

Claims of Interference, And Demand For Transfer

Irregularity And Illegality With IBM Internal Transfer



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Document History

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1.0	January 20, 2012	Walter Tuvell	First version
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Related Documents

Author	Date	Title
Walter Tuvell	August-November, 2011	<i>Complaint, Claims of Corporate and Legal Misconduct, Parts I-II and Addenda I-IV (Addendum V in process);</i> available at http://www.fileddropper.com/ibmcomplaint_1
EEOC	October 17, 2002	Document #915.002 — Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans With Disabilities Act; available at http://www.eeoc.gov/policy/docs/accommodation.html

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1 Executive Summary

This document records the experiences I have recently encountered while exercising IBM's GOM (Global Opportunity Management) internal transfer process. It alleges specific irregular and illegal acts. It concludes with specific allegations and accusations, and with the demand that I be transferred to the position identified as "SWG-0436579" forthwith, for the reasons stated herein.

2 STD And Disability

I have been on STD (Short-Term Disability) leave since August 15, 2011.

Strictly speaking, only the *fact* of my STD leave is relevant to the present document, and not the detailed *reasons* for my STD. Nevertheless, it is noted here that as justification for my STD, I duly identified myself as a handicapped individual, who is unable to perform my present job assignment due to re-activation of pre-existing handicap — namely, ASR (acute stress response) and PTSD (post-traumatic stress disorder), now caused by psychological abuse/blackballing/harassment/bullying/retaliation/IIED (intentional infliction of emotional distress), instigated upon me by my manager, Daniel Feldman (who had specific prior knowledge of my peculiar susceptibility to such attacks).¹ Said justification has been presented to IBM IHS (Integrated Health Services) in the form of four consecutive MTRs (Medical Treatment Reports), on the basis of which IHS has officially certified my STD. Furthermore, in my effort to achieve reasonable accommodation for my disability (exiting from STD and returning to a regular work life), I have disclosed my disability to the responsible authorities within IBM, by waiving my right to IHS confidentiality to the extent of publicizing the nature of my disability and distributing it to IBM HR and others (including IBM Legal and Corporate Officers), via my Complaint (see Related Documents).

correction: see Old Complaint,
Add. V, Sec. 54, p. 6, 4th bullet

3 Initiation Of Transfer Process

IBM has refused to discipline or regulate Dan, as a result of which my continuing to work for him became impossible under the circumstances. Therefore I have been forced to make many requests for "reasonable accommodation" (in the sense of ADA, the Americans with Disabilities Act, as amended), specifically for "last resort" accommodation, job reassignment (transfer). Unfortunately, for a long time, all my requests and suggestions along these lines were denied by IBM, usually silently, despite strong federal and state legal guarantees to the contrary.

Ultimately, IBM relented, to the sole extent of permitting me to find myself a transfer via the regular GOM process (in particular, IBM refused my request that they lend me proactive assistance in finding a transfer position for me). Appendix A.

1. Though, the same harm would result to me no matter who the instigator was. That is, we are not here dealing with a limited-scope "personality conflict" between myself and anyone, but with a wide-scope long-term impairment that limits a major life activity (noting that I literally *fainted* while enduring one of Dan's attacks upon me).

4 GOM: Job Discovery & Application (Mon, Nov 28)

So, turning to GOM, I entered the search criteria that most closely matched my current position at Netezza (including geographic location). See Appendix B (the search criteria I entered are shown in the upper-right-hand corner).

To my inquiry, GOM reported a single potential opportunity, identified as SWG-0436579. I looked at the detailed description of SWG-0436579; Appendix C. It looked like a good match to me (bearing in mind always that I'd really wanted to remain doing my Netezza job all along, without the necessity of doing a job search at all).

The hiring manager's name is given as Christopher Kime (who I'd never heard of at the time, of course), located in Austin, Texas. Note also that the job was first posted on September 26, which means it had gone for 2 months without being filled — that was a long time, which boded well for my having a good chance of getting the job (they were probably getting anxious to fill the position).

So I submitted my application for the job, via GOM. The application included my résumé, both short-form and long-form (omitted here; irrelevant to this Complaint).

I informed Dan of my application, which he acknowledged, approvingly. Appendix D.

5 Invitation To Phone Interview (Wed, Nov 30)

On Wednesday, November 30, I received a Lotus Notes invitation from Chris Kime, for a phone meeting with him on Thursday, Dec 1, to discuss the transfer I'd applied for. Appendix E.

In the invitation, Chris notes my technical qualifications for the job seem perfectly adequate, and the only real concern would be my "fit" for the position, both in terms of my interest for the work, and meshing with the existing team members. That (minimal) level of scrutiny seems appropriate for the purposes of an internal job transfer (though it was too much scrutiny for ADA purposes, which I was unaware of at the time; see below).

I "accepted" the invitation (i.e., I agreed to having the phone meeting).

In addition to the acceptance, I also sent Chris an email the day of the phone interview. Appendix F. In my email to Chris, I went into some detail about "reason for transfer". I did this proactively, in a good-faith effort to to inform Chris as much as reasonably possible about my situation. Everything I wrote to Chris was truthful and informative, though of course it wasn't feasible to go into depth about my ongoing C&A (Concerns & Appeals) process. In particular, I was careful to explain that my STD/disability would have no effect whatsoever on the work I would do for him (because I am "disabled" *only* to the extent of working under Dan, or another similar abusive manager). Also in this email, I forwarded Chris some samples of my (technical) work, as proof of my qualifications for the position.

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6 Phone Interview (Thu, Dec 1)

The phone interview happened as scheduled, on Thursday, December 1 (scheduled for 1:30-2:00 PM EST, actually took a little longer than that). The interview was totally positive and highly successful.

At the technical level, we observed I didn't know much, if anything, going-in, about the specific technology area (message queueing), or product, "MQ NonStop" (IBM MQ Series, now known as WebSphere MQ, on HP/Tandem NonStop hardware). We knew that would be the case, but it didn't matter, because those were more specialized details that would be easy to come up to speed on, as has to be done with any new project in any case (as we both recognized/acknowledged). What was important was the overall/general level of technological savvy and experience required on middleware/infrastructure, and I certainly had that in spades.

At the level of "reason for transfer" (which I'd already mentioned in my email earlier that day), I stated that I'd been on STD (but didn't say anything detailed about the reason or circumstances), which had afforded me the time/opportunity to reflect on the kind of work I'd been doing at Netezza, namely performance-specific. I told Chris I'd decided that while I found a lot to like about performance, and that I'd made many significant contributions while at Netezza, that overall I'd like to be doing something more development-oriented. This is what the job position offered, so this was a good match.

At no time during the phone call did I mention anything "negative", such as the IDR/C&A complaint/process I was involved in, or the reason for STD.

The only hint (and it was *merely* a hint, though again forbidden by the ADA; see below) of negativity from Chris's side was when he noted that my recent job history seemed to indicate a series of short-lived jobs, and he expressed some concern that maybe I was a "job-hopper" (though he didn't actually use that term), i.e., someone who easily grew dissatisfied/restless with any job and quickly moved on to something new. I assured him, truthfully, that the reasons for my recent short-lived jobs were "not exactly my choice or fault", citing the failures of various projects I'd gotten involved in — through, however, no fault of my own (after all, when you come into a losing project, late in the game, you can't turn it around no matter how good you are). Chris seemed wholly appreciative of this explanation (which is a common plight in our industry in any case), so he dropped the point without any further expressed concern. I did not mention that in this case, too, it wasn't my idea to transfer, rather it was Dan/IBM who was forcing me to transfer (the point being that Chris had nothing to worry about on this score, at least with respect to this job-changing event) — because, to do so would have infringed on the confidentiality of STD. To finish-up this point, Chris asked and/or I mentioned (I forget who initiated it) that my current management (Dan Feldman) was supportive of my transfer, and that Chris should feel free to contact him. [Of course, there was never any hint of concern that maybe I'd "flunked out" of any jobs due to some inadequacy on my part, because that's never been the case.]

The whole interview convinced both of us that we had a very good match indeed. So the next step was to go for an in-person interview with the team I'd be working with in Littleton, specifically with the two most relevant/senior people: Harvey Harrison and Brian Doherty. Chris said he'd set that up.

7 Setting Up In-Person Interview (Mon, Dec 5)

Following up on Monday, December 5, I pinged Chris, and he responded to me, saying he'd get something set up, and I re-responded to him. The Littleton interview did get scheduled. I also notified Dan of the pending interview, asking him for his support/permission, which he proffered. He also CC'd Diane Adams (which I hadn't done) — this in particular proves that HR was fully aware of the transfer process. Appendix G.

8 In-Person Interview (Thu, Dec 8)

The interview in Littleton was set up for, and did happen on, Thursday, December 8 (scheduled for 11:00-12:00, actually lasted until ~12:30).

I was scheduled to meet with, and did meet with, two people: Harvey Harrison and Brian Doherty. This is a small number of people to meet with for a job interview, but that's easily attributable to the facts: (i) it was an internal-transfer interview, hence required minimal scrutiny; (ii) it was a small team, so no need to talk to many people; (iii) Harvey and Brian appeared to be the most senior people, and the ones I'd be working most closely with in any case. (Though, again, such interviews are forbidden by the ADA; see below.)

The two interviews were unremittingly positive, and otherwise unremarkable.

Harvey met me at the door, and walked me into the workspace. The Littleton facility is huge, but by dumb luck I'd walked into the entrance door that was closest to their workspace (employee side-door entrance of building LKG1), and in fact their workspace was the workspace closest to that door (first workspace on the first floor, to the left).

Harvey walked me directly into a meeting room near their workspace (not to his office/cube first), where we talked for ~45 min. The talk was nominal. He'd looked at the materials I'd forwarded (résumé and samples of work), and I showed him some additional work-samples I'd brought along (not allowing any copies to be made, nor even close study done, because they were materials I'd produced at other companies [this is usual in today's job market, it's not a breach of any sort of intellectual-property or non-disclosure rules, because no proprietary information is communicated]). He had only positive things to say about any of this stuff, nothing negative. We also mumbled a bit about technical qualifications for the position, but not much (no "test" questions, for example) because it was quite clear from the get-go that I was fully qualified for the work.

What the work involved was, briefly stated, "porting the IBM WebSphere MQ software (formerly known as MQ Series) to HP/Tandem hardware". As Harvey himself stated (echoed by Brian later), this wasn't the most exciting, forward-looking work in the world. For example, the work was based on the C programming language (not a more modern language, such as C++ or Java). He/they told me this in order to make sure I was setting my sights realistically, to make sure he wasn't selling me a bill-of-goods. That was appropriate on his (and Brian's) part, and I appropriately acknowledged that I'd work on less-than-leading-edge technologies before, with good success (citing especially my time at Funk/Juniper.

Perhaps the most interesting thing Harvey told me was that very recently (earlier that very week), decisions had been made within their project group to do additional work (due to positive customer demand, and IBM's acquiescence to it), and along with it, additional hiring

"dumb luck" from the point of view of hugeness of the facility, but I'd called Harvey earlier, and he told me to enter by the side entrance; see Old Complaint, Add. V, App. HHH

worked

add "I"

(above and beyond the single job posting I'd found on GOM). Harvey said something along these lines: "Upper management asked me how many more people I'd need to do the work, and I said a dozen, but we'll be lucky to get hiring reqs for a half-dozen, so there will be plenty of work to go around." I got the distinct impression he was telling me this in order to give me an "early read" that I'd be offered a position on the team. y


Really, the only concern (if you can call it such) Harvey mentioned was whether or not the job would prove to be interesting from my point of view. In particular, he mentioned, in addition to the mainline development I'd expressed an interest in, their group also does a lot of customer-support work, including especially a measure of related documentation tasks, that went along with customer-support, noting that I didn't have much/any of that on my résumé. I told Harvey I'd read the job description, which adequately described the customer-support/documentation aspect, and was satisfied I'd be interested in doing that as part of my work. In particular, I also told him that documentation was a particular long/strong suit of mine, directing his attention again to the work samples I've provided, and saying words along these lines: "I'm fully aware that it often/usually falls to new members of a team to bring the documentation/wiki up-to-date (in the process of learning-the-ropes, and in addition to newbie development tasks such as debugging), and that I was accustomed/happy to do that. Anyway, whenever I do a development project, I always document it appropriately. This especially includes comments in source code, because on any long-lived code base there are more readers than writers, and even when I'm re-approaching some code I myself had written originally, comments in the code were necessary to quickly bring me back up to speed on what the code was doing." He agreed with all this motherhood-and-apple-pie, of course.

Further, I told Harvey, I'd applied for some temporary (3-6 months) customer-support-related job-rotation at previous places I'd been (AT&T, Groove), but had not been chosen (for the ostensible reason, I'd been told, that my technical talents were too crucial to the success of development projects that I couldn't spare for such "field work"). This showed I had an interest in doing customer-support (part-time, not full-time, which is exactly what this job opportunity entailed).

Harvey also told me that a good deal of pressure can arise at times in the customer-support role, and he gave me an example of his from recent experience, where a customer was blocked by a (claimed-)bug in their product, losing "billions" of dollars a day (he actually cited a more specific number, which I don't remember exactly, perhaps on the order of \$27 billion), hence the customer and Harvey's management-line were "sitting in his cube, looking over his shoulder, demanding a quick solution". I couldn't quite match that, but I did my best by relating to him my own example that I'd discovered a potential bug (breach of intellectual property law) in a piece of my code immediately before announced-initial-public-release of product at a startup I was in (Groove), whereupon I drove into work at 10 PM on the day of my ill-fated discovery, and worked alone overnight to fix the problem, finishing successfully at close-of-business the next day, so that the public-release the following day. He liked that story. could proceed

At the end of Harvey's interview, he took me to the machine room (a.k.a. "lab"), to show me the HP/Tandem hardware that was the target of their work. The machine room was huge ("~acres", so-to-speak), but his machines were consolidated together into one single small space. There were just a few, rack-mount ("~refrigerator-sized") machines, but that was enough (just one sample machine of each generation/version they needed to support).

At the end of the session with Harvey, he walked me to his office/cube area, to show me the work environment. I commented that it was a nice space (especially that there was a nice

view of a sunny/grassy/tree-filled hillside, which was nice, given that it was on the first floor, so no horizon-view could be available). There, Harvey vaguely pointed out some of the other team members, but didn't introduce me to any of them, except Brian Doherty. After a pleasant hand-off (where Harvey said he'd "failed to scare me off yet"), Brian took me back to the same interview room, and we talked for another ~45 min. This, too, was nominal, and completely positive/successful, covering a lot of the same ground as with Harvey. Brian and I even had time to chat about some personal things (this is not unusual, to get a sense of how personable a candidate it, i.e., to see whether they'll fit into a working team at a human level). For example, we talked about how we both had daughters of the same age (high-school senior) who were playing out the college-search scenario (his daughter wanting a big-size state-school type of place, my daughter wanting a small liberal-art school), and how his exercise of choice was soccer while mine was running. 

Brian also seconded what Harvey had said about the recent successes of the project, and the current push to beef up the number of staff-members. We also talked about the customer-support and documentation aspects. No problems were surfaced by anybody about any of this.

One of the two (Harvey or Brian), at some transition-point, also walked me to the local kitchen/supply area. At the end of Brian's interview, noting this was lunchtime, he mentioned that he and Harvey usually didn't take lunch until somewhat later, but there was a Starbucks in a nearby cafeteria area (in the building), and he'd be happy to drop me off there if I wanted. I accepted, saying I could use a coffee, and that I wanted to explore the building before leaving. So that's what he did, and that's what I did.

All in all, a perfectly pleasant introduction to what was "sure" to be my new job and colleagues. This was a project, and these were people, I'd surely like to work with.

9 "Very Positive" Follow-Ups (Dec 9, 12)

Appendix H.

I sent a thank-you letter to Chris, Harvey and Brian after my interviews, the next day, Friday, December 9.

Chris got back to me on Monday, December 12, with a "very positive" note (his words), saying he would "be following up with my management chain" (his words). I was elated, because I knew this meant the interviewing team considered me a good fit for the position (confirming the impressions I'd received from them during the interview cycle), and they were moving ahead with an affirmative recommendation to progress my transfer application through their management chain. Chris's later recollection of his own "optimism" at this time (Appendix L) confirms the correctness of my impression. Too, if Chris/Harvey/Brian had wanted to reject me for any reason, they would have done it right then and there, and I would have received an unambiguous rejection letter, not the unambiguously "very positive" letter I did receive. (Though yet again, we note that such concerns about "offer/acceptance" are prohibited by the ADA; see below.)

So only sign-off formalities were now required to make the transfer complete. In my experience, such formalities are a "sure thing", absent a catastrophic event (I'd only ever seen this

stage fail once, at a start-up company, due to a major negative financial downturn report, forcing *all* hiring to be frozen). So I replied to Chris in kind, with a “very positive” response.²

As I’d indicated to team members during my interviews (and was in any case deducible from the known fact that I was on STD), I was prepared to start work in Littleton upon a single day’s notice, and I was eagerly anticipating that event. This being the holiday season, however, many people were taking vacation days from work, so Chris prudently cautioned that “given the time of year”, he couldn’t “make any promises on timelines”, but he’d keep me informed.

I responded that I understood the unpredictable timing he indicated. Thereupon, I prepared to wait until after New Year’s for my transfer/relocation to Littleton to be consummated.

10 Waiting Period; Patent & QR Code (Dec 16 - Jan 5)

Given that there was now going to be a period of a few weeks of wait-time (though under the ADA there shouldn’t have been; see below), I viewed that as an opportunity for me to do some boning-up on the new technology I’d be working with/on (which I did quickly, it was easy), and to keep in touch with my new colleagues. For that reason, I notified them when my most recent patent was awarded, the following week. Appendix I.

Of more interest was that I wanted to find a way to further assuage concerns (though it was not visibly necessary) regarding my penchant/qualifications for customer-support and/or documentation. I discovered a perfect way to do that: QR Codes. Appendix J.

This was a pure documentation (not development, purposefully) project I’d gotten myself involved in, quite outside of any IBM-related work, but it now provided me with an excellent way to show off some of the skills that Chris/Harvey/Brian seemed most interested in. So I now put in some special, exerted effort into my QR Code project.

In brief: this was a very nice little piece of work that was guaranteed to prove, beyond any doubt whatsoever, that I did indeed have a strong interest and aptitude in the kinds of customer-support-cum-documentation role Chris/Harvey/Brian wanted. That is: after this QR Code demonstration, it would not be possible for anyone to say they were “reasonably concerned” about whether I would be “interested” in doing the job-on-offer, or that I would “jump ship” at an inopportune early date.

I completed the QR Code project very successfully, right on schedule. Appendix K.

11 Rejection Letter (Fri, Jan 6)

The first week of the new year is when I’d expected the formal job papers to get signed off, according to the reasonable expectations of the “very positive follow-ups” (above). But then, out of the blue, I received a bombshell rejection letter (ironically, in “response” to my “Happy New Year” email). Appendix L.

2· It was for this reason (the “very positive” exchange between Chris and myself) that I decided not to apply for LTD. For now, there was no need to go the LTD route.

This was a “bombshell” letter, because it was so totally unexpected by me (an “impossible” result). Indeed, Chris explicitly states this development is “unfortunate”, and he actually “apologize[s] that [his] earlier optimism did not reflect the reality”.

Very remarkably, the rejection letter is completely candid on its face, in its explanation that the precise reason for rejection is that I am availing myself of IBM-guaranteed STD benefits.³ Yet, the STD was officially certified by IHS, and IBM’s own promulgated description of STD (<http://w3-01.ibm.com/hr/us/benefits/shorttrmdisability.html>) explicitly states: “While you’re receiving benefits under the IBM Short-Term Disability Income Plan, you’re considered an active employee”. This rules out any potential formal/procedural reason for rejecting me due to STD status.

Hence (that is, provably absent formal/procedural reasons), the only possible way to understand the rejection is that I was rejected for the reason that I *am disabled* (or some variation thereof, say, for example, that I was taking medical leave as an accommodation for disablement). This means I was “treated disparately”, by inflicting a negative job action upon me, *because of my disability*. And this is the very definition of “forbidden discrimination”, pure and simple.⁴ Looked at from any direction or through any lens, this is plainly a direct breach of ADA law (adverse job action based upon discriminatory animus, as proved by voluntarily self-admitted direct evidence).

12 Cover-Up (Wed, Jan 11-20)

Yet, as big a bombshell as the rejection letter was, a bigger bombshell was to follow. Appendix M.

I informed Dan of the rejection on Wednesday, January 11. Dan (supported by Diane Adams) responded on Monday, January 16, claiming that Chris’s stated reason for rejection was a false one, not the real reason for rejection. Instead, Dan asserted the real reason for rejection was that “the team did not think you were the right fit for the position”, based upon certain (unspecified) “legitimate business reasons”.

Dan’s proffered account is incompatible, and irreconcilable, with how the events themselves actually developed (as reported above). It suffers from too much hand-waving, and too little evidence. It is a murky, non-specific revision, compared to Chris’s crystalline-clear, particularized, authenticated language. It is unsupported by any kind of convincing proof whatsoever.

Dan’s account even invites us to disregard our own prior experiences, and believe in a new paradigm, a “behavior against kind”. That is, it doesn’t square with the irrefutable fact that I had already previously been visited by multiple negative actions, based on-the-record upon the mere fact that I was availing myself of STD benefits:

- Russell Mandel’s refusal (multiple times) to progress my IDR/C&A, while on STD.

3· In the rejection letter, a secondary afterthought is tacked on, concerning “the work being to [my] liking, and keeping [me] as a productive and satisfied member of the team”. Besides being unsupported by any articulable explanation, the afterthought nature of this add-on makes clear it is non-determinative.

4· It is *also* “discrimination retaliation”, in that it tends to dissuade me from pursuing rights guaranteed to me under discrimination law.

- The rescission of my physical access rights to IBM buildings, and Russell Mandel's refusal to reinstate same, while on STD.
- The rescission of my electronic access rights to Netezza VPN, and the refusals by Russell and Dan (and Diane) to reinstate same, while on STD.

We are therefore forced, by plain rational logic, to conclude that Dan's account is unreliable and false, and that Chris's is correct and truthful.

13 GOM, One More Time

In desperation, I turned to GOM one more time. When I'd searched GOM previously, I'd done so on my own. While I'd been offered the assistance of Diane Adams (Appendix A), I had the distinct impression her level of assistance would extend to nothing further than a tutorial on "here's how you use GOM", as if that involved some sort of deep magic, whereas I'd looked into GOM and I knew using it was trivial. But now Dan was pressing her assistance yet again (Appendix M), so I thought I might as well hear what she had to say. Nothing to lose, and an outside chance of something to gain. Appendix N.

I needn't have wasted my time. I spoke to Diane by phone on Thursday, January 19, 9:30-9:50 AM. Sure enough, her "assistance" extended solely to how to navigate GOM, without a single word of IBM's going beyond GOM to assist me in any way, shape or form.

14 Obligations Under ADA

The ADA provides many strong protections for disabled employed Americans. It would take us too far afield to survey the ADA in its entirety here, but for our purposes it is relevant that we make note of the following obligations it places upon employers:⁵

- *Dan's claim about usage of the "right fit" standard (whether true or false) fails to comply with the ADA:*

The ADA specifically lists "reassignment to a vacant position" as a form of reasonable accommodation. This type of reasonable accommodation must be provided to an employee who, because of a disability, can no longer perform the essential functions of his/her current position, with or without reasonable accommodation, unless the employer can show that it would be an undue hardship.

An employee must be "qualified" for the new position. An employee is "qualified" for a position if s/he: (1) satisfies the requisite skill, experience, education, and other job-related requirements of the position, and (2) can perform the essential functions of the new position, with or without reasonable accommodation. The

5. The quotations here are taken from the EEOC Enforcement Guidance cited in Other Documents, because its overview nature is largely compatible with the style of the present document. Much more information is of course available in other publications, including enacted statutes and case law. It is to be noted that the clear trend for ADA protections, like all discrimination protections (both federal and state), continue to evolve in the "liberal" direction (that is, stronger protections for employees).

employee does not need to be the best qualified individual for the position in order to obtain it as a reassignment.

- *IBM's limiting my search for transfer opportunities to only to those listed in GOM fails to comply with the ADA:*

[Question] Must an employer offer reassignment as a reasonable accommodation if it does not allow any of its employees to transfer from one position to another?

[Answer] Yes. The ADA requires employers to provide reasonable accommodations to individuals with disabilities, including reassignment, even though they are not available to others. Therefore, an employer who does not normally transfer employees would still have to reassign an employee with a disability, unless it could show that the reassignment caused an undue hardship. And, if an employer has a policy prohibiting transfers, it would have to modify that policy in order to reassign an employee with a disability, unless it could show undue hardship.

- *IBM's passively pointing me to GOM, and its foot-dragging throughout, fails to comply with the ADA:*

[Question] Does an employer have to notify an employee with a disability about vacant positions, or is it the employee's responsibility to learn what jobs are vacant?

[Answer] The employer is in the best position to know which jobs are vacant or will become vacant within a reasonable period of time. In order to narrow the search for potential vacancies, the employer, as part of the interactive process, should ask the employee about his/her qualifications and interests. Based on this information, the employer is obligated to inform an employee about vacant positions for which s/he may be eligible as a reassignment. However, an employee should assist the employer in identifying appropriate vacancies to the extent that the employee has access to information about them. If the employer does not know whether the employee is qualified for a specific position, the employer can discuss with the employee his/her qualifications.

An employer should proceed as expeditiously as possible in determining whether there are appropriate vacancies. The length of this process will vary depending on how quickly an employer can search for and identify whether an appropriate vacant position exists. For a very small employer, this process may take one day; for other employers this process may take several weeks. When an employer has completed its search, identified whether there are any vacancies (including any positions that will become vacant in a reasonable amount of time), notified the employee of the results, and either offered an appropriate vacancy to the employee or informed him/her that no appropriate vacancies are available, the employer will have fulfilled its obligation.

- *IBM's rejecting my transfer on the grounds of "right fit", or on any other grounds (such as, say, concern about short-term tenancy), fails to comply with the ADA:*

[Question] Does reassignment mean that the employee is permitted to compete for

a vacant position?

[Answer] No. Reassignment means that the employee gets the vacant position if s/he is qualified for it. Otherwise, reassignment would be of little value and would not be implemented as Congress intended.

15 Allegations & Accusations

For the reasons put forth above, I hereby make the following allegations and accusations.

IBM has wantonly violated the ADA, by refusing to properly interact with me for the purpose of obtaining reasonable accommodation by reassignment (transfer), by committing the following impermissible acts:

- IBM failed to assist me in identifying an existent funded vacant position (apart from merely permitting me to use the GOM process, in the same manner as all other employees).
- After I myself found such a position, for which I was universally acclaimed to be qualified by education, training and experience, and I actively applied for it, IBM required me to additionally interview for it.
- IBM rejected me for said position, on the stated grounds that (i) I was “on STD”, or alternatively that (ii) I wasn’t the “right fit”.

I believe that Chris Kime’s rejection letter (Appendix L) provides direct evidence of discrimination and retaliation by IBM, based on disability (actual or “regarded-as”, based upon my taking medical leave as accommodation therefor).

I suspect that Chris Kime’s up-level management and operations people are involved in wrongdoing in this matter.⁶

I question whether Dan Feldman was involved somehow in undermining my application for transfer.

I believe Dan Feldman is actively engaged in a cover-up, and that Diane Adams is supporting him in his effort.

16 Demands

For the reasons put forth above, I demand that all illegal (and otherwise illicit) activities against me cease immediately.

I also demand that I be granted the transfer to SWG-0436579, as described herein, forthwith.

6. For the record, I believe Chris Kime himself was originally an innocent, naïve, “drive-by-shooting” victim in this matter, but whose arm was twisted by person(s) unknown to me, though including at least Dan Feldman and Chris’s up-line management, and certain operations (presumably meaning HR) staff.

APPENDICES

The emails included in these Appendices are rendered as transcriptions (rather than screen-shot reproductions or PDF dumps from Lotus Notes, for example). As such, some hand-editing has been necessary. Considerations of readability have dictated some insignificant changes (such as omitting *pro forma* headers/footers, and long-form email suffixes such as “/Marlborough/IBM@IBMUS”), but the originals are uncorrected as to misspellings, misstatements, typographical niceties (such as choice of font, straight-quotes vs. curly quote-marks, hyphen vs. en-dash vs. em-dash, etc.), and so forth. The intent of such hand-editing is to enhance understandability, only. In no case has any substantive or misleading change been knowingly made, of course (though some may have accidentally/inadvertently crept in; for example, there may be some “auto-correct bugs,” and some reformatting has been necessary because of the “ASCII unfriendliness” of the Notes platform, e.g., some dates had to be typed in manually).⁷ Some editorial commentary has been necessary in a limited number of places to maintain the narrative flow; where confusion might otherwise result, such editorial commentary is indicated by the following special/reserved notation:

►*This is an editorial comment.*◄

A Email Chain: Transfer Process (Nov 23-28)

■ From: Daniel Feldman
To: Walter Tuvell
Date: 11/23/2011 06:59 AM
Subject: Return to work

Walt:

It is my understanding that you have decided to accept IBM's standing offer to discuss potential reasonable accommodations supporting your return to work. As you know, you are presently certified for Short Term Disability (STD) until December 19, 2011. If you would like, you can conclude your STD period early and return to work next week. Or, you can continue to remain on STD until December 19 and return to work at that time.

As previously stated, IBM does not consider changing your management team to be a reasonable accommodation and you therefore will continue to report to me and remain in your current position if you return to work. As you know, as your manager it is my responsibility to work directly with the employees who report to me to ensure they are meeting their job requirements and performing to the standards expected of IBM employees. If you would like to discuss more specific proposals about structuring your work as possible reasonable accommodations, please let me know and either we can discuss or, if appropriate, we can engage HR or Integrated Health Services (IHS). If you are interested in exploring other positions through Global Opportunity Marketplace, Diane Adams from Human Resources can help

⁷ In any case, documents (such as emails) that exist in document-retention databases can/should be accessed in their original form if necessary, given proper authorization. I would welcome that.

with any questions you have about using that tool and applying for open opportunities.

Please note that if you choose not to return to work, you have the option of seeking continued certification of Short Term Disability beyond your current December 19 certification date. If you would like to pursue this route, please follow the IHS process of submitting an MTR which provides the appropriate medical support for STD eligibility.

Please let me know if you have any questions.

■ From: Walter Tuvell
To: Diane Adams
Date: Wed, 23 Nov 2011 15:12:55 -0500
Subject: GOM

Diane -

I am very interested in vigorously pursuing another position within IBM (within the same geographical area), as soon as possible. I will need active assistance in the optimal usage of GOM, and I was wondering if you'd be available to help me, starting on Monday? I am available immediately.

Thank you.

■ From: Diane Adams
To: Walter Tuvell
Date: 11/28/2011 09:00 AM
Subject: Re: GOM

Walt, I'm available between 12:30-1:30pm today if you'd like to connect. Just let me know. In the meantime, here is the link to Global Opportunity Marketplace (GOM) where you will search for jobs.

<http://w3-01.ibm.com/hr/global/OppMarketplace.html>


And, here is a link to info on how to use GOM:

https://w3-01.sso.ibm.com/learning/lms/content/wbt/directlink/Opportunity_Marketplace/emptraining.html

B Job Search Results (Nov 28)


Jobs at IBM - Powered by netMEDIA - Search results

https://jobs3.netmedia1.com/cp/search_results.jsp



Jobs at IBM
For IBM employees

[Job search](#)
[Browse jobs](#)
[Job basket](#)
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[My applications](#)
[My saved searches](#)
[My action items](#)
[My referrals](#)
[Contact us](#)
[Help](#)



Select your language

ibm.com/jobs > Jobs at IBM > Search results

Tuvell, Walter ▾

Search results

Search criteria: Professional, Software Development & Support, Software Architect, Software Designer, Software Developer, Software Performance Analyst, Americas, USA, MA, Boston, MA, Cambridge, MA, Littleton, MA, Marlborough, MA, Waltham, MA, Westford, 'performance', Full Time, Permanent, Traditional Office (IBM building), Band from 08 to 10

1 vacancies match your query

Group results by **Location, Business unit, Job role**

Job title	Country/city	Business group	Posted	Job ID
<input type="checkbox"/> Software Developer	USA Littleton	IBM Software Group	26-Sep-2011	SWG-0436579 Professional

☐ Select all

Add to basket
Apply directly
Refer a friend
View ERBP program details

1 of 1

☐ Refine search
☐ New search
☐ Save search
☐ Send to friend

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Job Filter
Click one of the links below to browse jobs within a category of interest.

Software Architect - General (1)
Software Developer - J2EE (4)
Software Developer - SWGM&D Java Technologies (2)
Software Developer - Java (14)
Software Developer - SWGM&D Java Technologies (2)
Software Developer - Test (1)
Software Developer - Java (14)
Software Developer - Systems Design (2)
Software Developer - C++ (4)

1 of 3

11/28/2011 10:34 AM

►Pages 2-3 omitted (content-free, irrelevant to this Complaint).◄

C Job Description (Nov 28)

Jobs at IBM - Powered by netMEDIA - Job Softwar...

https://jobs3.netmedia1.com/cp/job_summary.jsp?jo...




Jobs at IBM

For IBM employees

Job search

Browse jobs

Job basket

My profile

My applications

My saved searches

My action items

My referrals

Contact us

Help



Select your language

Software Developer

Job ID	SWG-0436579	Job type	Full-time Regular
Work country	USA	Posted	26-Sep-2011
Work city	Littleton, MA	Job category	Software Development & Support
Travel	No travel	Job role	Software Developer
Business unit	App Int SW	Job role skillset	C
HR contact	- -	Workplace	Traditional Office (IBM building)
Department	MQ DEVELOPMENT	Band	07 to 08
Hiring manager	Christopher Kime		
Division	APPLIC INTEG MIDDLEWARE		

Commissionable/Sales-Incentive jobs only No

Job description

Our small team develops and supports the industry-leading IBM WebSphere MQ product for the HP NonStop Server platform, and we are gearing up to develop the next major release for this platform.

WMQ for HP NonStop Server is a deep port of the distributed platform code base and function that provides standard function and interfaces while making best use of the underlying platform's capabilities and features such as fault-tolerance, scalability and on-line configurability that the NonStop user community demand.

We are a team that does both development and Level 3 support, as well as a significant amount of direct customer interaction. This arrangement gives even more purpose to your code, and you'll develop your skills better than ever before through the support component. The primary role is for software development activities, but support and consulting directly with customers is a normal and expected secondary role. On our team, the activities being performed at any particular time vary with product lifecycle and business needs.

As a team we are using an Agile development process for our work, and are eagerly embracing short time-boxed iterations, customer feedback, SCRUM techniques and the latest tools to support such an approach.

There are many interesting challenges in designing, implementing and supporting a really great product in this environment.

In addition to the primary required skills, experience with the following is highly desirable in a candidate:

- Pthreads threaded programming and debugging
- Perl scripting
- Design and/or internals of WebSphere MQ on any platform
- Requirements of high availability, parallel and scalable OLTP applications
- Agile development processes
- Experience in a customer facing role such as support or consulting

And experience in the following would also be beneficial for some activities on our team:

- C++ and/or Java programming, debugging and unit testing
- ANT
- Developing, administering or using HP NonStop Server

WebSphere MQ (WMQ) is supported currently in two versions (V5.1 and V5.3.1) and on a total of 3 hardware variants of the HP NonStop range.

Jobs at IBM - Powered by netMEDIA - Job Softwar...

https://jobs3.netmedia1.com/cp/job_summary.jsp?jo...

WebSphere MQ provides a universal messaging backbone to connect virtually any commercial IT system reliably and scalably.

On HP NonStop Server, WMQ is heavily used by the finance, manufacturing and retail industry for mission-critical (24x7x365) applications.
Apply today!

Required

- Bachelor's Degree
- At least 3 years experience in 'C' language programming, debugging and unit testing
- At least 1 year experience in Detailed design of software meeting functional, performance, serviceability requirements
- English: Fluent

Preferred

- Information Technology
- At least 3 years experience in Detailed design of software meeting functional, performance, serviceability requirements
- At least 3 years experience in shell scripting or Unix development
- At least 3 years experience in understand, analyze and modify large and complex software components
- At least 2 years experience in WebSphere MQ application development and/or systems administration
- At least 3 years experience in system level software development with Unix system calls and library functions
- At least 3 years experience in demonstrated commitment to high quality, effective and complete verification of software

IBM is committed to creating a diverse environment and is proud to be an equal opportunity employer. All qualified applicants will receive consideration for employment without regard to race, color, religion, gender, gender identity or expression, sexual orientation, national origin, genetics, disability, age, or veteran status.

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D Email Chain: Job Application (Nov 28)

■ From: Daniel Feldman
To: Walter Tuvell
Date: Mon, 28 Nov 2011 08:58 AM
Subject: Return to work?

I haven't received a check-in from you since the week before last and you haven't replied to my most recent email about return to work. Please advise me of your plans.

■ From: Walter Tuvell
To: Daniel Feldman
Date: Mon, 28 Nov 2011 2:02 PM
Subject: Re: Return to work?

I sent an STD check-in last week (see below screenshot), and I'm doing so this week (with this very note). Please confirm receipt just so I can be confident that these e-mails are reaching you. I understand that I should be checking in each week, and I want to be seen as complying with this rule. Thank you.

In response to your e-mail, I will be unable to return to work early from my scheduled disability leave. In fact, the thought of returning to work under your supervision is leading me to experience extremely high levels of anxiety and an abnormal measure of fear. I intend absolutely no disrespect or rancor in this statement. It is simply my medical reality at this moment; I wish it were different.

It is for this reason that I have pressed for a transfer of some sort as a reasonable accommodation. I appreciate your suggestion to find other opportunities on GOM. I found a single position which is appropriate, and I have applied for it. I would appreciate it if you could be of assistance in helping my application succeed. Let me know if I can provide any further information.

►Screenshot omitted (irrelevant to this Complaint).◄

■ From: jobs@netmedia1.com
To: Walter Tuvell
Date: 11/28/2011 03:00 PM
Subject: Your IBM application

Dear Walter Tuvell

Thank you for your application to the position Software Developer SWG-0436579, USA. To view the status of your application at any time, please click on the link below and log in using your User ID and password:

https://bluepages.ibm.com/password/vendor/auth/login.wss?code=hr_globalopp

Yours sincerely,

IBM Recruitment

Please note: this is an auto generated e-mail that cannot receive replies.

Your application will be kept active for 12 months (6 months for Germany and Austria).

This message is sent on behalf of the IBM entity named above; please note however, that if your application results in a offer of employment with IBM, the relevant IBM entity may be a different one and/or based in a different country.

■ From: Daniel Feldman
To: Walter Tuvell
Date: 11/28/2011 03:21 PM
Subject: Re: Return to work?

I did receive this email. I think I'm getting all your check-ins; it may be that I missed or forgot about the one last week, hence the query and thanks for reminding me of it.

Good luck with your transfer.

Please don't forget about the option of applying for long term disability. There are some deadlines and documentation requirements that you need to pay attention to if you pursue that course. I think the process and its requirements are all well documented on the HR For You pages, but don't hesitate to ask for pointers (from me, Diane or your case manager at Integrated Health Services) if you can't find what you need. Current calculations (provided to me by the accounting folks) are that you will exhaust your STD on 1/24/12.

E Invitation To Phone Interview (Nov 30)

The screenshot shows the IBM Lotus Notes application window titled "SWG-0436579 discussion - IBM Lotus Notes". The interface includes a menu bar (File, Edit, View, Create, Actions, Tools, Window, Help) and a toolbar with various icons. The main content area displays an invitation for a discussion titled "SWG-0436579 discussion" scheduled for "Thu 12/01/2011 1:30 PM - 2:00 PM". It states that attendance is required for Walter Tuvell, with Chris Kime/Austin/IBM as the chair. The location is specified as "Phone - (512)286-6981, or provide me a number to call". A "Required:" field contains the text "Walter Tuvell/Marlborough/IBM@IBMUS". A "Time zones:" note indicates the entry was created in a different time zone, showing "Thu 12/01/2011 12:30 PM CST - 1:00 PM CST". Below this, there are tabs for "Description" and "Personal Notes". The "Description" tab is active, showing a message to Walter: "I would like to chat with you on the phone about the open job requisition. I reviewed your résumé (short and long), and have little doubt that you have technical skills that we could use on the project. Of course, we need to make sure that you have an interest in the position and it seems like it would be a good fit. Let me know if this time will work for you or counter with another time - my calendar should be up to date." The message is signed "Regards, Chris". The bottom status bar shows "Online" with a small icon.

SWG-0436579 discussion - IBM Lotus Notes

File Edit View Create Actions Tools Window Help

Home x Walter Tuvell - Mail x SWG-0436579 discussion x

Search All Mail

Edit Participant Actions Request Information... Check Calendar...

SWG-0436579 discussion
Thu 12/01/2011 1:30 PM - 2:00 PM
Attendance is **required** for Walter Tuvell
[Show Details](#) Chair: **Chris Kime/Austin/IBM**
Location: Phone - (512)286-6981, or provide me a number to call

Required: Walter Tuvell/Marlborough/IBM@IBMUS

Time zones: This entry was created in a different time zone. The time in that time zone is: Thu 12/01/2011 12:30 PM CST - 1:00 PM CST

Description Personal Notes

Walter,

I would like to chat with you on the phone about the open job requisition.

I reviewed your résumé (short and long), and have little doubt that you have technical skills that we could use on the project. Of course, we need to make sure that you have an interest in the position and it seems like it would be a good fit. Let me know if this time will work for you or counter with another time - my calendar should be up to date.

Regards,

Chris

Online

F Email: Introduction To Chris Kime (Dec 1)

■ From: Walt Tuvell
To: Chris Kime
Date: 2011-12-01 08:28 AM
Subject: Re: SWG-0536579 discussion

should be Dec. 5; see Old
Complaint, Add. V, Sec.
54, p. 6, 5th bullet

Chris -

Thanks for the offer/invitation of talking with you today. I'm prepared to call you at 12:30 CST (1:30 EST), but if it's more convenient for you, you can call me instead: 781-475-7254(c).

In the meantime, I can tell you that I'm coming back from an STD lasting back to Aug. I now have a completely clean bill of health though, symptom-free, will have no trouble commuting to work, am working-out and running again, etc. While away I took some time to think about what I like to do best, compared to the "performance architect" role I'm currently in, and am hoping to get back into more of a development role. Scanning GOM turned up your opening, hence this inquiry.

That's not to say I don't like performance per se, or that I haven't had success with it, insofar as it goes. Just that in order to really have the effect on a product that I think I can contribute, I believe I need to approach the performance aspect more from a developer's viewpoint. Else, the job tends to become more of a "performance test/QA" role, which I don't think takes best advantage of my background/potential. This is analogous to a regular (non-performance-specific) QA engineer, who can find bugs, but can't "really understand" their import, in particular how fixing them in "best ways" can improve the product optimally or lead to new insights, unless they're doing the development too.

I'm attaching some samples of my work at IBM (can't give you samples of what I've done elsewhere, of course :-). The names of the files map to names of projects as given in my (long-form) resume. I also moon-lighted by designing the format/template of the Word/LibreOffice docs, and the enscript docs.

Cheers!

- Walt

►Attachments omitted (irrelevant to this document): BlktraceBlkparseBtt.pdf, PerfScore.pdf, PMtest.pdf, nzVtCapture.pdf, nzVtCapture.sh.pdf, perfScore.py.pdf.◄

G Email Chain: Setting Up In-Person Interview (Dec 5)

■ From: Walt Tuvell
To: Chris Kime
Date: 2011-21-01 01:25 PM
Subject: Transfer

Hi, Chris, I just thought I'd touch base with you to make sure everything is on track for talking to your team in Littleton this week. At the moment, I'm free on Tue morning, and all day Thu & Fri.

Looking forward to it!

■ From: Chris Kime
To: Walter Tuvell
Date: 12/05/2011 03:02 PM
Subject: Re: Transfer

Thanks for the follow up.

I expect that Harvey (Harrison) and Brian (Doherty) will be contacting you shortly to meet with you in person and discuss the opportunity. I will make them aware of your availability this week.

■ From: Walt Tuvell
To: Chris Kime
Date: 2011-12-05 03:51 PM
Subject: Re: Transfer

That's great Chris, thanks.

Will you be forwarding them the sample work materials I sent you, or should I do that, or wait for them to ask, or what?

I also have some additional materials from former jobs, which I can't send copies of naturally, but I can carry copies in/out for purposes of casual perusal. I've found over the years that many employers like seeing that kind of stuff (it's never been viewed as "confidentiality-abuse" for example, nor would I ever think of doing anything like that), so if that would be helpful please let me know. This might be especially useful for C++, because as you know I haven't done any of that at IBM yet.

■ From: Chris Kime
To: Walter Tuvell
Date: 12/05/2011 04:30 PM
Subject: Re: Transfer

I did forward on your CV and work samples to Harvey and Brian so they could review to their heart's desire if they chose to do so.

■ From: Walt Tuvell
To: Dan Feldman
Date: 2011-12-05 04:40 PM
Subject: Several things

This constitutes my weekly short term disability check-in.

I have followed up on a job opportunity I found via GOM, have spoken with Chris Kime in Austin, and a job interview is being scheduled. I would appreciate anything you could do to further the success of this application.

It is my understanding that a transfer interview will likely be scheduled this week. But my access to IBM facilities has been cut off. Please confirm that I will be able to return to IBM buildings to participate in interviews.

If you become aware of any other opportunities for a position for using my skills, please let me know.

At this time, it is not clear that LTD addresses my situation/needs. I have located the LTD Summary Plan Description, but I have been unable to locate the LTD formal plan documents. Please let me know where I can find the formal plan documents.

■ From: Walt Tuvell
To: Dan Feldman
Date: 2011-12-05 04:47 PM
Subject: Interview scheduled

Dan, I have received an interview invitation (attached), do I have your permission to attend?

►*Screenshot of invitation attached to this email, shown next.*◄

**Invitation: Discuss WMQ NonStop Opening****Thu 12/08/2011 11:00 AM - 12:00 PM**Attendance is **required** for Walter TuvellChair: **Harvey Harrison/Marlborough/IBM**Rooms: **A1-A1503/LKG1/550 King St/MA-Littleton@IBMUS****Harvey Harrison** has invited you to a meeting. You have not yet responded.Required: **Description**

Walt:

Based on information from Chris, and your calendar, this timeslot seemed appropriate - let me know if another time would be more convenient. Brain is not in the office on Fridays, so Thursday seemed like the best option.

■ From: Daniel Feldman
To: Walter Tuvell
Cc: Diane Adams
Date: 12/05/2011 07:04 PM
Subject: Re: Interview scheduled

Sure.

H Email Chain: “Very Positive” Follow-Ups (Dec 9, 12)

■ From: Walt Tuvell
To: Harvey Harrison, Brian Doherty
Cc: Chris Kime
Date: 2011-12-09 02:51 PM
Subject: Thanks for the visit

Harvey & Brian, I just wanted to thank you for your time yesterday.

You gave me quite a good picture of what you're doing, and it feels very much like what I'd like/want to be doing. I felt comfortable with both of you, and I think I'd fit into the team well. I'm also pretty sure I could start adding value early -- I seem to have all the basics covered, just need to ramp up on the specifics of MQ, NonStop and your solution, which (almost) anyone would have to do anyway.

If I left you with any gaping open questions, my apologies; I'd be happy address them, just ask.

No matter what happens, I wish you all the best going forward, you've got a Good Thing on your hands.

Cheers!

■ From: Chris Kime
To: Walter Tuvell
Date: 12/12/2011 01:09 PM
Subject: Re: Thanks for the visit

Walt,

Thanks again for taking the time to talk with Brian and Harvey last week. I think the conversations were very positive, and I will be following up with my management chain and will keep you posted of developments as they occur. Obviously, given the time of year I cannot make any promises on timelines but I will try to keep you informed of any updates.

Regards,

Chris

■ From: Walter Tuvell
To: Chris Kime
Date: Mon, 12 Dec 2011 2:04 PM
Subject: Re: Thanks for the visit

Thank you, Chris, I'll be looking forward to your updates. I don't know the process you need to observe, but I do understand about the difficulties of finding people at this time of year.

Speaking of which, happy holidays!

- Walt

I Email: Patent (Dec 16)

■ From: Walt Tuvell
To: Harvey Harrison, Brian Doherty
Cc: Chris Kime
Subject: Correction to resume
Date: 2011-12-26 10:33 AM

Guys, I just found out the "patent pending for SBR/HA" on my resume was awarded

last week: #8,072,990,

Just thought I'd let you know. :-)

Have a good weekend!

J Email Chain: QR Code (Dec 21 - Jan 5)

■ From: Walt Tuvell
To: Chris Kime, Harvey Harrison, Brian Doherty
Subject: Fun with QR codes
Date: 2011-12-21 07:59 AM

Guys, here's a fun little project I've gotten involved in for the holiday season you might enjoy.

I went to a restaurant with my family a couple weeks ago, and we noticed a "funny-looking square barcode" on the menu (we didn't know the name "QR Code" at the time). We'd all seen these things cropping up in various places, but we didn't know what they were about, so I decided to find out.

After familiarizing myself with QR Codes (including the ISO/IEC spec), I realized the Wikipedia article could be done a little better. It was my first-choice source of info, as it is for most of the world these days, it just doesn't go far enough. So I added some content-captions to the samples in that article. That helps, and is now generating a little discussion (which is captured in the Wikipedia page history).

While that content-caption discussion continues, I've also working on some deeper material. See the attached pic, which is getting close to being done. I have a plan to follow it by another, which explicitly parses the content of the same symbol, in a similarly pedagogical way.

Why am I bothering to mention this to you folks? Well, a question came up about how I might approach Customer Support, especially explaining technical material, and documenting it for future reference. When I began the QR Code activity, I wasn't thinking about Customer Support, but this morning it occurred to me this might make a nice introduction to the topic for your consumption. You might even find it fun to learn more about QR codes, and I have done.

Be talking to you, and have a good couple of weeks. Cheers!

►Attachment (early version of QR Code work) omitted (irrelevant to this document).◄

■ To: Walter Tuvell
Date: 12/21/2011 12:03 PM

Subject: AUTO: Chris Kime is out of the office on vacation. (returning 01/05/2012)

I am out of the office until 01/05/2012.

I am periodically checking e-mails but not available during business hours.

If you have an urgent matter:

- * For WMQ LLM issues, please contact Jim Roney.
- * For NonStop Server support issues, please contact Harvey Harrison.
- * For Solutions/Build/Support management issues, please contact Arnaud Mathieu.

I will respond to your message as soon as possible.

Note: This is an automated response to your message "Fun with QR codes" sent on 12/21/2011 5:59:05.

This is the only notification you will receive while this person is away.

■ From: Walt Tuvell
To: Chris Kime, Harvey Harrison, Brian Doherty
Subject: Happy New Year
Date: 2010-01-03 07:43 AM

Hi, folks -

should be 2012; see Old
Complaint, Add. V, Sec.
54, p. 6, 6th bullet

I know Chris isn't back from vacation until later this week, but I thought I'd wish you all a happy new year preemptively. I hope you had a good holiday season, and that the new year holds peace and prosperity for you and yours.

A little update on my QR Code project, which you may recall I mentioned. It's reached Draft 1 stage (attached). It needs just one more page (Page 6), on Error Correction & Detection, and it'll be finished, for my purposes.

There remains a question about how to publish it. My interest in QR Code originally started because my wife & kids wanted me to help explain QR Codes to them, and then it migrated to a Wikipedia work item. As it has evolved, I've been pleasantly surprised to see how well-engineered it is, so the paper is now a bit beyond what Wikipedia articles normally look like (much more detailed "techno-nonsense").

What might be better than Wikipedia per se is to publish the paper as an informative article somewhere else, and simply have Wikipedia point to it. There are a number of informative/tutorial sites where one can learn about QR Codes, but not, I think, at the level I've tried to achieve. I'll probably contact some of those places, and ask their advice. Of course, if you have any suggestions, that would be great too, but don't feel obligated to be involved.

The QR Code project has been great fun, but it'll be even more fun to get back to more "serious" work, with meaningful objectives and deliverables, and all that. So

I'm really forward to everybody at IBM finally getting back from time-off, so the paperwork for transfer to your group can be signed-off and completed.

With any luck, I'll be seeing you shortly!

- Walt

►Attachment (early version of QR Code work) omitted (irrelevant to this document).◄

■ From: Walt Tuvell
To: Chis Kime
Cc: Harvey Harrison, Brian Doherty
Subject: QR Code project, done
Date: 2012-01-05 05:38am

So, I decided the best way to publish my QR Code write-up was as an addendum to the pre-existing Wikipedia article (as opposed to wholesale replacing the Wikipedia page).

You can see it on http://en.wikipedia.org/wiki/QR_code, under a new heading called "Next Steps". Attached is a screenshot of what it looks like on my browser.

Cheers!

►Attachment omitted (see Appendix K).◄

Change "Performance Proposal"
to "Complaint" (passim)

K QR Code

QR code - Wikipedia, the free encyclopedia - Mozilla Firefox


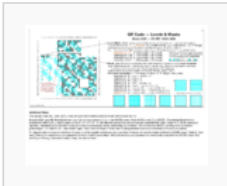



File Edit View History Bookmarks Tools Help

W http://en.wikipedia.org/wiki/QR_code

5	5	14	E	23	IV	32	W	41	-
6	6	15	F	24	O	33	X	42	.
7	7	16	G	25	P	34	Y	43	/
8	8	17	H	26	Q	35	Z	44	:

Decoding example [\[edit\]](#)

The following images offer more information about the QR code.



1 — Introduction 2 — Structure 3 — Layout & Encoding 4 — Levels & Masks 5 — Protocols

License [\[edit\]](#)

The use of QR codes is free of any license. The QR code is clearly defined and published as an ISO standard.

Denso Wave owns the [patent](#) rights on QR codes, but has chosen not to exercise them.^[5] In the USA, the granted QR code patent is [US 5726435](#), and in Japan [JP 2938338](#). The European Patent Office granted patent EP0672994B1 to Denso Wave, which was then validated into French, British and German patents, all of which are still in force as of November 2011.

The term *QR code* itself is a [registered trademark](#) of Denso Wave Incorporated.^[22]


Variants [\[edit\]](#)

1





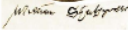













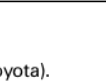


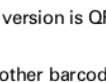


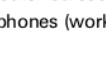
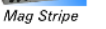








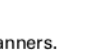


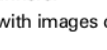
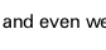






















QR Code

Model 2005 — ISO/IEC 18004:2006

Modern/high-tech evolution from earlier *AIDC* symbologies
AIDC (Automatic Identification and Data Capture) = "Machine-friendly"
Symbology = Communication via symbols (esp. "writing systems")
[We restrict ourselves to Latin/English language/alphabets only]



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Languages			Printing	
Alphabets			Phones	
Writing			Computers	
Text	[Aa] b c			
Signs				
Signals				
Braille				
Phonetic	Alfa Bravo Charlie			
Morse	•• —• —••			
ASCII	01000001 01100010 01100011 41 ₁₆ 62 ₁₆ 63 ₁₆			
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				
				

Additional Notes

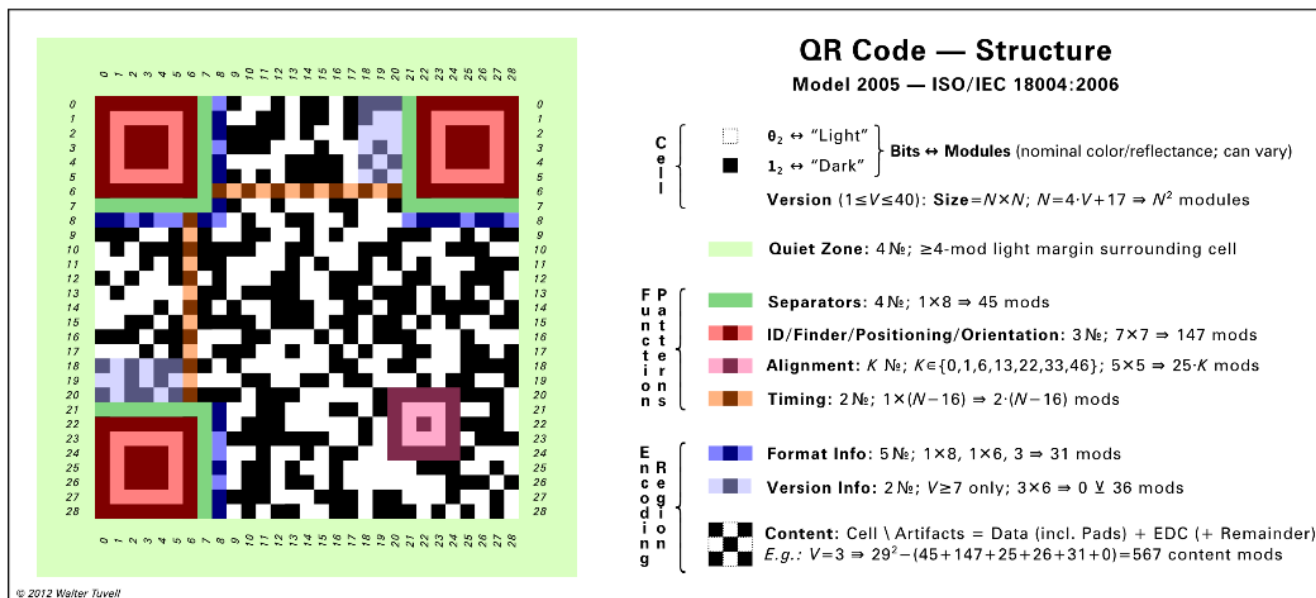
Invented in 1994 by Japanese company Denso-Wave (major funding Denso corp., minor funding Toyota).

Quickly entered standardization process, becoming ISO/IEC international standard in 2000. Current version is QR Code Model 2005.

Royalty-free usage, worldwide.

For commercial use, hardware scanners available in several technologies; no more expensive than other barcode scanners.

For casual use, software generators and readers are cheaply/freely available; apps for PCs and cell phones (working with images or cameras), and even web resources.



Additional Notes

"Light"/"dark" are understood relative to per-symbol global threshold (reflectance midway between minimum and maximum for the symbol). Polarity can be reversed ($0_2 \leftrightarrow$ "dark", $1_2 \leftrightarrow$ "light") — if decoder cannot locate finder patterns, try reversing polarity (only one polarity can be valid). Other variations may also be supported, depending on the reader/decoder (e.g., physical/3D markings, such as dice-like dot/peen dimples). Easily depicted in ASCII, too (using *,).

Corner features (quiet zone, finder patterns, separators) enable identification, location, rotational orientation, reflectance polarity.

Timing patterns (alternating reflectance) supports symbol density, version/size to be determined, and provide positions for determining row/col coordinates (rectangular, not just square).

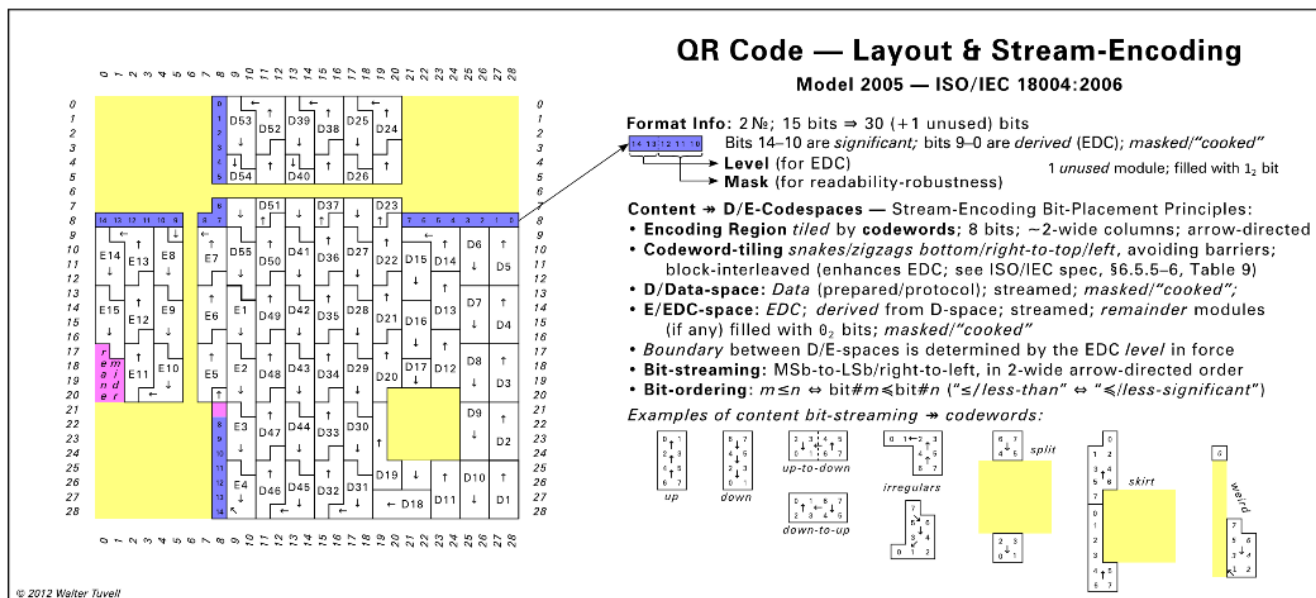
Alignment patterns, located symmetrically about diagonal, supports symbol distortions to be detected/corrected.

N_e : 0 ($V=0$); 1 ($2 \leq V \leq 6$); 6 ($7 \leq V \leq 13$); 13 ($14 \leq V \leq 20$); 22 ($21 \leq V \leq 27$); 33 ($28 \leq V \leq 34$); 46 ($35 \leq V \leq 40$).

Version info: $7 \leq V \leq 40$ only (not present in our sample); 2 copies, each 18 bits (6 data, 12 EDC); encodes value V ; special-snake/zigzag layout; unmasked.

Version info EDC uses binary Golay 18,6 ECC (≤ 3 -bit correction). The $F_2[X]$ polynomial of degree ≤ 6 whose coefficients are bits 17–12 (which encode V), multiplied by $X^{18-6} = X^{12}$, is divided by designated generator polynomial $X^{12} + X^{11} + X^{10} + X^9 + X^8 + X^6 + X^2 + 1$, and the remainder polynomial's coefficients are taken as bits 11–0. See ISO/IEC spec, §D.2, for error detection/correction procedure.

Damage to fixed patterns (deviation from ideal appearance of corner features, timing patterns, alignment patterns) can be evaluated, for quality control purposes (see ISO/IEC 15415 Print Quality specification).



Additional Notes

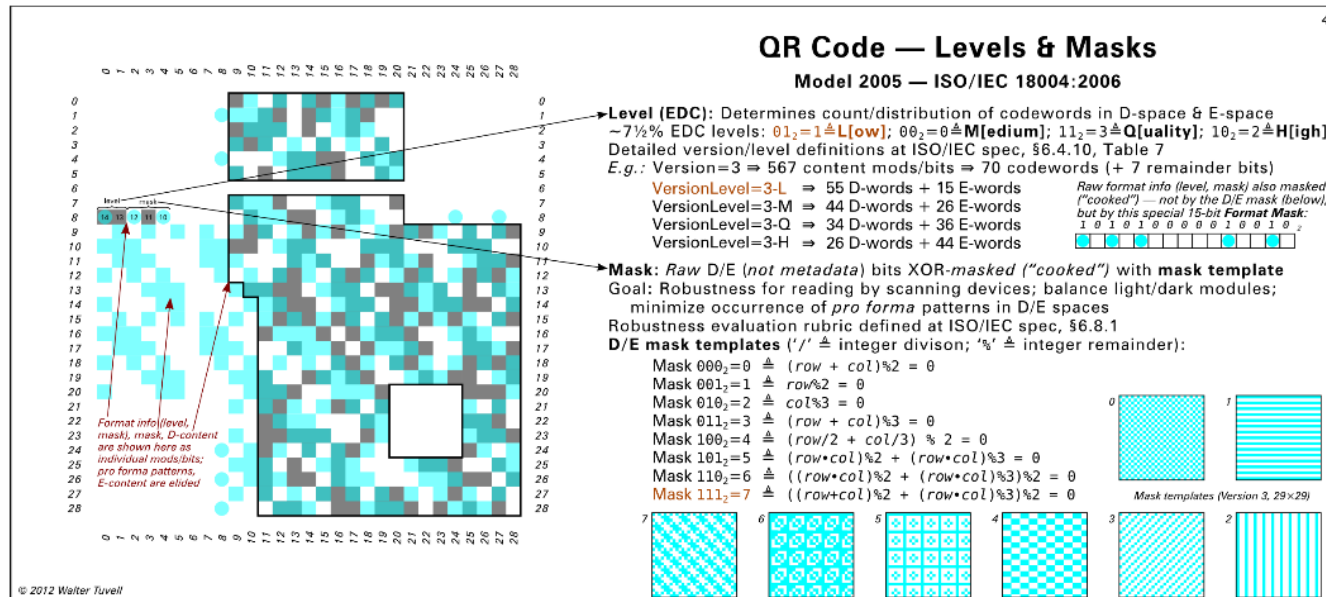
The unused module is marked dark (and not masked).

"Snake" refers to byte-level layout; "zigzag" refers to bit-level layout.

Layout/boundaries of D/E codewords is not to be confused with layout/boundaries of encoded charset SDD entities (see below).

Format info EDC uses BCH (Bose-Chaudhuri-Hocquenghem) 15,5 ECC (≤ 3 -bit correction). The $\mathbb{F}_2[X]$ polynomial of degree ≤ 5 whose coefficients are bits 14–10 (level, mask), multiplied by $X^{15-5}=X^{10}$, is divided by designated generator polynomial $X^{10}+X^9+X^8+X^7+X^6+X^5+X^4+X^3+X^2+X+1$, and the remainder polynomial's coefficients are taken as bits 9–0. See ISO/IEC spec, §C.2, for error detection/correction procedure.

Upon decoding, if format info doesn't validate, try mirror-reversal of symbol (= transpose about diagonal, exchanging rows and columns — which reverses the format info bits provided the value of bit 7 is 1₂, but forces bit 7 to be regarded as an error if bit 7 is 0₂). Both mirror images cannot be valid, to within 2 errors, due to design of format info pattern (by inspection of ISO/IEC spec Table C.1, no reversal of a valid format info string is also a valid string, to within 2 errors).



Additional Notes

The special mask $101, 0100, 0001, 0010_2$ ensures that masked/cooked format info is never all-0's.

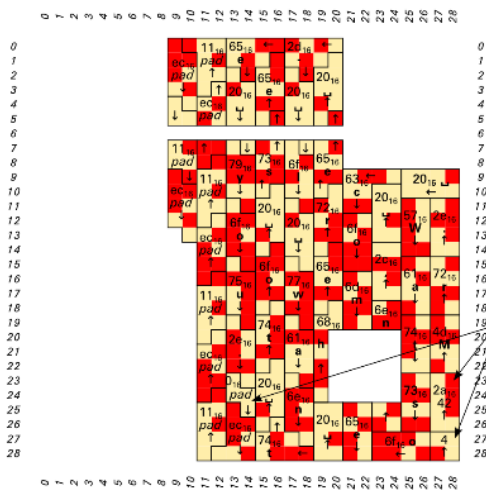
D-space EDC uses RS (Reed-Solomon) c, k, r (for various values of c, k, r ; see ISO/IEC spec, Table 9) ECC, over $\mathbb{F}_{256} = \text{GF}(2^8)$. The irreducible primitive polynomial defining \mathbb{F}_{256} itself is taken to be $X^8 + X^4 + X^3 + X^2 + 1$. 36 different generating polynomials are used (ISO/IEC spec, Table A.1). Error-correction capacity, r (number of correctable errors per block of codewords) varies, depending on versions 1–40 and levels L/M/Q/H, yielding error-correction percentages $\sim 7\frac{1}{2}/15/22\frac{1}{2}/30$. See ISO/IEC spec, §6.5.2 and Annexes A–B for error-code generation and error detection/correction procedure.

\mathbb{F}_{256} -based scheme requires **blocking**: D-space must be initially partitioned into a number of blocks, of specified sizes (defined in ISO/IEC spec, Table 9); then each D-block is mapped to a corresponding E-block via ECC generation. Effect of blocking on placement of codewords is specified by ISO/IEC spec, §6.6 and Figure 15 (e.g., shortest block(s), if any, are placed first).

5

QR Code — Protocol(s)

Model 2005 — ISO/IEC 18004:2006



D-Space Content (raw/unmasked): Sequence of SDD (Self-Describing Data) segments

Mode Indicator \triangleq First 4 bits of SDD segment

Native Modes: SDD is TLV (Type/Length/Value)

0001₂=1₁₆ \triangleq N[umeric] — 0–9 [3 chars/digits \rightarrow 10 bits]

0010₂=2₁₆ \triangleq A[lphanumeric] — 0–9 A–Z \cup \$ % * + - . : [2 chars \rightarrow 11 bits]

0100₂=4₁₆ \triangleq B[yte]i[nary] — 00₁₆-ff₁₆ [“default” ~ ISO/IEC 8859-1=“Latin-1”; 1 char \rightarrow 8 bits]

1000₂=8₁₆ \triangleq K[anji] — Shift JIS X 0208 [see ISO/IEC spec for encoding]

Type: Character-set (as just indicated, above)

Length: Count of N/A/B/K chars, base-2 encoded in 8–16 bits:

Versions 1–9 — N:10 A:9 B:8 K:8

Versions 10–26 — N:12 A:11 B:16 K:10

Versions 27–40 — N:14 A:13 B:16 K:12

Value: Standardized, efficient, per-charset encoded bit-stream (as just indicated, above)

Pad-out partial/final (8-bit) D-codeword with 0₂ bits (if necessary)

Pad-out D-space with alternating 11101100₂=ec₁₆ & 00010001₂=11₁₆ bytes (if necessary)

FNC1 (Function Code 1) Modes: Pre-defined semantics

0101₂=5₁₆ \triangleq FNC1, 1st position — See ISO/IEC spec

1001₂=9₁₆ \triangleq FNC1, 2nd position — See ISO/IEC spec

ECI (Extended Channel Interpretation): General escape hatch (e.g., compression, encryption)

0111₂=7₁₆ — See ISO/IEC spec

Faux Modes: Structural constructs; not “true” modes

0011₂=3₁₆ \triangleq **Structured-Append** — Link \leq 16 QR code symbols (see ISO/IEC spec)

0000₂=0₁₆ \triangleq **Terminator/EOM** — Potentially truncated/omitted

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Additional Notes

The concatenated padding ec₁₆||11₁₆||ec₁₆||... contains runs of 1/2/3/4/5 single binary digits (0₂, 1₂).

FNC1 supports compatibility with external industrial barcode standards, esp. Code 128 (“position 1” = GS1 General Specification; “position 2” = AIM Inc.).

ECI (defined by AIM Inc., Association for Automatic Identification and Mobility) supports consistent technique for associating semantics to data. By “default” (i.e., if no explicit ECI directive is present, and native type B[byte]i[nary] is in effect), the content is to be interpreted as ISO/IEC 8859-1 (“Latin-1”). The ECI mode indicator (4 bits, 0111₂=7₁₆) is followed by 8/16/24-bit ECI Designator (defined by AIM), followed by data (in TLV format).

Structured-Append SDD: All symbols in the chain begin with structured-append header:

0011₂=3₁₆ (4 bits)

4-bit binary-encoded value (0-15) of “this” link in chain

4-bit binary-encoded value (0-15) of length of chain

8 bits of parity/checksum data, XOR of all bytes of raw input data for the chain (this associates all links as being in common chain)

Upon decoding, our sample QR code symbol yields the following content:

Mr. Watson, come here - I want to see you.

L Rejection Letter (Fri, Jan 6)

■ From: Chris Kime
To: Walter Tuvell
Date: 01/06/2012 12:48 PM
Subject: Re: Happy New Year

Walt,

I hope the new year finds you well and that you have a great 2012.

I have been following your updates to the QRCode information in Wikipedia. Very impressive explanation of the technology, and another demonstration of your deep technical skills and ability to produce solid documentation.

Unfortunately, I have discussed your situation with my up-line management and I underestimated the difficulty of moving forward with bringing you to the team. We cannot move forward with taking you directly from being on short term disability - this will receive very close scrutiny from the operations people in our organization. Given the current needs of our group there is also concern about the work being to your liking and keeping you as a productive and satisfied member of the team.

I apologize that my earlier optimism did not reflect the reality I have run into, and wish you the best of luck with your search for a new and fulfilling opportunity in 2012.

Regards,

Chris

M Email Chain: Cover-Up (Jan 11-18)

■ From: Walter Tuvell
To: Daniel Feldman
Cc: Diane Adams
Date: 01/11/2012 12:57 PM
Subject: Transfer problems

Dan,

As you know, I have taken short term disability as a reasonable accommodation for my handicap. On November 23, in response to my requests for further accommodation, you wrote an e-mail suggesting that I apply for other positions through the GOM system. I applied and was interviewed for a posting SWG-0436579. However, on January 6, 2012, Mr. Kime informed me that I was rejected for the transfer based on the fact that I am currently serving on STD. I believe this rejection constitutes retaliation based on my requesting or utilizing the reasonable accommodation

of medical leave. It is ironic that availing myself of one type of reasonable accommodation is being used to prevent me from utilizing another type of reasonable accommodation.

Moreover, the rejection appears to close off the one avenue you suggested to accommodate my disability, other than continued leave. Is there any other options, any other positions, any other reporting structures, that you can think of that would help me return to IBM as a productive employee?

- Walt

■ From: Daniel Feldman
To: Walter Tuvell
Cc: Diane Adams
Date: 01/16/2012 10:26 AM
Subject: Re: Transfer problems

Walt:

You were not hired for the position mentioned below because the team did not think you were the right fit for the position. HR reviewed the situation with the hiring manager to ensure that the decision was made for legitimate business reasons.

You can continue to look for jobs on GOM. Diane can work with you on looking for opportunities on GOM, if you need any assistance.

In the meantime, of course, you have a job on my team.

I believe you know that you are expected to return to work on January 25 once your Short Term Disability Benefit concludes, unless you find another position or apply for Long Term Disability.

Further, as you know, many weeks ago we offered you the opportunity to discuss proposed accommodations for you to return to your current position. Apparently you have decided not to explore this possibility with IBM but it does remain available to you. If there are other potential accommodations you would like to discuss (other than changing managers), please let me know.

-Dan.

■ From: Walter Tuvell
To: Daniel Feldman
Cc: Diane Adams
Date: 01/18/2012 07:44 PM
Subject: Re: Transfer Problems

Dan -

I am writing in response to your e-mail of January 16, 2012, including your comments with respect to my denied transfer, and my ongoing requests for reasonable accommodations.

You write that I was rejected for the transfer, posting SWG-0436579, because "the team did not think you were the right fit for the position." I note that your reason given, not the right fit, is about as vague, non-specific, and subjective as an explanation can get.

However, the clear, objective evidence, which i am bound to believe, is that my "fit" was not what motivated my rejection. On January 6, 2012, Chris Kime wrote to me, stating, "Unfortunately, I have discussed your situation with my up-line management and I underestimated the difficulty of moving forward with bringing you to the team. We cannot move forward with taking you directly from being on short term disability - this will receive very close scrutiny from the operations people in our organization."

Mr. Kime clearly asserts that my disability leave status is the primary reason for my rejection. If I was not the right fit, at least from the perspective of the team, why was my situation elevated to up-line management? (Another e-mail from Mr. Kime, dated December 12, 2011 confirms that he advanced my application up through his management chain, which would be a curious endeavor for someone concluding that I was not the right fit). Moreover, it defies credulity that Mr. Kime would lie about considering my STD as a primary factor. It has been suggested that he relied on the STD to let me down easy; however I fail to see how rejecting me based on STD lets me down easier than "not the right fit," which is the very definition of a non-substantial, easy let-down. Why would Mr. Kime prevaricate, and rely on a much more hostile-sounding reason?

There are other reasons why I believe firmly that my status as a disabled person on medical leave is the true reason for the rejection. My medical leave has formed the basis of several negative actions taken against me. First, my access to IBM buildings was withdrawn based on my medical leave. This is confirmed by Russell Mandel's e-mail to me of September 14, 2011, as well as my personal failed attempts to enter the Littleton building in December 2011 and January 2012. See Complaint Addendum III, at 13-14 ("You are out on STD. Therefore, you don't need access to IBM facilities since you aren't working. It is easy to return access once you return from STD"). Second, I was blocked from accessing the Netezza VPN, based on my medical leave. Mr. Mandel wrote that I would be denied VPN access as so long as I remain out on STD. See Complaint Addendum III, at 12-13 ("While you are out on STD, you have no need to access heritage Netezza systems. Once you return to work, it will be easy to return your access"). On December 16, 2011, you reaffirmed that my system access would be severed during the pendency of my medical leave. Third, IBM refused to act on my August 18, 2011 Complaint to the IBM Corporate Open Door process, expressly due to my disability leave. Despite a policy requirement for prompt review, Mr. Mandell asserted, "I do not plan on discussing your concerns directly with you until you return from Short Term Disability." See

Complaint Addendum I, at 68. He only responded to my complaint (completely and unfairly rejecting it), after receiving multiple demands from me objecting to this lapse. So, my disability leave has been the express basis for repeated adverse actions, including the failed transfer application.

The fact that you would assert your false explanation that my rejection was due to lack of right fit is very distressing to me, given the strength of the evidence to the contrary. Your e-mail of January 16 with respect to my rejection leads me to conclude that you will continue to rely on falsehoods to hurt, victimize and disparage me (as you have in the past), should I go back to work under you. As you know, I suffer from PTSD, a disability, and I have been on leave as a reasonable accommodation. Your behavior in the past, and your false statement of January 16, 2012, places me in an excruciating position. Since you have long had knowledge of my PTSD, I must conclude that you are acting this way, with knowledge of the pain it causes. For this reason, in order to feel safe and preserve my health, I do not see any workable scenario in which I could continue to work under you. Based on my handicap of PTSD, and the symptoms I am experiencing when I contemplate returning to my position, I just do not see a way in which I can medically continue to work with, or under you.

I have asked, and continue to ask for transfer or reassignment outside the GOM process, to different supervision, but I have been refused each time. I hereby renew my request.

I have utilized the GOM process, and was rejected under plainly discriminatory circumstances. Did you have any input into the decision? I request that you let me know what input you had, and what information you conveyed to the team.

Since IBM has apparently taken the idea of reassignment or transfer off the table unless it is through the GOM process, I am at a loss as to what I can suggest by way of reasonable accommodation that would permit me to work under you. Do you have any ideas?

- Walt

■ From: Daniel Feldman
To: Walter Tuvell
Cc: Diane Adams
Date: 01/20/2012 07:13 AM
Subject: Re: Transfer problems

Walt:

I hope you are feeling better. As will be discussed below, IBM does have some accommodation ideas. I am not trying to cause you any difficulties and am disappointed that you do not see any "workable scenario" in which you could "continue to work" under me. Your position on my team is still available to you and hopefully this email will change your mind.

As you know, you will have exhausted the 26 weeks available under IBM's Short Term Disability (STD) plan on January 24th, 2012. At this stage where STD leave has been exhausted, employees typically either return to work (with or without reasonable accommodations) or are in the process of seeking Long Term Disability (LTD). I have not received any notice from Integrated Health Services that you have started the LTD application process, so I presume you do not intend to apply for LTD.

Therefore, IBM would like to offer you several reasonable accommodations to get you to come back and work in your current job:

1. While I will continue to be your first-line manager and will manage and supervise your day-to-day performance and provide daily work direction and supervision, we will have John Metzger handle delivering formal performance feedback to you (PBC review, PBC Checkpoints, Mid-year reviews, etc). If you come back, we'll try this for 6 months to see how it is going.
2. Once you return to active status, we can offer you the ability to attend periodic medical appointments for treatment, if needed. Of course, you will be responsible for ensuring your work and deliverables are performed and completed in a timely and satisfactory manner and these appointments could not be excessive/unreasonable.
3. You can continue to see if there are other opportunities available on GOM that are open and you are qualified for. It is not possible for IBM to just "transfer" you somewhere if there is not a position to transfer you into and/or if you are not qualified for it. Part of the evaluation of your qualifications will be determined through the GOM process of applying and interviewing for positions. It is my understanding that you are interacting with Diane on this topic. You should feel free to continue to look for jobs now and after your return to active status in your current role on the 25th.

If you intend to return to work with these reasonable accommodations on the 25th, please let me know. Given that your STD leave concludes on the 24th, if you do not return to work in your current role on the 25th, it will be considered an unexcused absence.

Finally, as for the situation involving the position you applied for with Mr. Kime, HR reviewed the situation with Mr. Kime to ensure that the decision was made for legitimate business reasons and concluded that was the case.

I look forward to hearing back from you.

-Dan.

■ From: Walter Tuvell
To: Daniel Feldman

Cc: Diane Adams
Date: 2011-01-20 02:44 PM
Subject: Re: Transfer problems

Dan -

I have considered your proposed accommodation. However, as you are aware from my e-mail of January 18, 2012, the proposed accommodation is insufficient (unreasonable from my point of view), as I am medically incapable of continuing to work under you. I am disappointed that you offered this proposal after you already knew I couldn't accept it.

Given the situation, it is simply not sufficient to point me to GOM to use the ordinary process for finding a new position. As I have been saying for months, it is IBM's obligation, under ADA, to affirmatively find, and transfer me to a vacant position for which I am qualified. EEOC, "Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the Americans with Disabilities Act", Section on Reassignment (transfer). I hereby renew my plea that you find me such a position, as it is indeed a reasonable accommodation, is causes IBM no undue hardship, and we all know no other accommodation will suffice (is a "last resort").

I am planning, reluctantly, to file for LTD on Monday, and am currently awaiting the required documentation from my health care provider.

- Walt

N Email Chain: Diane Adams & GOM (Jan 18)

■ From: Walter Tuvell
To: Diane Adams
Date: 01/18/2012 11:35 AM
Subject: Request for assistance

Hi Diane,

A few weeks ago, you offered to assist me in finding available positions for transfer within IBM. I would like to take you up on that offer. Could we schedule a meeting tomorrow?

■ From: Diane Adams
To: Walter Tuvell
Date: 01/18/2012 11:51 AM
Subject: Re: Request for assistance

Hi Walt! I'm happy to help. Are you free at 9:30am tomorrow?

- From: Walter Tuvell
To: Diane Adams
Date: 01/18/2012 02:09 PM
Subject: Re: Request for assistance

Yes, shall I call you then?

- From: Diane Adams
To: Walter Tuvell
Date: 01/18/2012 02:17 PM
Subject: Re: Request for assistance

Walt, I will be working in Somers tomorrow but don't have a phone number right now as I will sit in a guest office. I can send you the phone number in the morning or you can send me a phone number where I can reach you.

- From: Walter Tuvell
To: Diane Adams
Date: 01/18/2012 02:58 PM
Subject: Re: Request for assistance

OK, do you want to call my cell phone, 781-475-7254?

- From: Diane Adams
To: Walter Tuvell
Date: 01/18/2012 03:08 PM
Subject: Re: Request for assistance

Sure! I'll call you on your cell at 9:30am tomorrow.