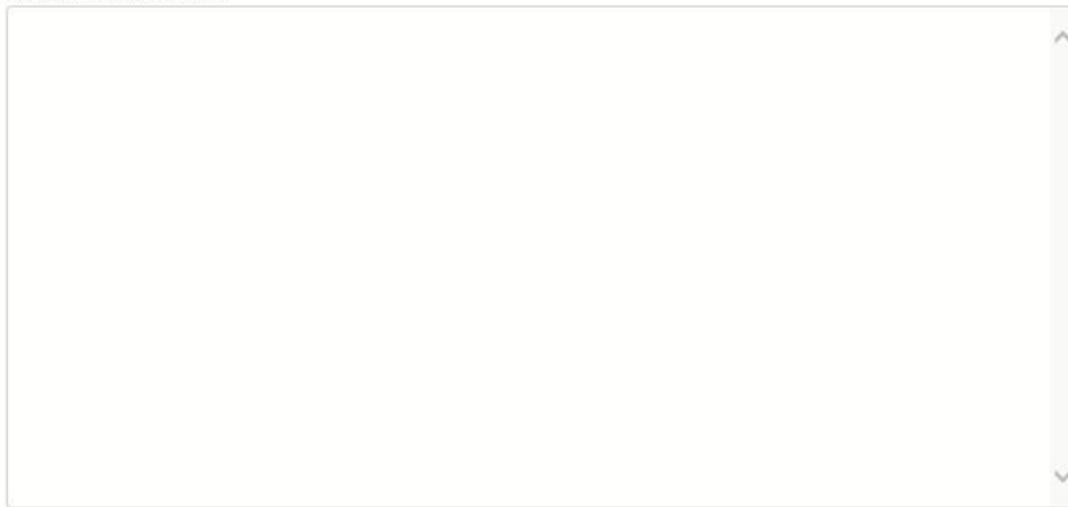
Date

Rating Official Comments:

Employee Signature

Date

Employee Comments:



---

**From:** Meindl, Max  
**Sent:** Friday, November 9, 2018 9:59 AM  
**To:** McAllister, Jamie <jamie.mcallister@fema.dhs.gov>  
**Cc:** Terry, Detra <detra.terry@fema.dhs.gov>  
**Subject:** RE: Fed HR Review

To clarify,

Yesterday you advised me that I could comment/upload in my evaluation pursuant to the points you initially proffered as concerns in my review, is that correct?

It was nice making your acquaintance also, and here's wishing you the best in your endeavors.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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---

**From:** McAllister, Jamie  
**Sent:** Friday, November 9, 2018 9:51 AM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** Terry, Detra <[detra.terry@fema.dhs.gov](mailto:detra.terry@fema.dhs.gov)>  
**Subject:** Fed HR Review

Good Morning Max,

Very glad to meet you yesterday. The performance comments provided by Detra have been uploaded into FedHR under your case #248282 and I have also attached them. I believe that I have resolved the issue of the reviews being locked. HR sometimes locks the forms while they are working on them, and it's not uncommon to have this issue. Please go ahead and sign Quarter 2 and Quarter 3.

Quarter 2 documents in FEDHR were your Individual Development Plan that you had previously signed and a PDF of the performance goals.

Regards,

*Jamie McAllister*

Deputy Infrastructure Branch Director  
DR 4332 TX JFO Austin  
Region 6 Infrastructure Branch  
DHS/FEMA  
(202) 709-0851 Cell  
[jamie.mcallister@fema.dhs.gov](mailto:jamie.mcallister@fema.dhs.gov)

## **Meindl, Max**

---

**From:** Chatman, Edward  
**Sent:** Friday, November 2, 2018 9:31 AM  
**To:** FEMA-4332-DR-TX-All-Hands  
**Subject:** Security Procedures for Visitors & Guests  
**Attachments:** FEMA Directive 121-3 Revision 1.pdf

Greetings,

The Security Staff and Management is requesting that we all comply with the FEMA Security Directive 121-3, Revision 1 regarding visitors and access to FEMA facilities.  
If you are expecting visitor(s), you must provide the following information to the Security Manager in advance:

- Visitor(s) Name
- Affiliated Agency
- Point of Contact at the TRO (or Branches)
- Name and phone number of the person who will escort them (if different from the POC)

Attached please find the related guidelines. If you have any questions, please contact [Point of Contact](#)

Thank you!

Regards,

Edward Chatman  
Security Manager  
DR-4332-TX TRO  
Federal Emergency Management Agency (FEMA)  
Cell: 202-803-3548  
edward.chatman@fema.dhs.gov

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:46 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:45 AM  
**To:** Lancaster, Dacia <[Dacia.Lancaster@fema.dhs.gov](mailto:Dacia.Lancaster@fema.dhs.gov)>; FEMA.Harassment <[fema.harassment@fema.dhs.gov](mailto:fema.harassment@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** RE: OER AHU-18-164 Closure Letter

Another issue to keep in mind is that the meetings I am having concerns about were called "Sit-With", see below. Policy was violated in even calling these meetings sit-withs, in my opinion.

-----Original Appointment-----

*From: Harrison, Jade Sent: Tuesday, August 14, 2018 6:38 PM  
To: Meindl, Max; Terry, Detra; Slie, Brian Subject: M. Meindl **Sit-with**  
When: Wednesday, August 15, 2018 2:00 PM-2:30 PM (UTC-06:00) Central Time (US & Canada).  
Where: Houston office- Rm 225, conference call number provided*

### From the Sit With Guidance document:

PAGS Sit-With Guidance

What is a sit-with?

A sit-with is a one-on-one feedback coaching session between a manager and staff. Staff will participate in an initial sit-with with their manager, during which they will discuss their previous disaster roles, particular technical specialties and skill sets. This discussion will inform leadership on the level of complexity for a staff's assignment.

Please note that a sit-with is a one-on-one meeting and all of these alleged “sit-withs” were group hugs without the benefit of the hug, more like a ganging up on the new guy.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



# FEMA

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**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
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**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** PAGS Sit With Guidance-10-26-18.pdf

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V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:07 AM  
**To:** femamax@gmail.com  
**Subject:** FW: sit with comms  
**Attachments:** RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with; RE: M. Meindl Sit-with

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
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**From:** Meindl, Max  
**Sent:** Wednesday, September 12, 2018 1:28 PM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>  
**Subject:** sit with comms

For your information, the sit with email chain that triggered the harassment filing.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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## **Meindl, Max**

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**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:05 AM  
**To:** femamax@gmail.com  
**Subject:** FW: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

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DHS | FEMA-Recovery Directorate  
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**Subject:** RE: OER AHU-18-164 Closure Letter

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I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair. A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as "Fiction" because we never discussed the items in his summary report and I advised he and DPAG of the same.

Show me a specific example of the alleged "communication" or "body language" issue.

I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.

I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.

I would also request a contact to ADR so I can pursue that avenue as well.

Please contact me with any questions, guidance, advice if required.

Please advise soonest.

Thank you in advance.

Max Meindl

832-293-3671

FEMA PDMG  
Houston PA  
202-374-9426

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



**FEMA**

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---

**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-Administrative Investigations Directive Committee@fema.dhs.gov](mailto:FEMA-AID-Administrative%20Investigations%20Directive%20Committee@fema.dhs.gov)>

AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov>

**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## Meindl, Max

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 30, 2018 11:03 AM  
**To:** Lancaster, Dacia; FEMA.Harassment  
**Cc:** FEMA-OCSO-MISCON; Grant, Raphael; Hass, Andrew; Hayes, Ashton; Hoburg, Leigh; Jackson, Robyne; Jaeger, Michelle; Murrock, Kristin; Pellicci, Kelley; Piper, Dalita  
**Subject:** RE: OER AHU-18-164 Closure Letter  
**Attachments:** Albert.pdf

To whom it may concern,

I find the letter closing this complaint of harassment specious and inaccurate at best.

The statement that an investigation was conducted and “witness statement” and/or “evidence collected” led to allegations being unsubstantiated, is interesting at a minimum.

Pursuant to the attachment in this email and a copy of a previously sent email, sent to, what I assume to be the primary investigator, stipulated in no uncertain terms that there were no witnesses to the alleged harassment and that the harassment was my perception of an escalation or a previous meeting wherein I had been inappropriately accused and unprofessionally addressed in front of other parties.

The harassment claim has to do with my perception of the escalation only, no witnesses involved.

Below is a copy of the email stipulating my concerns when I filed the complaint:

*From: Meindl, Max  
Sent: Wednesday, September 12, 2018 1:19 PM  
To: Walters, Albert <Albert.Walters@fema.dhs.gov>  
Subject: cover email*

*I am, after a couple of weeks of considerable handwrangling and possible/potential blowback considerations, hereby submitting the attached complaint, although I am very concerned about retaliation.*

*I have been falsely accused, in my opinion, and it appears the parties involved are escalating the issue to the possible detriment of my employment.*

*I categorically deny the allegations and assertions as put forth.*

*I have had a very successful tenure with FEMA since 09/2017 when deployed to the Beaumont East team.*

*I was a high producer of “applicant signed projects” and continue to do the same here as demonstrated in the Grants Manager Metrics.*

*I never had any problem with “communications” until all of the sudden I can’t seem to do anything correct in my current deployment here in Houston.*

*I am dismayed with the process and attitude of the parties, the guilty until proven innocent prevailing mindset is inherently unfair. A sit-with summary by TK Shadowens before my meeting with the DPAG could best described as “Fiction” because we never discussed the items in his summary report and I advised he and DPAG of the same.*

*Show me a specific example of the alleged “communication” or “body language” issue.*

*I have been falsely accused and convicted without any consideration for my perspective or statements to clarify.*

*I am submitting this to you as HR in confidence and would like to request a contact to the EEO group so I can file with them also because I feel this issue revolves around my disability and needs to be addressed.*

*I would also request a contact to ADR so I can pursue that avenue as well.*

*Please contact me with any questions, guidance, advice if required.*

*Please advise soonest.*

*Thank you in advance.*

*Max Meindl  
832-293-3671*

*FEMA PDMG  
Houston PA*

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
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202-374-9426  
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**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee <[FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov](mailto:FEMA-AID-AdministrativeInvestigationsDirectiveCommittee@fema.dhs.gov)>  
**Subject:** OER AHU-18-164 Closure Letter

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Lancaster, Dacia  
**Sent:** Friday, October 19, 2018 5:38 PM  
**To:** Meindl, Max  
**Cc:** FEMA-AID-Administrative Investigations Directive Committee  
**Subject:** OER AHU-18-164 Closure Letter  
**Attachments:** scannedDoc (007).pdf

Good afternoon,

Please see the attached response from the Office of Equal Rights, Director.

V/r,

Dacia Lancaster  
Anti-Harassment Unit  
Office of Equal Rights  
DHS/FEMA

## **Meindl, Max**

---

**From:** Castaneda, Melinda  
**Sent:** Monday, October 15, 2018 11:14 AM  
**To:** FEMA-4332-DR-TX-All-Hands  
**Subject:** TRO-ADR Continuous Availability

See important message from ADR. Thank you.

**Please forward your questions to the appropriate [Point of Contact](#)**

---

Greetings,

I'm writing to let you know that I will be out on rotation until 10/29. I will still be intermittently available via phone/e-mail.

ADR Advisor Sunny Gutierrez will be here at the TRO while I'm out. Sunny served the Texas Mission previously, so she may be familiar to some of you.

ADR Advisors Judy Gordon and Carl McGill will continue serving at Branch II Houston and providing coverage for Branch III.

Please feel free to contact any of us.

Thank you for all you do, every day.

Take good care of yourselves and each other.

Aileen

*AILEEN DENTON SETTER  
Alternative Dispute Resolution Advisor  
Texas Recovery Office  
11000 North Interstate Highway 35  
Austin, TX 78753  
FEMA iPhone: (225) 910-5254  
E-mail: [Aileen.DentonSetter@fema.dhs.gov](mailto:Aileen.DentonSetter@fema.dhs.gov)*

## **Meindl, Max**

---

**From:** Meindl, Max  
**Sent:** Tuesday, October 9, 2018 9:43 AM  
**To:** Asaro, Karen; Walters, Albert  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

I am available as required and at any time convenient to all parties.

Max J Meindl, PMP  
Program Delivery Manager | Houston TRO  
DHS | FEMA-Recovery Directorate  
Public Assistance Division  
FEMA/HQ  
202-374-9426  
[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)



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**From:** Asaro, Karen  
**Sent:** Sunday, October 7, 2018 3:20 PM  
**To:** Walters, Albert <[Albert.Walters@fema.dhs.gov](mailto:Albert.Walters@fema.dhs.gov)>; Meindl, Max <[max.meindl@fema.dhs.gov](mailto:max.meindl@fema.dhs.gov)>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Thank you. As soon as I hear from Mr. Meindl, I will confirm the date/time.

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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**From:** Walters, Albert  
**Sent:** Saturday, October 6, 2018 9:06 AM

**To:** Asaro, Karen <Karen.Asaro@fema.dhs.gov>; Meindl, Max <max.meindl@fema.dhs.gov>  
**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

Good morning Ms. Asaro,

My availability for a discussion with Mr. Meindl over the next 2 weeks is:

October 11, 2018 – From 10:00am until 2:00pm  
October 12, 2018 – From 10:00am until 2:00pm  
October 15, 2018 – From 11:00am until 3:00pm  
October 17, 2018 – From 1:00pm until 2:00pm  
October 19, 2018 – From 10:00am until 2:00pm

Thanks,

Albert P. Walters III  
Public Assistance Group Supervisor  
Disaster 4332 – Harvey  
Cell Phone 504-570-4412  
Albert.Walters@FEMA.DHS.GOV

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**From:** Asaro, Karen  
**Sent:** Sunday, September 30, 2018 12:10 PM  
**To:** Meindl, Max <max.meindl@fema.dhs.gov>; Walters, Albert <Albert.Walters@fema.dhs.gov>  
**Subject:** HS-FEMA-02488-2018 EEO Complaint

Hello Mr. Meindl and Mr. Walters,

I received an email from Erik Skinner, OER, on Friday letting me know that things are on track for scheduling the mediation conference call.

I will be at a mediation conference this week (week of Oct. 1) and unavailable for mediation. If you could send me some dates you are available the week of Oct. 8 and the week of Oct. 15, I will coordinate with all of our schedules, and confirm the first date/time that works for everyone.

Thank you for your assistance with scheduling and I look forward to hearing from you,

Karen

Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
Phone: 571 431-2863

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## **Meindl, Max**

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**Subject:** RE: HS-FEMA-02488-2018 EEO Complaint

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Karen Asaro, ADR Advisor  
FEMA Alternative Dispute Resolution Division  
500 C Street, SW, Suite 4NE 2407  
Washington, DC 20472  
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Albert P. Walters III  
Public Assistance Group Supervisor  
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Albert.Walters@FEMA.DHS.GOV

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Karen

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