

CHARGE OF DISCRIMINATION

FCHR NO

DOA# 01-1764 58

Mr. Glenn C. Klein

Name (Indicate Mr., Ms., or Mrs.)

P.O. Box 876

Street Address

Alachua

City

FL

State

(904) 462-4274

Home Phone Number

( ) \_\_\_\_\_

Work # (if applicable)

265-62-4623

Social Security Number

10/11/40

Birthdate

List the employer, labor organization, employment agency, apprenticeship committee, government agency, or other person who discriminated against you. \*

Saft-America

Name

100+

No. of employees

P.O. Box 711 Industrial Blvd., Valdosta, GA 31601

Street Address

City

State

Zip Code

( ) \_\_\_\_\_

Phone Number

\_\_\_\_\_

County

Cause of Discrimination Based on ...

Race  Color  Religion

Age  National Origin

Marital Status  Retaliation

Sex  Disability

Date Most Recent or Continuing Discrimination Took Place:

See Attachment

Personal Harm:

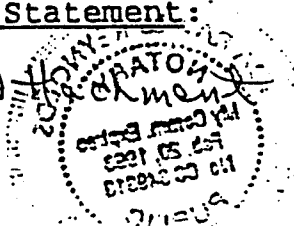
See Attachment

Reason For Adverse Action:

See Attachment

Discriminatory Statement:

See Attachment



\* Previously Highway 441, Alachua, FL 32615 until early 1995.

5/6  
12/6/4

NOTARIZED SIGNATURE

James L. Gordon

Glenn C. Klein

(Complainant)

Russell E. Emond  
(Witnesses)

Dec. 5, 1995  
(Date)

STATE OF FLORIDA  
COUNTY OF ALACHUA

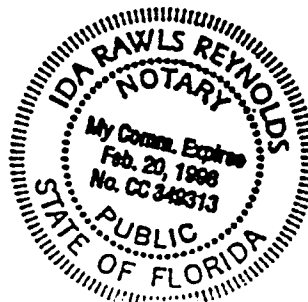
BEFORE ME, the undersigned authority, personally appeared Glenn Charles Klein, to me well known (or who produced FLDL E 45D-283-4D-371-D as identification), and s/he acknowledged before me that s/he is the person who signed the above and foregoing complaint.

WITNESS my hand and seal of my office, at Gainesville Alachua County, Florida, this 5th day of December, A.D. 1995

IDA R. Reynolds

Notary Public, State at Large

My Commission expires: Feb. 20, 1998



6/6  
[Handwritten initials]

## ATTACHMENT TO FCHR COMPLAINT FORM

The complainant, Glenn C. Klein, is 55 years of age; has approximately 40 years experience within the Aerospace Industry; has 20 years experience and seniority within the Gates Aerospace Battery business; and, is a surviving cancer patient. I have 16 years experience in quality, process, test, and manufacturing engineering; and 4 years in project and product engineering.

**REFERENCES:** (1) Previous FCHR complaint [Glenn C. Klein against Saft-America] filed on my behalf by Moody & Salzman, Attorneys-at-Law, Gainesville, Florida on or about April 27, 1995 (copy attached). (2) CASE NO. 95-10106-MP, U.S. District Court, Northern District of Florida, Gainesville Division. (3) DEFENDANT'S [Saft-America, Inc.] RESPONSES TO PLAINTIFF'S [Glenn C. Klein] FIRST INTERROGATORIES TO DEFENDANT.

### Date Most Recent or Continuing Discrimination Took Place:

Claimant alleges that the level of continuing and pervasive discrimination described herein is recent and systematic. Saft's prior statements and actions did not appear cohesive, and the true situation was not clear until receipt of Saft's response on or about November 20, 1995 (Reference 3). This is the first occasion that Saft has given reasons for not unilaterally transferring me in 1993, or for not hiring me thereafter. I further allege that Saft's reasons are false and only fabricated to protect their own interests. The latest date of application for employment is on or about February 15, 1995.

### Personal Harm:

Two specific areas of harm are claimed for myself: First, I am entitled to compensatory damages for lost wages, higher insurance payments and premiums, loss of dignity and professional standing, mental anguish, and humiliation before my professional peers, and friends and family.

Second, is the consideration of Lost Benefits due to the systematic exclusion from both development of the Nickel-Hydrogen Planar Cell and Battery Concept, and the development of significant improvements that would accrue, or be applicable to, or "spin-off" to present axial design Nickel-Hydrogen cells. The two patents described hereafter (in Paragraph 7 of Discriminatory Statement) are the sole property of Saft-America as transferred during the sale from Gates Energy Products as Intellectual Properties; this claim and all rights are not disputed by Complainant. However, I am the sole inventor and virtually the only previous developer of this extraordinary design (even though these tasks were not part of my Job Description). The sheer novelty of these two patents along with the remaining 8 potential patents would have significantly increased my professional standing within the technical community where I spent the last 20 years. Indeed, numerous technical papers have been presented in various customer forums; and at least three technical forums. The monetary benefits that would have normally accrued to me, in later years as regards contract engineering and/or engineering consultation, have been truncated and stopped by virtue of Saft's unilateral exclusion and alienation of myself from this product development.

## ATTACHMENT TO FCHR COMPLAINT FORM

### Reason For Adverse Action:

This complaint alleges discrimination by Failure To Hire based upon Retaliation, and/or Age, and/or Disability; and includes lack-of-consideration for either permanent employment or contract employment.

RETALIATION: By virtue of abjectly not considering me for open positions in the Alachua Plant, and by virtue of not considering me for pursuing development of the Planar Cell (although I am the sole inventor); but, specifically because of the EEOC and FCHR complaints filed in January 1994.

AGE: By virtue of replacement of employees in critical positions with personnel of substantially less age, knowledge, and expertise.

DISABILITY: By virtue of Testicular Cancer during therapy, recovery, and after Medical Release. And, by abjectly not considering accomodations of any means.

### Discriminatory Statement

This complaint is separate from and distinctly different than the complaint filed in April, 1995(Reference 1). This complaint alleges recent, continuing and systematic discrimination beyond that discrimination cited within Reference 1. The original complaint cited discrimination by Failure To Hire on or about December 31, 1993 when all other employees were unilaterally transferred with all company assets for continued and uninterrupted employment except for the following employees: 2 Executive Managers were not transferred under a condition of "executive exclusion" that was verbally transmitted to all employees during continuing meetings; 4 employees asked for in writing and were provided substantial voluntary layoff benefits; I (Glenn C. Klein) was the only person not unilaterally transferred with the remaining employees to Saft-America. Coincident to that time frame, I was in Chemotherapy for Stage B2 Testicular Cancer.

This complaint alleges recent, continuing and systematic discrimination based upon eight (8) specific events between January 1994 and November 1995. This allegation of discrimination is supported in part by Saft-America's own admissions in documentation given to the U.S. District Court, in their own defense, in November 1995 (Reference 3). It is my contention that the documentation that Saft seeks to defend themselves in the previous complaint does support the present allegations.

1. Replacement of Kenneth Jennings (Multi-Functional Team Leader- Space Station Program) in January 1994 with Lynn Beehler. Ms. Beehler was approximately 35 years of age, and had approximately 2 years seniority and experience within the Gates Aerospace Battery business. The complainant, Glenn C. Klein, was never considered for, nor offered this position even though he had approximately 5 years direct program experience through Quality Engineering, Reliability and Safety Engineering, and Process/Manufacturing/Test Engineering. I was familiar with most customer personnel.

ATTACHMENT TO FCHR COMPLAINT FORM

Discriminatory Statement: Cont'd.

Ms. Beehler had no direct program experience and was not familiar with any customer personnel. Mr. Jennings left of his own volition to accept a new position elsewhere.

2. Replacement of Rich Burkholder (Nickel Hydrogen Program and Space Station Program Engineer) in January 1994 with Rich Wise. Mr. Wise was approximately 25 years of age, and had approximately 2 years seniority and experience within the Gates Aerospace Battery business. The complainant, Glenn C. Klein, was never considered for, nor offered this position even though he had approximately 9 years direct program experience through Quality Engineering, Reliability and Safety Engineering, and Process/Manufacturing/Test Engineering. I was familiar with most customer personnel. In addition, I was the sole inventor of a new Nickel Hydrogen product called the Planar Cell. Mr. Wise had no direct project or product engineering experience and was not familiar with many customer personnel. Mr. Burkholder left of his own volition to accept a new position elsewhere.

*applied?*

3. Replacement of Rich Wise (Nickel Hydrogen Program and Space Station Program Engineer) in April 1994 with unknown personnel. Again, the complainant, Glenn C. Klein, was never considered for, nor offered this position. Mr. Wise left of his own volition to accept a new position elsewhere.

*applied?*

4. Replacement of Victor Rompa (Manager, Product Assurance and Testing) in October 1994 with contract personnel. The complainant, Glenn C. Klein, was never considered for this position even though he had approximately 17 years direct experience through Quality Engineering, Reliability and Safety Engineering, and Process/Manufacturing/Test Engineering. Further, I developed and managed that position for a period of 3 years prior to Mr. Rompa. Mr. Rompa left of his own volition to accept a new position elsewhere.

*applied?*

5. Three specific letters concerning consideration for either contract or permanent employment, following my Medical Release in October 1994, were never considered nor was there ever a response. Those letters are dated: October 24, 1994; December 14, 1994; and, February 15, 1995.

*applied?*

*This was  
w/ in  
12/95  
complaint  
time*

6. My letter of December 14, 1994 specifically addressed Saft's request of me to "assignment of the patent ownership rights" for the Planar Cell to Saft-America for a Canadian Patent Application. My letter then requested consideration both for contract development work, or for supplying to me the appropriate contacts within Saft in order to facilitate this request for employment. There has been no response to this letter or the other 2 letters.

*applied?*

7. Two patents were released in 1995 concerning the Planar Cell showing Glenn C. Klein as the sole inventor and Saft as the owner. Patent No. 5,418,087 "Planar Metal Gas Cell" issued May 23, 1995. Patent No. 5,422,196 "Pressure Vessel for Pressurized Secondary Cells and Batteries" issued June 6, 1995.

*2/5*

**ATTACHMENT TO FCHR COMPLAINT FORM**

**Discriminatory Statement: Cont'd.**

8. In Saft's Responses To Interrogatories (Reference 3), paragraph titled Objection: [to Interrogatory 5], Saft states in part that [Klein] "would not be offered employment by SAFT because, at that time, SAFT did not anticipate that it would require Klein's particular technical expertise and/or emphasis." The fact is that I was more qualified for the positions described in Paragraphs 1 through 4 than the personnel given the positions. In addition, Saft has had on file my application for employment along with a Resume on or about October 31, 1993. This was required for all Gates employees being transferred to Saft.

Therefore: This present complaint alleges recent, continuing and systematic discrimination during the continuing period of January 1994 through and/or including issuance of the patents in May/June 1995; and further alleges that Complainant's "expertise and/or emphasis" was unilaterally and willfully ignored on numerous occasions as aforementioned; and, that the Complainant alleges that this level of continuing and pervasive discrimination was not wholly clear until receipt of Saft's response (Reference 3) on or about November 20, 1995.

**NOTARIZED SIGNATURE**

\_\_\_\_\_  
(Complainant)

\_\_\_\_\_  
(Date)