

University of California, Riverside

Employment Dispute

Tenure Rights

Emeritus Rights

Discrimination Claim

Age Discrimination

Penalty for government service – discrimination

Protected class as well

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Former Federal Officer United States -
National Science Foundation 2004-2007

Tenured 1997 UC, Riverside

History

- In 2010 Dean of Engineering claimed an email I sent constituted a resignation
 - Took 6 months to resolve in Promotions in Tenure committee
 - Determination that resignations must be taken seriously and must be voluntarily tendered
 - Issued a report called the “Ran Report”

Summary of Report

- Resignations must be voluntary
- Resignations should be tendered in person
- Resignations should be notarized
- Resignations are not meant to contemplate a future which is what the email was talking about
- Guidelines from this report were to be added to Academic Senate guidelines for the future
 - Outcome nothing was done
 - Personal outcome: I did not resign by email from an airport lounge

In 2011

- University staff picked up a message I left for Chair Laxmi Bhuyan. See the exact message at brettfleisch.com/exhibits-2.pdf
- The staff supplemented the resignation with a “protection order”
- It was their choice to tender my resignation, not mine. The result of an if-then decided by others.
- The staff of Computer Science and Engineering tendered this resignation, not me. They denied my revocations, by ignoring them, although on-time

A Specious Protection Order

- Contained 4 sections with 4 signatures
 - Dr. Bhuyan signed a blank page
 - Dr. Payne’s section rambled and made little sense
 - Jackie Li complained that I reported my fire alarm broken
 - Does that constitute the need for a protection order?
 - Amy Ricks complained about me showing around results from target practice and blaming me for threatening people with them. I did not do this. She did not throw away the evidence after I told her “it should not be used” because it could be considered threatening
- Each section of the order is disparate, none talks about a cohesive need for a protection order or “threats”
- The 4 sections do not reinforce each other with a uniform complaint

A specious protection order

- If the office manager in Computer Science and Engineering complained that I reported my fire alarm broken in/nearby my office does that constitute the need for a protection order? sff
- Does Dr. Bhuyan's blank page?
- Does Dr. Payne's ramblings?
- Does a disgruntled staff member get to fire a tenured professor thru innuendo, false claims of threats that were never made by me to anyone? An Assistant DA (Mayman) was told (by UCPD?) I threatened the Dean. That did not happen as well. What is "operation pivot"?

2011

- I sold my BMW and lived off the proceeds assuming that the protection order would expire after 30 days and I needed income
- Mary Johnson told me after a year went by that if I did not sign into the retirement plan I would lose the annuity. Choice: enter after 6 months and Funder response but still was waiting for P&T
- After 20 years of service about 50% of salary is paid at max
- After 40 years of service about 100% of salary is paid at max
- They are paying me 28.6% of salary for 19 years of service
 - Formula uses an “age factor” which is age discrimination

Normative Times in Rank

- Assistant Professor – 6 years
- Associate Professor – 6 years
- Fleisch: Assistant Professor 1992-1997
- Fleisch: Associate Professor: 1997 (tenured) -
- Fleisch: 2004 to 2007 (over 36 months) Program Director, National Science Foundation for research area operating systems and distributed systems
 - Was not promoted to Full Professor during government service period (no reasons, likely paperwork prepared incorrectly)
- Upon resumption of duties after NSF in 2007 University argued there were no “teaching evaluations” 2004 to 2007 and delayed promotion 3 more years under the rationale during government service there was no teaching evaluations (penalizing me for government service and becoming a national leader in the research area)

University Promotion Excuses

- Department used being paid to direct the research area in government service as a means to not promote me due to reduced University Service while away
- 100 percent of my pay was paid by the National Science Foundation for the entire period thru UCR
- University Excuse: UCR was requesting three more years of teaching evaluations due to government service after I got back. This merely delays promotion for directing the research area for the United States
- Graduated PhD and M.S. student(s) during period of government service (IRD)
- Full list of students supervised in my vitae

Government IPA concerns

- See www.brettfleisch.com/fleisch_vitae.pdf
- Government service years 2004-2007
- IPA government with NSF
 - The Office of the Inspector General NSF was contacted to determine if all UC employees were penalized in a similar way and if problem is endemic to IPAs in SF-50 errors
- Return from government service in 2007 and Deans office complains there are no teaching evaluations for past three years
 - Not promoted to Professor
 - No merit raise

Summary

- University staff tendered my resignation
 - University denial of tenure
 - University denied emeritus rights
 - Placed my office in storage
 - Sold off what I didn't pay for picking up
 - Loss of property, books and awards in my office
- Discrimination in retirement formula uses an age factor which is age discrimination and underpays the annuitant (28.6% instead of approx 50% for ~20 years of service)
- Never promoted to full professor due to penalty for government service work (undeserved)
- Age discrimination used in retirement plan using an “age factor” which is a form of age discrimination