**From:** FEMA-OCR-EEO
**To:** Meindl, Max
**Cc:** FEMA-OCR-EEO; Maxwell, Sheri; McGonigal, Angela; Jamal, Carmen (CTR); Banks, Tara
**Subject:** Meindl, Max: Request to consider Reassignment - Reasonable Accommodation of Last Resort
**Date:** Friday, September 13, 2024 12:34:08 PM
**Attachments:** image002.png
image005.png
image006.png
FEMA Informal Intake Form.pdf
New EEO Poster 2024.pdf
Know Your Rights and Responsibilities_FEMA_OCR.pdf

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Good afternoon,

Thank you for contacting the EEO Branch via email on 8/22/2024. Employees, former employees, and applicants who believe they have been discriminated against or subjected to harassment because of a protected category must consult with and initiate an informal EEO complaint with an EEO counselor. Employees, former employees, and applicants must contact an EEO counselor within 45 calendar days of the matter believed to be discriminatory, or in the case of a personnel action, within 45 calendar days of the effective date of that action.

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

*Respectfully,*

*Tara*

Office of Civil Rights – EEO Branch

Federal Emergency Management Agency
www.FEMA.gov

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**From:** Meindl, Max max.meindl@fema.dhs.gov
**Sent:** Thursday, August 22, 2024 10:06 AM
**To:** FEMA-OCR-EEO <FEMA-OCR-EEO@fema.dhs.gov>
**Cc:** Saucedo, Leslie <leslie.saucedo@fema.dhs.gov>; Adamcik, Carol Ann <CarolAnn.Adamcik@fema.dhs.gov>
**Subject:** FW: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Copy for visibility/information.
In process.

Thank you for your assistance.

_____

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

Federal Emergency Management Agency
www.FEMA.gov

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**From:** Meindl, Max
**Sent:** Thursday, August 22, 2024 8:45 AM
**To:** Myers, Anna <anna.myers4@fema.dhs.gov>
**Cc:** Ortiz, Alejandro <alejandro.ortiz@fema.dhs.gov>; Dyson, Alisa <alisa.dyson@fema.dhs.gov>; Hershey, Jodi <jodi.hershey@fema.dhs.gov>
**Subject:** RE: Request to consider Reassignment - Reasonable Accommodation of Last Resort

Anna,

I do not believe that I am no longer able to perform the essential functions of the specified position.
I am limited in my ability to "physically" deploy, obviously due to health issues.
*This may impact the preferred way or process that my SOR and second line SOR utilize, so, out of a sense of professionalism, I will defer to their preferred process.
I was blissfully unaware that the position required 50 weeks physical deployment per year. I don't recall that information being provided during the interview.
If you can access the job interview transcript, it is very clear that I was not aware of that requirement.
When told that information by SOR in first conversation, well.. we started discussing how to unwind the situation because I couldn't physically deploy.
The only "interactive process" I had was one formal conversation with SOR and RA personnel.
Hence, here we are.
This specific RAR was opened on 01/02/2024 and after contacting leadership, it was moved up to expedited.
This happened after being in the que for 190 days.
So, I do appreciate the absurdity of the note to "reply no later than" sort of stuff after experiencing no response to 5 RAR over the years.
This RAR sits for months and then gets turbocharged in mere days, all to the detriment of my position, or at least that is how I currently feel.

Ignored, abused, dismissed.
Is this really the purpose of the program?

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

The RA requests, never get adjudicated.

My Service Requests - 4 results found

Reasonable Accommodation Request - RAR0046767
Requested for: MEINDL, MAX Opened: 53d ago

Reasonable Accommodation Request - RAR0042452
Requested for: MEINDL, MAX Opened: 570d ago

Reasonable Accommodation Request - RAR0023278
Requested for: MEINDL, MAX Opened: 848d ago

Reasonable Accommodation Request - RAR0023261
Requested for: MEINDL, MAX Opened: 849d ago

**Respondent comments**

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

deployment option to Houston being dismissed I asked why, and the response was that he was told to stand down on this issue.

15. From my perspective, my SOR, at that time and maybe still is, the "deciding official" was working with me, both of us trying to work something out, which we did, and his decision was overruled.

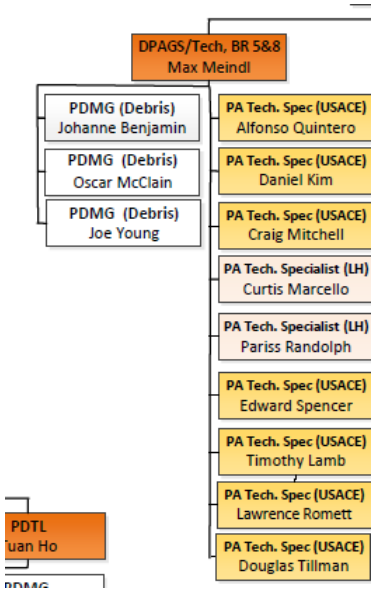
16. Why?

17. I would like to assume it was because of a concern over my health.

18. If so, why not a virtual deployment option?

19. I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission.

20. I was deployed, virtually, to 4611DR, (09/2021-05/2023) as a PDTFL.




21. I worked virtually from 03/2020-09/2021.

22. One 6-month deployment since 03/2020, which was problematic

<u>Much of the following has not been addressed in the denial.</u>

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

Why the requested accommodation would not be effective;

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

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

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

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

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Thank you for your assistance.

_____

Max J Meindl, PMP

Emergency Management Specialist | PDTFL
DHS |FEMA | Regional Offices | Region Six | Recovery Division | Public Assistance Branch | Field Ops Team
Duty Station: ROR| Region 6
Mobile: 202-374-9426
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**From:** Myers, Anna <anna.myers4@fema.dhs.gov>
**Sent:** Friday, August 16, 2024 10:33 AM
**To:** Meindl, Max <max.meindl@fema.dhs.gov>
**Cc:** Ortiz, Alejandro <alejandro.ortiz@fema.dhs.gov>; Dyson, Alisa <alisa.dyson@fema.dhs.gov>; Hershey, Jodi <jodi.hershey@fema.dhs.gov>
**Subject:** Request to consider Reassignment - Reasonable Accommodation of Last Resort

Good morning, Max,

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

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

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

Respectfully,
Anna Myers
EEO Specialist, Reasonable Accommodation (RA)
Disability Support Branch | Office of Civil Rights (OCR)
Federal Emergency Management Agency (FEMA) | U. S. Department of Homeland Security (DHS)
Phone: (202) 803-1756 | Email: anna.myers4@fema.dhs.gov
FEMA-OCR-RA@fema.dhs.gov | FEMA-SLI-CART@fema.dhs.gov

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