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September 26, 2019

VIA PRIORITY MAIL

Environmental Protection Agency
Office of Civil Rights
1200 Pennsylvania Ave. NW, Mail Code 230A
Washington, DC 20460

Re: Complaint of discrimination filed on behalf of Beverly K. Reed against Senior Services of America, Inc.

To whom it may concern:

I represent [REDACTED] concerning an employment dispute with Senior Services of America, Inc. (SSAI), and related parties. SSAI is a recipient of federal funds through its participation in the Senior Environmental Employment (SEE) program. Pursuant to 40 C.F.R. Part 7—and in particular Subparts C and E—[REDACTED] files a complaint of disability discrimination against SSAI. Please process this complaint pursuant to the relevant regulations and make a finding that SSAI discriminated against [REDACTED] because of her disability by terminating her in July 2019.

I have enclosed a declaration signed by [REDACTED] that provides further details on the discrimination she experienced. SSAI has asserted that it terminated [REDACTED] because of lack of funds. However, the evidence shows this is false because—among other reasons—(1) no other SEE employee was released with [REDACTED] although she was the most senior SEE employee at EPA's Dallas, Texas, Field Office; (2) in [REDACTED] more than ten years of participation in the SEE program, [REDACTED] prior supervisor had never had any difficulties allocating funds for her; and (3) mere weeks prior to the actual end of [REDACTED] employment, SSAI had been awarded a \$45.3 million federal grant.

In fact, SSAI terminated [REDACTED] because of her disability. In April 2019, [REDACTED] longtime supervisor had been replaced. Following that, [REDACTED] was terminated approximately one month after notifying her EPA monitor that she needed to take time off for a neck surgery in August 2019. [REDACTED] new supervisor also expressed skepticism and frustration about [REDACTED] longstanding reasonable accommodation of working from home, including asserting that she "ha[d] never known any SEE employees that worked from home." However, [REDACTED] had worked from home as an accommodation for several years without issue. SSAI refused to extend [REDACTED] employment even one day into August 2019, maliciously depriving her of insurance coverage for that upcoming neck surgery.

B. Hamir

If EPA needs further information regarding the facts of this case as part of its investigation, feel free to contact me. Please direct correspondence for (b) (5) Privacy, (b) (7)(C) to:

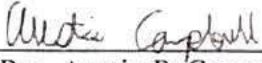
Austin P. Campbell
Rob Wiley, P.C.
2613 Thomas Avenue
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SSAI's counsel in this matter is:

Betty Grdina
Mooney, Green, Saindon, Murphy & Welch, P.C.
1920 L Street, NW, Ste. 400
Washington, DC 20036
(202) 783-0010

For the sake of expediency I will reserve discussion of requested relief for a later date. I look forward to working with the Office of Civil Rights on this matter.

Sincerely yours,
ROB WILEY, P.C.


By: Austin P. Campbell
acampbell@robwiley.com

Encl.

DECLARATION OF (b) (6) Privacy, (b) (7)(C) Enforcement Privacy

My name is (b) (6) Privacy, (b) (7)(C) Enforcement Privacy I am over 18 years of age, am of sound mind, have never been convicted of a felony or crime involving moral turpitude, and I am otherwise fully competent to make this declaration. The facts contained in this declaration are true and correct, and are within my personal knowledge.

1. I started working for Senior Services of America, Inc., on February 23, 2009.
2. I worked as part of the Senior Environmental Employment program.
3. My title initially was level 3, a technical administrative position.
4. I worked at EPA's field office at Fountain Place in Dallas.
5. By September 1, 2012, I was promoted to a level 4 professional position, a data projects specialist.
6. On or about January 9, 2013, I began to work from home.
7. This was allowed as an accommodation because of several disabilities affecting my back, which made it very difficult for me to travel or work consecutive hours.
8. Indeed, I had to have several surgeries for my back.
9. I had provided medical documentation for these disabilities.
10. Because of my accommodation, I only actually came in to EPA's office as needed, and my husband had to drive me.
11. My back condition began to worsen, so by 2016 SSAI and EPA permitted me to work from home 100 percent of the time.

12. During this time, my supervisor at EPA, (b) (6) Privacy, (b) (7)(C) Enforcement—who was Chief UST, Pollution Prevention, Pesticides, and Lead Branch—never expressed any concerns whatsoever over this accommodation.
13. In or around April 2019, (b) (6) Privacy, (b) (7)(C) Enforcement took over for (b) (6) Privacy, (b) (7)(C) Enforcement who had retired.
14. On or about June 4, 2019, I informed my EPA monitor, (b) (6) Privacy, (b) (7)(C) Enforcement that I would need to take time off for a neck surgery in August 2019.
15. I had previously taken time off for surgeries without issue.
16. In or around June 2019, the EPA office for which I worked was relocated.
17. On July 8, 2019, (b) (6) Privacy, (b) (7)(C) Enforcement Field Operations Officer for SSAI, called me.
18. (b) (6) Privacy, (b) (7)(C) Enforcement told me that my position was being terminated due to lack of funds, and specifically told me that SSAI's funds had "dried up."
19. I was very surprised at this, as I had never heard of any other SSAI employees being laid off.
20. Indeed, since I was friendly with the three other SEE employees who worked for EPA in this area, I knew no one else had been laid off.
21. I had also been a SEE employee longer than any of the others, and had a higher level position than the others.
22. Several of the other SEE employees had only been with the program for a few years.
23. I asked (b) (6) Privacy, (b) (7)(C) Enforcement if anyone else was being laid off, and she said no.
24. I told (b) (6) Privacy, (b) (7)(C) Enforcement that I had already asked for time off due to a surgery, and (b) (6) Privacy, (b) (7)(C) Enforcement told me to call (b) (6) Privacy, (b) (7)(C) Enforcement so that I could ask to work at least one day in August.
25. This would have ensured my current insurance would cover my surgery.

26. My SEE contract had been renewed annually since 2009, and my current contract was supposed to end up August 31, 2019.
27. I had every expectation that my contract would be renewed again in 2019.
28. In the past, (b) (6) Privacy, (b) (7)(C) En had told me he had reallocated funds to allow my employment to continue.
29. On or about July 10, 2019, I learned that SSAI had just been awarded a federal grant for \$45.3 million.
30. On July 17, 2019, my husband drove me to EPA to meet with (b) (6) Privacy, (b) (7)(C) En
31. (b) (6) Privacy, (b) (7)(C) En told me that EPA had “scraped pennies” at “the bottom of the barrel” to pay me through July 31, 2019.
32. I told (b) (6) Privacy, (b) (7)(C) En about how (b) (6) Privacy, (b) (7)(C) En had advised me to meet with her.
33. After that, (b) (6) Privacy, (b) (7)(C) En became noticeably angry.
34. She went on to complain to me that “I have worked with SEE employees since I have worked with EPA, but I have never known any SEE employees that worked from home.”
35. (b) (6) Privacy, (b) (7)(C) En admitted during this conversation that she had no idea that I had been an employee for over ten years.
36. I told (b) (6) Privacy, (b) (7)(C) En I had been working from home for years as an accommodation.
37. (b) (6) Privacy, (b) (7)(C) En commented that “we’re going to be doing something about this working from home.”
38. I told (b) (6) Privacy, (b) (7)(C) En I was concerned about these events because I had never had any problems with my job until after I told my EPA monitor I needed to take time off for this upcoming surgery.

39. I told (b) (6) Privacy, (b) (7)(C) E that if I could have worked just a day in August, that would have allowed my insurance to cover that surgery.
40. During this meeting, for the first time (b) (6) Privacy, (b) (7)(C) E called the contract coordinator for the SEE program. (b) (6) Privacy, (b) (7)(C) Enforcement Pri
41. I know that (b) (6) Privacy, (b) (7)(C) E had not contacted (b) (6) Privacy, (b) (7)(C) E previously because (b) (6) Privacy, (b) (7)(C) E was surprised to learn at that time that (b) (6) Privacy, (b) (7)(C) E had been on vacation.
42. Following my termination, starting July 19, 2019, I repeatedly contacted SSAI to get COBRA paperwork.
43. On July 31, 2019, on the Notice of Personnel Action for my termination, I stated that I believed my termination was because of my disability.
44. Despite that, by August 1, 2019, I still had not been given any COBRA election paperwork.
45. Initially, SSAI director (b) (6) Privacy, (b) (7)(C) E told me he could not provide that paperwork because SSAI did not have my NPA.
46. However, (b) (6) Privacy, (b) (7)(C) E had faxed that to Mr. Smith on July 31, 2019.
47. (b) (6) Privacy, (b) (7)(C) E instead directed me to contact SSAI's COBRA administrator, WageWorks.
48. When I did that, however, the representative at WageWorks said they did not do business with SSAI.
49. I repeatedly called (b) (6) Privacy, (b) (7)(C) E to ask about when the COBRA paperwork would be sent.
50. On August 1, 2019, (b) (6) Privacy, (b) (7)(C) E emailed me to say that he had mailed me COBRA paperwork.
51. By that time, because I was required to mail in a check for COBRA, I effectively would not get COBRA benefits for August.
52. Instead, I had to seek Medicare coverage.

53. Later in early August 2019, I called (b) (6) Privacy, (b) (7)(C) Enforcement Privacy to ask for a Medicare form, and he angrily demanded to know "what is this on this NPA?" apparently in reference to my report of discrimination.

54. Ultimately, I have had to delay my surgery and physical therapy related to it.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 9/23/19

Signature: _____

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

