# Anna Myers email

1. After the interactive process
2. considering your position description (attached),
   1. 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.
3. the essential functions of your position, and
   1. 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. your request for an accommodation (to work from home 100%),
5. management has denied your reasonable accommodation request for the reasons indicated in the attached 256-02 form.
6. If you believe that you are no longer able to perform the essential functions of your position,
   1. 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.
7. 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.
   1. Respondent comments
      1. I would prefer to reach an acceptable accommodation in my current position if I can continue to support the mission.
      2. I am of the opinion that it would be imprudent to agree to a “Reasonable Accommodation of Last Resort” which would imply a really good and proper RA process with robust interactive discussion, exploring options, short term or long-term options, etc.
      3. That did not happen.
      4. It was just pretty much if I can’t physically deploy, we can’t use you.
      5. I don’t want to upset the apple cart here, I am just saying that I have successfully done this job, virtually, since 09/2021.
      6. It’s not that I can’t do the job, the problem is the disability, apparently.
      7. The finality of the “Last Resort”, that just doesn’t seem right because I’m of the opinion this was a very rushed process with little dialog, option exploring, etc.
      8. I want to continue to support the mission as I have since 09/2017 and I can if given the appropriate opportunity.
8. 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.
   1. Respondent comments
      1. I can and do provide the essential functions and elements of the PDTFL position assist, PDTFL duties and responsibilities.
      2. The majority of my time with FEMA has been in a virtual status.
      3. Primarily due to declining health
      4. 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 for over 3 years.
      5. I have been,
         1. virtually deployed (03/2020-05/2023)
            1. 38 months (not including this year)
         2. physically deployed (09/2017-06/2018 (+/-) and 05/2023-11/2023.
            1. 15 months
         3. In office guess (06/2018-03/2020).
            1. 21 months

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

Respectfully, Anna Myers

# J Hunter denial

1. After careful consideration, Mr. Max Meindl’s request to telework 100% of the time is denied.
2. The approval to allow Mr. Meindl to telework 100% of the time would require that the Agency remove the essential function of deployment from his duties and responsibilities.
   1. 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. 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,
         1. virtually deployed (03/2020-05/2023)
            1. 38 months (not including this year)
         2. physically deployed (09/2017-06/2018 (+/-) and 05/2023-11/2023.
            1. 15 months
         3. In office guess (06/2018-03/2020).
            1. 21 months
      7. The denial must clearly state the specific reasons for the denial, which shall include, where applicable:
         1. Why the requested accommodation would not be effective;
         2. Why the requested accommodation would result in undue hardship to the Agency;
         3. Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs a reasonable accommodation;
         4. Whether the requested accommodation would require the removal of an essential job function; or
         5. Whether the requested accommodation would require the lowering of a performance or production standard.
3. Mr. Meindl signed his onboarding, acknowledging that his position required that he deploy.
   1. Also acknowledged the reasonable accommodation clause.
4. While I understand that Mr. Meindl has a disability;
   1. Respondent comments
      1. The denial must clearly state the specific reasons for the denial, which shall include, where applicable:
         1. Why the requested accommodation would not be effective;
         2. Why the requested accommodation would result in undue hardship to the Agency;
         3. Whether medical documentation provided was inadequate to establish that the individual has a disability and/or needs a reasonable accommodation;
         4. Whether the requested accommodation would require the removal of an essential job function; or
         5. Whether the requested accommodation would require the lowering of a performance or production standard.
5. however, his acknowledgment that he cannot leave his house to deploy under any circumstances contributes to my decision.
   1. Respondent comments
      1. I’m not sure of the source of the information for stipulating “he cannot leave his house to deploy under any circumstances”.
      2. I do acknowledge limitations due to various conditions as stipulated in the appropriate documents and these do impact my physical ability to deploy.
      3. It does not impact my ability to deploy virtually as I have been doing since 03/2020.
      4. There was a short field deployment (05/23-11/23) to 4705DR, which was a bit problematic with a medical event being tossed into the mix.
      5. The “cannot leave my house” statement is a bit dramatic.
      6. Yes, I don’t get out much except for essentials and my daughter drives me.
6. Finally, his branch (Infrastructure Branch, Recovery Division) supports disaster deployments on an almost daily basis.
7. His temporary accommodation cannot continue as assignments of duties are totally unrelated to his current position of record and cannot be continued.
   1. Respondent comments
      1. Agreed but I am curious why, when asked by my SOR if I could deploy to Houston, I concurred and 9 minutes later he called back and told me he was overruled.
      2. I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission.
      3. I was virtually deployed to 4611DR, (09/2021-04/2023) as a PDTFL.
      4. I worked virtually from 03/2020-09/2021.
      5. One 6-month deployment since 03/2020, which was problematic.

# A. In denial

1. Mr. Max Meindl’s reasonable accommodation to seek 100% telework cannot be granted.

2. It is understood that Mr. Meindl’s indication that he could deploy is close to his home; however, I cannot consider that in a decision to grant the request.

3. The option presented by Mr. Meindl is not a viable solution as I cannot grant him the ability to limit his deployment location.

4. Given that Mr. Meindl would need to be sent wherever the disaster is located and his inabilities to do would limit my ability, therefore, I must deny his request.

1. Respondent comments
   1. 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.
   2. 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.
   3. 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.
   4. 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.
   5. Why?
   6. I would like to assume it was because of a concern over my health.
   7. If so, why not a virtual deployment option?
   8. I have spoken with SOR many times about my concerns over being underutilized and how I could do more for the mission.
   9. I was deployed, virtually, to 4611DR, (09/2021-04/2023) as a PDTFL.
   10. I worked virtually from 03/2020-09/2021.
   11. One 6-month deployment since 03/2020, which was problematic.
   12. I do acknowledge limitations due to various conditions as stipulated in the appropriate documents and these do impact my physical ability to deploy.
   13. It does not impact my ability to deploy virtually as I have been doing since 03/2020.
   14. There was a short field deployment (05/23-11/23) to 4705DR, which was a bit problematic with a medical event being tossed into the mix.