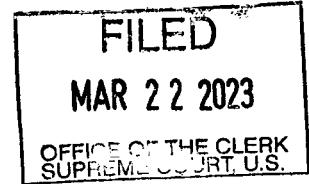


ORIGINAL
22-1187

No.

In The



Supreme Court
of the United States

Julia Keller-McIntyre
Petitioner

v

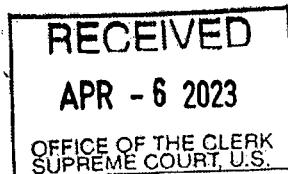
State of California (Governor's
Office)

Defendant

On Petition For Writ Of Certiorari
To The Supreme Court of California

PETITION FOR WRIT OF CERTIORARI

Gov Gavin Newsom	Julia Keller-McIntyre
<i>Defendant</i>	<i>Self Represented</i>
10210 St, Ste 9000	221 Font Blvd
Sacramento, CA 95841	SF, CA 94132-2403
916-445-2841	415-587-8554



QUESTIONS PRESENTED

Under California laws California State University Executive Code 1096, California Government Code 19230, and California Education Code 87102, and under National Laws 1973 Rehabilitation Act and 1990 Americans with Disabilities Act, are employers required to prohibit discrimination in the hiring process:

- Specifically, does the employer have to interview/hire an applicant who has a protected status and is qualified and competent? Does protected status get preference? Is the Kleaver Decision legal?
- Should the Involuntary Disability Retirement Statute, CA Education Code 89536.1, be removed from the CODE since it terminates and disables a protected status:disability and thus causes preclusion of hiring? Is this section of the state statute constitutional? Is it legal? Does it give due process of law?

(Discrimination is defined in CSU EO 1096 as an adverse employment action against a protected status.)

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CERTIFICATE OF INTERESTED ENTITIES AND PARTIES

There is no corporate disclosure. The party sued is the Governor's Office of the State of California, a government office. The Governor is the higher authority in the state over and above the California State University and the University of California higher public education complaint systems. He has great influence in the public education hiring processes and he is the final authority after exhausting all administrative remedies below him before filing in the California Superior Court.

Petitioner is an applicant, an individual with a protected status (mental disability), in the hiring process for both CSU/UC higher public education institutions. There are more than 50 such big state campuses in the state of California. This decision will apply policy and set precedent not only to all public and private educational institutions but also to all corporations statewide and nationally.

REASONS TO REVIEW IN PETITIONER'S FAVOR

Individuals with a mental disability, with a protected status, are not being given fair employment practices in the State of California. Because of the State Constitution's omission and failure to include disability as a protected class along with the other protected statuses (See CA Constitution, Article 1, Sections 8) and 31), there is constitutionally precipitated a pejorative attitude toward individuals with a disability.

The California State Constitution permits the law to attack a protected status in its failure to protect the characteristic disability by omitting its protective inclusion with the other characteristics. It allows use of a state statute, California Education Code 89536.1, the Involuntary Disability Retirement section, to attack, terminate, and disable individuals with a protected status:disability. This is illegal in that this statute is used to involuntarily terminate and disable a disability because of it and for that reason and thus preclude current and future rehire in the workforce.

TABLE OF AUTHORITIES

State Executive Order

California State University Executive Order 1096

State Codes and Statutes

California Education Code 87102

California Government Code 19230

California Education Code 89536.1

CA Civil Code of Procedures 585 (b)

National Acts

1973 Rehabilitation Act

1990 Americans with Disabilities Act

Constitutional Law

United States Constitution, Article 2, Section 3)

California Constitution Article 1, Sections 8) and 31)

First CA Constitution, 1849, Executive Department,
Section V

Relevant Cases

Martin v. Lockheed Missiles and Space Co. (1994),

29 Cal. App. 4th

Guz v. Bechtel National, Inc (2000), 24 Cal. 4th 317,

RELATED CASES

Superior Court of California

Julia Powell Keller-McIntyre v State of California

(Governor's Office)

400 McAllister St, SF, CA 94102

Case # 598183, 2/2022

Court of Appeals, California

Julia Powell Keller-McIntyre v State of California

(Governor's Office)

350 McAllister St, SF, CA 94102

Case # A166472, 12/2022

Supreme Court of California

Julia Powell Keller-McIntyre v State of California

(Governor's Office)

350 McAllister St, SF, CA 94102

Case # S277638, 2/2023

RELATED CASES cont.

**United States District Court, Northern California,
Julia Powell Keller-McIntyre v San Francisco State
University, Case No. 3:06-CV3209 (N.D. Cal. May
15, 2006**

**San Francisco County Superior Court, Julia Keller-
McIntyre v. San Francisco State University, et al,
Case No: CGC 07 468459**

***Recent Orders are in the back of the
Appendix**

INTRODUCTORY GENERAL COMPLAINT
BACKGROUND (in the Superior Court #598183)

I am being refused hire because my employer terminated and disabled me because of my disability based on a false medical report. The syllogism of this case is: a false and invalid disability medical report caused wrongful termination and disabling. Wrongful termination and disabling caused the Kleaver Decision. The invalid medical report caused the Kleaver Decision. See Appendix. I should not have been disabled by this report and thus refused rehire from any job in the state and across the nation. The employer, the State of CA, should have continued my hire with continued accommodation.

The underlying theme of this case is the theory threading through it that individuals with a

disability who are competent and qualified should be employed with continuing hire and not refused hire in the hiring process because of their disability. This case is about applicant disability rights in the hiring process in the state of CA public higher education systems: CSU (California State University) and UC (University of California). One should understand right away without fail that there is state wrongful termination and disabling. The consequences for Petitioner are refusal to hire in any job even though I have a protected status and I am a qualified individual within the meaning of ADA, Americans with Disabilities Act. See Appendix. This is what happened to Petitioner. This refusal to hire is unlawful because it is based on prejudice against my disability that is mild schizophrenia. My

psychiatrists all concluded and supported my right and competence to work.

My position is that in the hiring process Governor Newsom was conferred with by the CSU Chancellor's Office with regard to my application for employment.

Alison Kleaver is the attorney for the Chancellor's Office. The Gov controls the Chancellor; as a trustee, he is his supervisor. The Gov funds all the positions and has a final say as a trustee in the hiring process.

I believe Gov Newsom overruled any attempt on the Chancellor's part in the CSU/UC Complaint procedures to hire me or give me any employment relief whatsoever because of the university's reaction to my disability. He could have taken me off the disabled classification that the false and invalid medical report placed me on. The lie was that I was

a paranoid schizophrenic. Keins disabled and terminated me stating in her report that I couldn't perform tasks despite that I was doing the job adequately even very well and my coworkers confirmed this. See Appendix.

Atty Kleaver's position of the Chancellor's Office that the employer does not have to interview/hire an applicant who has a protected status and is qualified and competent is wrong with national and state law and the concept of protected status. This misconception was supported by the Governor since he would not let me be employed. I believe that the Gov was consulted by the Chancellors and he turned down my employment because of the wrongful termination and disabling that occurred due to my mental disability because of it and for that reason.

The White House is guilty for not enforcing the law in California and I believe the Gov is the reason for this failure. I believe there was and is disability discrimination in the hiring process, and there were and still are unintended/intended adverse effects of Kleaver's intended adverse action against my employment, against me, a protected status not only in the hiring process but also in the community.

This is discrimination. I have a protected status; I was competent on the job; there was an adverse action of the Kleaver decision; and the reason of disability for the wrongful termination is the discriminatory motive. This is disability discrimination. Protected status gave and gives me inclusion within the laws that pertain to the characteristic "disability" despite the State of CA's

Constitution that fails to protect this characteristic and permits the law to be used to attack it. Review Article 1 sections 8) and 31) of the CA Constitution. It omits mention and thus protection of the characteristic "disability."

An employer cannot refuse to hire an applicant who has a protected status for that reason and because of it. (ADA '90) It is my belief that the Gov has refused me hire because of my disability. There is a cause of action against the Governor because at any time he could have interfered with the wrongdoing being done me since I sent him all the important information. Yet he did nothing to help me.

Important laws are being broken: specifically: State Law: CSU EO 1096, CA GOVT CODE 19230, CA ED

CODE 87102, Federal Law: '73 Rehab Act, and '90 ADA and others. Everything -- that was done and occurred especially including unintended adverse effects of intended adverse actions i.e. the Kleaver Decision, is retaliation. As described by Karl Popper, a famous philosopher and brilliant interpreter of the role of public policy in society, there occur unintended adverse consequences in the community caused by intended adverse action, i.e. the Kleaver Decision. The disability discrimination, harassments, rape, arm and leg manipulation, due to the malfunctioning of the CSU and UC systems Complaint Process, including sexual assault/molestation -- all that was done to me falls under retaliation for suing in 2007. The court system failed to understand. I was retired wrongfully, involuntarily, and denied continuance of

hire in CA and USA by SFSU because of my disability. EDD, Employment Development Department, says so in the document included in the Appendix. This is unlawful. It goes against due process of state and national law.

Although CALPERS (California Public Employment System) denied the terminating involuntary disability retirement application of my person made by state administrators at SFSU, San Francisco State University, and I requested rehire through Dr. Blinder and my own efforts to Defendant Atty Mr. Shupe, Human Resources, HR, Michael Martin ignored CALPERS. CALPERS continued hire. See Appendix. Instead what happened was grossly negligent inaction to fail to read, to unfairly ignore, Dr. Gottleib's (my evaluating psychiatrist) Report I

submitted to HR that states my disability did not affect my work performance.

The disability is the causal connection to CSU Chancellor's Atty Kleaver's adverse employment action, in October, 2020. This decision is a pretext for retaliation and discriminatory behavior and shows discriminatory intent on the part of the employer. Kleaver's Decision shows discriminatory intent in that it permits, like the CA Constitution, continuance of adverse consequences in the hiring process and in the community that are known and that are against a protected status and that is discrimination as well as retaliation. See Appendix, letters to the Governor.

Involuntary Disability Retirement procedure, i.e., CA ED CODE 89536.1, is a permanent refusal to hire

because of the disability in that it removes, retires, an employee from the workforce involuntarily forever, and that permanently precludes future hire without court action. I was involuntarily removed terminated/disabled from my position because of my mental disability. Wrongful refusal to hire me occurred from 12/2006 to the present time of 2023; i.e. more than 100 job applications I made were denied interview/hire. I was denied hire within and throughout the state public higher education systems and all the other jobs too in the state and nation because of this unlawful code :CA ED CODE 89536.1. The reason given for refusal to hire is stated in an EDD termination document that says the reason for termination is schizophrenia. (see the Appendix) This is true even though my condition is mild and

medicated and didn't affect my work. This code is unlawful in that it terminates a disability and it disables the employee before the CALPERS Determination is made as to competence. CALPERS determined I was competent and gave me a job. Yet SFSU ignored its determination because it had already terminated/disabled me before it was made.

This refusal to hire that has continued to date is because the SFSU system disabled me when I was mentally competent on December 8, 2006. I was then put on the disabled list for more than 10+ years approximately for federal and state up to the present time, and I was unable to be rehired due to the stigma of the "label" "schizophrenia". This happened even though I was determined mentally stable and able to work, competent, by the final medical authority the

University of California San Francisco (UCSF) IME, Independent Medical Examiner, an objective observer, a medical mediator, who presided over and reviewed the positions of both sides: both my side hiring me and continuing work and the SFSUHR administrators opposing hiring me. (San Francisco State University Human Resources) This IME decided in my favor supporting medical preponderance of evidence in favor of my being hired through opposing and successfully refuting the opposition that is the Keins Medical Report and all HR action of termination and refusal to continue hire based on the Keins Medical Report solicited by SFSU HR and other administrators. The university had the Keins medical report written. The Keins Report removed me. It is a false libel. It is refuted in that its

major premise was within its conclusion that I was not in treatment and not on medication and was unable to perform tasks. I was on medication and in treatment and letters of recommendation prove I was doing the job adequately even very well. See Appendix. Yet to this day the Keins Medical Report has held sway. This is state refusal to hire a disability due to wrongful termination of the disability. Review the Kleaver Decision, in the Appendix. It is the cause of this action. It was caused by the Keins medical report.

The Kleaver Decision denies interview/hire to me, a protected status who is qualified and competent. It is clear that without an interview it is impossible to determine who is best qualified. The Kleaver Decision is unfair to exclude a protected status from

this important job qualification, from an interview.

In addition, protected status is a nonnumerical measure over and above qualification. It gives preference different from qualification because Congress decided forms of abusive prejudice are illegal. And through law it gave preference to mental disability as a characteristic to be protected by law and it passes important legislation to give preference through protection. In my case this means that I am included within the purview of disability legislation that other people who do not have a disability and who did not go to court cannot get. That is preference. It is inclusion within the protection of the laws above mentioned. Preference gives an individual with a disability a job when that individual is qualified because protected status is a more important

measure than qualification. It is so important that laws protecting individuals with a disability are necessary. Qualification decisions are subjective and can vary. Disability protected status doesn't vary; it applies to a whole class of people/individuals with a disability whose hurt reduced will reduce overall hurt of society. This case is contesting the Kleaver Decision. This is why. The reason for refusal to hire is caused by the Keins invalid and false medical report in my case that caused refusal to continue current hire and precluded future hire.

Protected status that was given me by jury verdict April 2007 Federal District SF Court (See Appendix) means that I am covered, included within and protected by law: that you can't injure by retaliation or discrimination any further. In my case the law is

state CSU Executive Order 1096 and ADA.

Americans with Disabilities Act prohibits retaliation and discrimination against a mental disability, i.e., schizophrenia in CSU. Discrimination is an adverse action against a protected status. Refusal to interview/hire is an adverse action; therefore, it is prohibited against a protected status.

I was beaten up in my bed at night. (see picture in Appendix). I was harmed and injured in my career because current and future hire were precluded. Keins' invalid report wrongfully, illegally, disabled and terminated me: #1) an employer cannot discontinue hire because of a protected status for that reason and because of it (schizophrenia is the mental disability, protected status); an employer has to continue hire; #2) an employer has to continue hire

with accommodation instead of terminating and disabling.

The public officials had to interview/hire me to be in compliance with CSU EO 1096 because there is no other way to stop/prohibit discrimination than to stop the adversity of the action causing unemployment/refusal to hire of my person. That benign action toward wellness is an interview/hire. Without a hire discrimination continues in the system. CSU EO 1096 prohibits mental disability discrimination.

In my case SFSU President Lynn Mahoney should be removed and I should be given her job for 2 reasons:
#1) I qualify with my master Degree in Public Administration and my 16+ years of administrative

management experience in a university and federal government, and 2) she is a discriminator. She continued policy of refusal to hire me in any job whatsoever.

I am due restitution for all that has happened to me adversely to my life caused by the CA attitude, its prejudice against individuals with a disability, by the deliberate use of the CA Constitution's failure to protect disability in Article 1, Sections 8) and 31).

The CA Constitution permitted a prejudicial attack on me a protected status. I was determined by federal jury to be protected at the time of the adverse action on December 8, 2006 that removed me; and I am protected today.

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The CA Constitution permitted a prejudicial attack on me a protected status. I was determined by federal jury to be protected at the time of the adverse action on December 8, 2006 that removed me; and I am protected today.

The employer has to accommodate. It can't just stop accommodation with termination. In addition, CSU EO 1096 not only prohibits retaliation and discrimination against a mental disability but it requires compliance in CSU. It is the job duty of the President of the US to faithfully execute this order, this law: Executive Order 1096. He should have done it in accordance with Article 2, Section 3) of the US Constitution. I asked the President to execute CSU EO 1096 as well as give due process to disability law state and national in CA.

Because the law has not been enforced, even though I have requested the White House execute it in the last 3 presidencies, there are intended and unintended adverse consequences of intended adverse failing to hire actions in the community,

destructive to life. There are many adverse daily and nightly harassments troubling to stability especially mental due to continued retaliation and disability discrimination in the workplace hiring process of the CSU and UC educational system effectuating bad consequences in the community. The Taraval and downtown police, the fire dept and the FBI that I informed of bad consequences in the community: molesting, pilfering, poisoning, raping, selling bodies and codes, drugging, beating, arm molestation/manipulation that I am being forced to undergo without consent have been unable to stop retaliation and disability discrimination. They won't do anything. My dog Tatty was attacked and killed. I have had many attempts to murder me; I was marauded and raped and beaten at night in my bed

without my consent to get me to drop this lawsuit.

This is ongoing for many years since 2006 till 2023.

Officially my position is this:

* The Kleaver Decision is wrong. It produces unlawful bad consequences and prohibits due process of state and national laws. It is the cause of action for Petitioner's lawcase. It was caused by the wrongful termination/disabling through the Involuntary Disability Retirement section of the CA Education Code 89536.1 due to the invalid Keins medical report Defendant solicited.

* SFSU President Mahoney should be retired as a discriminator for retaliation and mental disability discrimination. She refused me hire in any job.

* I should be hired as president in her place since I qualify and am removing her.

State of CA should pay: (Total 10 Billion)

* \$2 Billion for mentally disabling me who am mentally competent and am a protected status & to remove Statute 89536.1

* \$1 Billion for malfunctioning CSU/UC Complaint Systems failure to correct

* \$1 Billion for ruining my career and setting precedent to ruin the careers of a class of individuals with a disability

* \$1 Billion for damages to my mind and to my person including ~20 attempts to murder me, molesting, torturing & raping me and other damages such as poisoning, ruination of career reputation, identity theft, arm manipulation.

Through the state of CA the federal government executive branch, the White House should pay:

* \$3 Billion for not doing US Constitutional job of Law Compliance: faithfully executing the Law in CA.

*2 Billion for disabling me from the workforce.

I would like a Security System set up at my house.

There are many documents in the Appendix constituting wrongdoing by state and federal administrators. One shows EDD's Notification that

SFSU terminated me due to schizophrenia; one is the Kleaver Decision that I am contesting; and one is evidence of beating me up at night in my bed. Pls find and review these attached documents.

PREJUDICIAL ERRORS OF LAW BY THE SUPERIOR COURT (in the Court of Appeals, Case # A166472)

Statement for the Appeals Court Case

There exists disability discrimination in the hiring process and applicant complaint processes in both CSU & UC public higher education. I was forced into involuntary disability retirement because of my disability due to the Keins' report and today the Governor won't let me work unless the Court finds discrimination.

This appeal is from a judgment on 10/20/2022 in the Superior Court of CA, SF, CA, by Judge Ulmer and a subsequent order. (see Appendix)

STATEMENT OF FACTS

I would like to contest Judge Ulmer's sustaining Defendant's demurrer for 2 reasons:

- 1) There is cause of action against the Governor. He could have interfered with the injustice being done me and a class of individuals with a disability/protected status very easily. I sent him information showing laws are being broken and due process of law denied: CA ED CODE 87102; CA GOVT CODE 19230, CSU EO 1096, '73 Rehab Act, '90 ADA. As the higher authority in the state and fully informed, he did nothing to help me. My position

I was removed involuntarily and was "disabled" from the workforce yet I was doing an adequate, good job. (Appendix letters of recommendation) UCSF determined me competent. (Appendix) Since then in over 100+ applications I made, I was denied interview/hire. Disability led to termination/disabling; termination/disabling led to refusal to rehire; therefore, disability led to refusal to hire. This is illegal discrimination. Thus in the Superior Court #598183 by sustaining a demurrer refusing trial, Judge Ulmer, Superior Court of CA, is supporting disability discrimination, refusal to hire a disability for that reason and because of it, and a legal error was and is being made by the Superior Court with his order.

STATEMENT OF APPEALABILITY

is: in the hiring process Governor Newsom conferred with Chancellors Tim White and Joe Castro concerning my application for employment. The Gov controls Chancellors. I believe Gov Newsom refused to overrule the university and CSU/UC Complaint procedures -- and I was in the complaint procedure more than 5 years -- to hire me/give me employment without court order. He knew there was injustice against my competence. He was informed of the positive results toward my employment made by a UCSF Independent Medical Examiner, (IME), the final authority CALPERS hired to make an independent medical assessment of my mental competence. The IME reviewed my psychiatrists and Defendant's psychiatrist, Keins. This IME decided in favor of my employment over and above the adverse

11/2006 false and invalid Keins medical report that was generated by SFSUHR and SFSU attorneys specifically to terminate me because of my disability.

Kleaver's position that the employer does not have to interview/hire an applicant, who has the support of the IME, who has a protected status and is qualified and competent is wrong with the law and its intent. This misconception was supported by the Governor since he would not let me be employed. Instead of employment, he and the Superior Court let disability discrimination continue. The White House is guilty for not enforcing the law in California and I believe the Governor and the Democratic Party are the reason for failure. There is ongoing disability discrimination in the hiring process and there were

and still are unintended/intended adverse effects and consequences of Kleaver's intended adverse action against my protected status in her refusal to hire -- even interview me -- in the hiring process and in the community. This is disability discrimination: 1) I have a protected status:disability; 2) I performed competently on the job; 3) there was an adverse action of the Kleaver decision against my employment; and 4) the reason of disability for the wrongful termination is the discriminatory motive.

Protected status gave/gives me inclusion within the laws pertaining to the characteristic "disability" despite the State of California's Constitution in Article 1, Sections 8) and 31) that deliberately fails protecting this characteristic and permits use of the

law -- CA ED CODE 89536.1 -- the Involuntary Disability Retirement section to attack protected status by involuntarily terminating a protected status instead of continuing accommodation. This wrongful termination and refusal to hire that it caused got through the entire court system in California.

- 2) There is a legal error besides what I have written in #1). The Governor defaulted yet this default was not entered on the docket. The latest date of default according to court rules falls on June 13, 2022. Atty Ko, Dept of Justice, Office of the Atty General, the wrong office--not the party sued--came into the case with her quash of summons and complaint on July 6, 2022, well after the Gov had defaulted. The quash

was not timely. In addition, there are misrepresentations of the truth in the documents supporting the quash.

Judge Ulmer said that if there are a few such misrepresentations, then the motion as a whole must be defeated because all conclusions are thus suspect due to false premise. In Atty Lydia Ko's demurrer, there are two major points wherein Atty Ko has misunderstood and misrepresented Plaintiff's position. In these points she claims I have accused the Gov of wrongful termination as a current issue that can be litigated. This is untrue. I believe that I have present cause of action against him because he let disability discrimination continue in the hiring process when he knew it existed: discrimination caused by prior involuntary forced wrongful

termination/disabling and the Kleaver Decision it caused. He knew the university and CSU/UC systems were at fault for their refusal to hire me due to the reason of wrongful termination: i.e., "disability" or protected status. Therefore, for all the reasons cited above, it is Plaintiff's position that the Gov defaulted and Plaintiff's relief as stated in the complaint should be granted according to CA CCP 585 (b).

ARGUMENT

The Superior Court erred in not finding disability discrimination in the hiring process. This is unfair treatment because of a mischaracterization of my disability—as unable to work without court action. SFSU President Mahoney who refused me hire in any position should go and Appellant, qualified, should be

hired in her place. This would enact CSU EO 1096 and all the other laws protecting individuals with a disability; it requires prohibiting disability discrimination in CSU/UC hiring systems.

There should be an action of the Court hiring Plaintiff. This would end disability discrimination. Plaintiff requests the Court default the Governor and grant Plaintiff's relief as stated in Plaintiff's Complaint.

THE GOVERNOR'S MISTAKE (in the Appellate Court A166472)

Petitioner succeeds in stating facts sufficient to state a viable cause of action against the State of California, Governor's Office. A viable cause of action against the Governor's Office is that the Governor is

involved in decision-making for the CSU/UC higher public educational systems. As their higher authority, he has jurisdiction over both higher public educational institutional systems. Yet he failed to be fair and legal in his role. He is involved in hiring trustees, the Chancellor and the university Presidents and other key positions. He hires the trustees and is a trustee and funds both systems' employment decisions.

In my case I sent his office letters concerning disability discrimination (see Appendix) and also decisions made by the CSU Chancellor's Office that Plaintiff was not covered by state law and did not have inclusion within CSU EO 1096 as well as CA ED. CODE 87102 and CA GOVT CODE 19230 and

national law '90 ADA and the '73 Rehab Act. The Governor refused due process of law. He knew that Petitioner had been unjustly "disabled" from the workforce and hiring systems. I wrote him letters explaining the illegality being done me. As Lieutenant Governor, the current governor read them. I wrote him at length to the extent that the State of California was wronging me.

I was not mentally disabled (see Appendix: Dr. Perliss's, the IME, medical opinion that I was mentally competent.) Yet, as described, the system precluded my hire, my right to earn my living for more than 16 years when I was competent. The Governor acts for the State of California and he has jurisdiction over the public higher education systems

and their public policies that are supposed to prevent discrimination but instead the Governor permitted the continuance of disability discrimination within the hiring process.

A protected status means that in my case an applicant is included within the laws that pertain to the characteristic "disability" and these laws state that the Governor or any hiring authority within his jurisdiction within the State of California cannot refuse to hire an individual with a mental disability for that reason and because of it. The Chancellor's Office failed to implement these laws within the state. So did the Governor. The Governor thereby permitted with full knowledge the breaking of these

laws and thus due process of law was precluded in California.

So did the US President who was supposed to "faithfully execute the law". He didn't in California. The Governor failed to implement fair hiring practice. As a result there were unintended as well as intended discriminatory acts in the hiring process and in the community due to intended adverse actions against me in the hiring process without ever being hired. For example, review the Kleaver decision again carefully. This decision against interview/hire occurred even though Petitioner was determined mentally competent by the Independent Medical Expert, the final medical authority.

I informed the Governor of the failure of the CA State Constitution to include "disability" as a protected status thereby permitting the failure of the State of California, Governor's Office to protect individuals with a disability and even to attack these individuals with the state statute CA ED CODE 89536.1, the Involuntary Disability Retirement section of the CODE. The Governor had full knowledge that this statute is illegal because it attacks an employee who has a disability and wrongfully terminates/disables that person even though that individual is competent and does an adequate, good job. Yet he did nothing to help Petitioner get rehired.

The Governor and so did the Court of Appeals, SF, CA, permitted the overruling of the competent

medical opinion of the treating psychiatrist with the Keins report, another physician whose sole intent was to terminate a disability for that reason and because of it. He knew the terminating medical report was false yet he permitted its acceptance over and above the UCSF Independent Medical Examiner (IME) -- who was the final authority -- and there was acceptance of the false medical report by the Court of Appeals too. I sent the Governor the CALPERS Determination that denied the employer's application for retirement. See Appendix. It returned me to work and supported the IME and not the false medical report.

The Governor's Office is hierarchically above CSU and UC and the Governor rules over these

institutional systems. He knew what was going on and sacrificed me year after year.

Petitioner filed a timely government claim. The adverse action of refusal to hire, refusal to interview by the Kleaver Decision occurred in October, 2020. I had a year to file with DFEH. I filed with DFEH timely. DFEH took a long time to respond to me. They responded to me in spring March 31, 2021. I had one year to file in Court. I filed in February, 2022. The Complaint was filed timely in accordance with the rules of the CODE.

Petitioner did not file a claim of wrongful termination against the Governor. Plaintiff filed a current claim of refusal to hire. This discrimination in the hiring

process is an adverse action against Petitioner. It is disability discrimination. The adverse action being complained about is the Kleaver Decision. The wrongful termination is what led up to it. The wrongful termination and disabling set the stage.

Petitioner does not allege a claim of wrongful termination against Governor Newsom though the Governor's Office may have been the instrument that fired me. Petitioner alleges that the Governor's Office did nothing to alleviate the refusal to hire. Petitioner did not previously litigate wrongful termination. Judge Chesney refused to consider wrongful termination. It was a disability discrimination case in the workplace; not in the hiring process. Plaintiff is an unemployed applicant.

Plaintiff's Complaint against the State of California, Governor's Office succeeds in clearly identifying the causes of action and the unhappy results of deliberate discrimination against an individual with a mental disability. I clearly describe the cause of action: the Kleaver decision. The Governor has failed to be fair in his employment decision against my right to earn my living. He has let the CSU/UC systems discriminate against me throughout the entire State of California and nation in the hiring process. He didn't lift a finger to help me. Yet he had all the documentary evidence I sent him. The Governor failed to do right to me and enable me occupationally. He wouldn't let me move on from the CSU/UC public systems into the private educational occupational world. The Governor is at fault. He should have

helped me. I even filled in a form for a telephone call from him to discuss the malfunctioning CSU/UC Complaint procedures. He never called me even though I filled in the form and submitted it to his office. He just didn't care about me and was willing to use me in a way that was abhorrent to my personal beliefs. He violated me and took away my right to earn my living that is what I believe in: the Protestant Work Ethic. I am not Jewish or Catholic. I am Protestant through and through. No one in this nation is more Protestant than I am. It is my firm belief and my mother's and father's belief that I was raised on that work is an individual's salvation. The Governor destroyed the accomplishment of one of my most important life sustaining, life nurturing beliefs, what makes me want to live and believe that I am a

valuable person. He made me feel worthless as a human being and he used me and made me poor. He could have done otherwise. He knew exactly what to do to help, i.e. hire me but he failed to help me. The State of California, Governor's Office has permitted negative treatment from the occupational world in its hiring process. He should have, he could have done otherwise.

Petitioner has properly sued the State of California, Governor's Office since he is the power and authority over and above the CSU/UC Systems. He was fully knowledgeable of the wrong being done Plaintiff and could have at any time told the Chancellor successfully to enable me occupationally as CALPERS and Dr. Blinder, my treating psychiatrist, recommended. (see Appendix) State of California

was my employer and the Governor's Office had jurisdiction and decision-making authority over CSU. I, Plaintiff exhausted my administrative remedies in the complaint systems as well as informing the Governor's Office of the wrongdoing being done me. Finally, Petitioner is not suing the Governor's Office for the wrongful termination but for its refusal to hire. The set up was unemployment.

The Superior Court and Appellate Court and Supreme Court of California made prejudicial errors of law in not finding disability discrimination and in not hiring Petitioner. The California court system let disability discrimination continue with full knowledge that it was supposed to prohibit it and give due process of law. The court should have surmised that the ignoring of my mental competence

when faced with successful proof of it is an indication that what was done was done deliberately with full knowledge of its illegality. Petitioner requests a job as president of SFSU because I seek removal of SFSU President Lynn Mahoney, a discriminator apprised of my situation, who refused me any job whatsoever. I also seek money tax free.

OVERVIEW OF CASE (Supreme Ct of CA S277638)

REASONS WHY REVIEW SHOULD BE GRANTED

Individuals with a mental disability, with a protected status, are not being given fair employment practices in the State of California. Because of the State Constitution's omission and failure to include disability as a protected status along with the other protected statuses (See Article 1, Sections 8 and 31)), there is constitutionally precipitated a pejorative

attitude toward individuals with a disability. Maybe this is reflective as well. These people are not protected by the State Constitution. The state's failure to protect these individuals is shown in that they are not only not hired like other individuals are but they are targeted in the workforce because of their protected status.

The California State Constitution permits the law to attack a protected status in that it fails to protect the characteristic disability. As previously described, it allows use of a state statute, California Education Code 89536.1, the Involuntary Disability Retirement section, to attack, terminate and disable an individual with a disability and thus preclude hire. This is illegal. Petitioner questions the statutes constitutionality of law. In my case this has turned

out to be a permanent refusal to hire a protected status without court action in Petitioner's favor.

FACTUAL BACKGROUND AND HISTORY OF THE CASE

In my case I was involuntarily targeted because of my mental disability: "mild schizophrenia". Yet I was performing the work adequately, even very well. I had excellent recommendations from my coworkers. Some of these are in the Appendix. Yet I was terminated and disabled due to disability. This involuntary disability termination/disabling occurred prior to the CALPERS Determination. CALPERS rejected the application by SFSUHR (San

Francisco State University Human Resources) to involuntarily retire me because of my disability. However, the CALPERS decision was ignored by the Governor because SFSU wouldn't honor it—this occurred even though CALPERS is a state agency.

As described in detail, this involuntary removal disabled me from the work force, even though the IME determined me mentally competent. It is the current cause of action for the Kleaver decision not to hire me because of my disability and for that reason.

It is current because I am being refused hire due to the Keins medical report that is the cause of wrongful termination/disabling. That is why the Governor won't help me. He has refused me hire statewide and nationally. I still do not have a job.

Doctor Keins was hired by SFSU HR, attorneys Bartscher, Shupe and Shiu. As discussed, this report was false and invalid in that it stated that I was unable to perform tasks and that I was off medication and not in treatment. I was doing an adequate, very good, job. I was on medication and in treatment. This medical report was the basis for the determination that I could not do my job or any job within the university in December, 2006 by Marcia Allsopp, SFSUHR. Presently, it precludes current and future employment.

This is true even though as mentioned, CALPERS hired an Independent Medical Examiner, Dr. Perliss, (IME) who reviewed both sides and took the position that I was mentally competent and able to perform my job duties.

discussed, Keins, hired specifically to attack and terminate me and refuse current and future hire.

When I filed complaint in the CSU and UC higher public education systems, I was told I was not included within the law CSU EO 1096. The Chancellor would not help me when I appealed to him and neither would Governors Jerry Brown and Gavin Newsom whom I informed over a number of years.

Governor Gavin Newsom was fully informed of the intended adverse action against my protected status's employment and yet he did nothing to help me. I suffered and so did my family. My dog Tatty was attacked and killed. I was poisoned numerous times and given sickness for several weeks and other

This is what is wrong with the statute 89536.1. It disabled and terminated before the CALPERS determination was made that reinstated me. It allowed disabling before the determination that I was mentally competent and there was no going back.

Previously and today the Court of Appeals made Dr. Keins win over not only my treating psychiatrist's competent medical opinion but also over the final medical authority Dr. Perliss, IME hired to review both sides. In 2008 and today the Court of Appeals has refused me employment even though Dr. Perliss and Dr. Blinder returned me to work. The Court of Appeals is making the false Keins medical report win over the IME and allows the success of an attack on the treating psychiatrist by another doctor, as

horrible things happened in my marriage and with my family relations.

This Kleaver decision is now policy for more than 50+ big state campuses across the state of California unless it is overturned. It could also be national policy for public higher education systems and private universities and corporations, too.

PROCEDURAL HISTORY

1. Petitioner's Lawsuit

Petitioner made submission of a Complaint to the Superior Court in February, 2022. Previously, Petitioner was in the CSU/UC Complaint systems for more than five years and was refused hire. Petitioner was refused interview even though the interview is

one of the most important elements determining competence in the hiring process. This is unfair in that without an interview it is not possible to tell who is best qualified and to preclude an interview because of a disability and for that reason is to preclude hire. This is illegal.

GROUNDS FOR REVIEW

Review is Necessary to Secure Uniformity in Interpretation of Disability Employment Law

SFSU should have conformity with CSU policy because it should not differ in policy with other campuses in CSU.

CSU and UC higher public education systems should be uniform in their policy because otherwise different campuses would have different, conflicting policies. This would cause confusion statewide in both systems.

Review is Necessary to Settle Important Questions of Law

The Kleaver Decision is wrong with the law and it should not prevail. Unless it is overturned it will negate attempts to employ individuals with a disability for that reason and because of it.

There is a State Con Law Issue that Should Be Settled

This decision will have immediate repercussions across California. In the event there is no correction of the State Constitution, attitudinal disability discrimination will continue in the state in the hiring process. This will set up an illegal

life situation that individuals with a disability will be forced to live within.

The decision will have immediate repercussions nationally. If this policy is not corrected, this illegality just described could happen in every state in the nation thus making impotent existing congressional and state law.

There is a National Con Law Issue that Needs to Be Resolved

The decision will have immediate repercussions nationally. If the US President is permitted to fail to do his job of executing the law, this would set up the possibility of breaking the laws and getting away with it in every state.

The decision will have immediate repercussions statewide. If the US President is able to go

against the US Constitution and fail to perform an important job duty, perhaps other laws as well as disability laws could be broken in each state.

This Case is the Right Vehicle to Answer the Questions Presented

This case is a disability case that deals with one of the most important issues in disability law; whether an individual with a protected status:disability can find employment or whether this class of individuals are denied the right to earn their living.

Because the United States Presidents have not done their job duty as stated in the United States Constitution Article 2, Section 3), to faithfully

execute the law, the Governor is refusing to hire me unless there is a court decision in my favor.

PROTECTED STATUS: INTENT AND MEANING

(Supreme Court of the US)

Protected status is given to individuals who have been really injured, harmed, and hurt in the world.

PROTECTED STATUS AS RELATES TO THIS CASE:

This case is a refusal to hire Petitioner, because of protected status in her case "mild schizophrenia." In accordance with the intent of congressional law, Petitioner takes on the Chancellor's Office Kleaver Decision that the following is true: the State of California does not have to interview/hire an individual with a protected status who is competent and qualified. Petitioner expresses her position: that

the employer has to interview/hire an applicant with a protected status who is qualified and competent. Otherwise discrimination continues in the hiring process in CSU.

PROTECTED STATUS:GENERAL

- The reason why protected status has to be given preference in the hiring process is because if it were seen as a negative factor then the reason for refusal to interview/hire would be disability. Negativity because of disability or refusal to interview/hire is illegal as it is illegal to refuse to hire an individual with a disability for that reason and because of it. There has to be continued accommodation. If it were seen as no preference, then it would have no meaning at all as it would not make any difference in the

hiring process and that would negate the meaning it's supposed to have.

- The meaning protected status is supposed to have is that it gives inclusion within the meaning of the laws that pertain to the characteristic referred to. People who do not have this characteristic are not protected by disability law. What happened to me in the CSU/UC complaint processes for higher public educational institutions is that I was considered outside the law and not considered within its scope even though the Chancellor's Office knew I had been terminated unlawfully because of disability and disabled from the work force when I was determined to be mentally competent by a UCSF doctor. This expert was the final medical authority over and above all psychiatrists being reviewed.

- I had to go to court to get protected status because Defendant's atty tried to overrule the treating and evaluating psychiatrist's competent medical opinion and tried to make it look like I didn't have a protected status because the disability didn't affect my work performance that was adequate and even very good.
- Protected status became the reason for my demise and it should have been the opposite giving me hiring preference promotionally.
- Protected status is an issue because nobody knows what it means. It means inclusion within and protected by the laws that pertain to its characteristic.

PROTECTED STATUS: Medical Issues

1. A competent medical opinion made by a treating or evaluating psychiatrist may not be questioned or overruled in court by defendant's atty and doctor. A court has an LLB not an MD that is required to make competent medical decisions.
2. The treating psychiatrist who gives a competent medical opinion should not be challenged or overruled by a competing psychiatrist hired by the defendant's atty to deliberately terminate/disable a disability for that reason and because of it.
3. The IME, Independent Medical Examiner, cannot be overruled by a lower psychiatrist the IME is hired to review and not by the court either.

PROTECTED STATUS v CA ED CODE 89536.1

Involuntary Disability Retirement, section 89536.1 of the CA Education Code is a permanent refusal to hire an applicant with a disability in that it removes, disables and precludes an employee from the workforce involuntarily forever and that permanently precludes future hire/employment without court action. It is illegal because it terminates and disables a disability for that reason and because of it.

PROTECTED STATUS: Qualified & Competent

- Protected status is a measure over and above qualification. It gives preference apart from qualification. It means in my case that I am included

within the purview of state and national disability legislation. That is preference over people who do not have disability and therefore, law protection by disability law. It gives an applicant with a protected status the job if an applicant is qualified and competent because it is a measure more important than qualification. Qualification decisions are subjective. Disability protected status applies to a whole class of individuals whose hurt reduced will reduce overall societal hurt.

- Protected status gives an applicant in the hiring process a job because otherwise discrimination continues in the hiring process and discrimination is supposed to be prohibited.
- Disqualifying an applicant because of protected status:disability or being disabled precludes an

interview. Disabling is a legal measure of disqualification for an interview when it is accurate. But when it is based on a false and invalid medical lie, then it must not constitute a disqualification for an interview/hire. An interview is a really important measure for selection. To be a fair employment practice, there has to be equality in consideration by giving an interview to qualified, competent applicants; otherwise, the selection process is not unbiased and the individual with a protected status is given a lesser standard instead of equal consideration if there is no interview. An employer cannot give a lesser standard to a protected status in this case in the hiring process. An employer cannot determine who is best qualified if it prohibits an applicant from an interview because of protected

status: disability. Denying an interview to a competent and qualified protected status is thus unfair, biased, hiring practice and thereby unlawful. It's unfair if a protected status is not considered; a protected status applicant is not considered if there is no interview. Without an interview, an applicant is disqualified from consideration.

PROTECTED STATUS: This case: "mild schizophrenia"

The protected status is "mild schizophrenia". This condition did not affect my work performance that was more than adequate. Petitioner was harmed in my career and precluded current and future employment by the Keins report. This medical report is invalid because 1) an employer cannot discontinue hire because of a protected status, 2) the

employer has to continue to accommodate an employee with a protected status, 3) the medical report stated I was off medication and not in treatment (I was in treatment and on medication), 4) the medical report said I was unable to perform tasks (coworkers confirmed I performed my duties well), 5) it disabled me when an IME determined I was mentally competent, 6) EDD, Employment Development Department, stated there was no misconduct on my part, and 7) EDD stated I was able and available for work.

- My case is within the scope of the definition for discrimination because cause of action the Kleaver decision constituted an adverse action against a protected status and that is discrimination. My case meets the criteria for disability discrimination: 1) I

have a protected status, 2) I was competent on the job, 3) there was an adverse action of the Kleaver decision , and 4) there is discriminatory motive.

CONCLUSION: Money (tax free) & JOB

The lower courts made legal errors of law. They did not default the Governor when he defaulted and they did not make any finding of disability discrimination. This and the dismissals of my case and refusal to review it without addressing any substantive issue of the case constituted prejudicial errors of law since there was a discriminatory motive:disability or protected status. For all the reasons cited above, Petitioner requests your Honors in the Supreme Court of the United States make a combined majority opinion as to the answer to the question and all it

entails: Does the employer the State of California, have to interview/hire an individual with a protected status who is competent and qualified? I believe in determining competence and qualification as to "best qualified", preference should be given to protected status. CA ED CODE 87102 requires "no improper discrimination in the hiring process" and CA GOVT CODE 19230 states that an individual with a disability may not be discouraged from "remunerative employment." I have been severely discouraged from remunerative employment. CSU Executive Order 1096 prohibits this disability discrimination in CSU.

Petitioner is requesting a finding of disability discrimination. And an award of money. I believe I

should be employed and should have installed a security system at home.

DATE: 2/20/2023

Julie Keller

Julia Powell Keller-McIntyre

Word Count: my computer: 8999

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