MICHAEL A. SIRAGUSA
ERIE COUNTY ATTORNEY

COUNTY OF ERIE

MARK C. POLONCARZ
COUNTY EXECUTIVE
DEPARTMENT OF LAW

MICHELLE M. PARKER
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH
SECOND ASSISTANT COUNTY ATTORNEY

April 5, 2013

Mr. Robert M. Graber, Clerk
Erie County Legislature
92 Franklin Street. 4th Floor
Buffalo, New York 14202

Dear Mr. Graber:

In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

File Name:	*Ryles, Suni v. Erie County Home*
Document Received:	EEOC Charge of Discrimination
Name of Claimant:	Suni Ryles
Claimant's attorney:	Claimant is proceeding *pro se*.

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA
Erie County Attorney

By: Michelle Parker
Michelle M. Parker
First Assistant County Attorney

MMP:dld

Enclosure

EEOC FORM 131 (11/09)

U.S. Equal Employment Opportunity Commission

Pl. dmp

Kristin Klein-wheaton, Assistant County Attorney
ERIE COUNTY
Department of Law
95 Franklin Street, 16th Floor
Buffalo, NY 14202

PERSON FILING CHARGE

Suni Ryles

THIS PERSON *(check one or both)*

[X] Claims To Be Aggrieved

[ ] Is Filing on Behalf of Other(s)

EEOC CHARGE NO.

525-2012-00321

NOTICE OF CHARGE OF DISCRIMINATION

(See the enclosed for additional information)

This is notice that a charge of employment discrimination has been filed against your organization under:

[ ] Title VII of the Civil Rights Act (Title VII) [ ] The Equal Pay Act (EPA) [X] The Americans with Disabilities Act (ADA)

[ ] The Age Discrimination in Employment Act (ADEA) [ ] The Genetic Information Nondiscrimination Act (GINA)

The boxes checked below apply to our handling of this charge:

1. [ ] No action is required by you at this time.
2. [ ] Please call the EEOC Representative listed below concerning the further handling of this charge.
3. [ ] Please provide by a statement of your position on the issues covered by this charge, with copies of any supporting documentation to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
4. [ ] Please respond fully by to the enclosed request for information and send your response to the EEOC Representative listed below. Your response will be placed in the file and considered as we investigate the charge. A prompt response to this request will make it easier to conclude our investigation.
5. [X] EEOC has a Mediation program that gives parties an opportunity to resolve the issues of a charge without extensive investigation or expenditure of resources. If you would like to participate, please say so on the enclosed form and respond by **20-APR-12** to **Elizabeth Marcus, Mediator, at (617) 565-3212**
   If you DO NOT wish to try Mediation, you must respond to any request(s) made above by the date(s) specified there.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Charlene Mc Kinnon,
Investigator

EEOC Representative

Telephone (716) 551-4442

Buffalo Local Office
6 Fountain Plaza
Suite 350
Buffalo, NY 14202
Fax: (716) 551-4387

Enclosure(s): [X] Copy of Charge

CIRCUMSTANCES OF ALLEGED DISCRIMINATION

[ ] Race [ ] Color [ ] Sex [ ] Religion [ ] National Origin [ ] Age [X] Disability [ ] Retaliation [ ] Genetic Information [ ] Other

See enclosed copy of charge of discrimination.

Date	Name / Title of Authorized Official	Signature
April 6, 2012	John E. Thompson, Local Office Director	

INFORMATION ON CHARGES OF DISCRIMINATION

EEOC RULES AND REGULATIONS

Section 1601.15 of EEOC's regulations provides that persons or organizations charged with employment discrimination may submit a statement of position or evidence regarding the issues covered by this charge.

EEOC's recordkeeping and reporting requirements are found at Title 29, Code of Federal Regulations (29 CFR): 29 CFR Part 1602 (see particularly Sec. 1602.14 below) for Title VII and the ADA; 29 CFR Part 1620 for the EPA; and 29 CFR Part 1627, for the ADEA. These regulations generally require respondents to preserve payroll and personnel records relevant to a charge of discrimination until disposition of the charge or litigation relating to the charge. (For ADEA charges, this notice is the written requirement described in Part 1627, Sec. 1627.3(b)(3), .4(a)(2) or .5(c), for respondents to preserve records relevant to the charge – the records to be retained, and for how long, are as described in Sec. 1602.14, as set out below). Parts 1602, 1620 and 1627 also prescribe record retention periods – generally, three years for basic payroll records and one year for personnel records. Questions about retention periods and the types of records to be retained should be resolved by referring to the regulations.

Section 1602.14 Preservation of records made or kept. . . . . Where a charge ... has been filed, or an action brought by the Commission or the Attorney General, against an employer under Title VII or the ADA, the respondent ... shall preserve all personnel records relevant to the charge or the action until final disposition of the charge or action. The term *personnel records relevant to the charge*, for example, would include personnel or employment records relating to the aggrieved person and to all other aggrieved employees holding positions similar to that held or sought by the aggrieved person and application forms or test papers completed by an unsuccessful applicant and by all other candidates or the same position as that for which the aggrieved person applied and was rejected. The date of *final disposition of the charge or the action* means the date of expiration of the statutory period within which the aggrieved person may bring [a lawsuit] or, where an action is brought against an employer either by the aggrieved person, the Commission, or the Attorney General, the date on which such litigation is terminated.

NOTICE OF NON-RETALIATION REQUIREMENTS

Section 704(a) of Title VII, Section 207(f) of GINA, Section 4(d) of the ADEA, and Section 503(a) of the ADA provide that it is an unlawful employment practice for an employer to discriminate against present or former employees or job applicants, for an employment agency to discriminate against any individual, or for a union to discriminate against its members or applicants for membership, because they have opposed any practice made an unlawful employment practice by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the statutes. The Equal Pay Act contains similar provisions. Additionally, Section 503(b) of the ADA prohibits coercion, intimidation, threats, or interference with anyone because they have exercised or enjoyed, or aided or encouraged others in their exercise or enjoyment, of rights under the Act.

Persons filing charges of discrimination are advised of these Non-Retaliation Requirements and are instructed to notify EEOC if any attempt at retaliation is made. Please note that the Civil Rights Act of 1991 provides substantial additional monetary provisions to remedy instances of retaliation or other discrimination, including, for example, to remedy the emotional harm caused by on-the-job harassment.

NOTICE REGARDING REPRESENTATION BY ATTORNEYS

Although you do not have to be represented by an attorney while we handle this charge, you have a right, and may wish to retain an attorney to represent you. If you do retain an attorney, please give us your attorney's name, address and phone number, and ask your attorney to write us confirming such representation.

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: [ ] FEPA [X] EEOC

Agency(ies) Charge No(s): 525-2012-00321

New York State Division Of Human Rights and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)	Home Phone (Incl. Area Code)	Date of Birth
Ms. Suni Ryles	(716) 884-0983	10-14-1976

Street Address: 278 Locust Street, Buffalo, NY 14204 — City, State and ZIP Code

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (*If more than two, list under PARTICULARS below.*)

Name	No. Employees, Members	Phone No. (Include Area Code)
ERIE COUNTY HOME	201 - 500	(716) 937-5690

Street Address: 11580 Walden Ave., Alden, NY 14004 — City, State and ZIP Code

RECEIVED MAR 15 2012 E.E.O.C. BUFFALO

Name	No. Employees, Members	Phone No. (Include Area Code)

Street Address — City, State and ZIP Code

DISCRIMINATION BASED ON (*Check appropriate box(es).*)

[ ] RACE [ ] COLOR [ ] SEX [ ] RELIGION [ ] NATIONAL ORIGIN
[ ] RETALIATION [ ] AGE [X] DISABILITY [ ] GENETIC INFORMATION
[ ] OTHER (*Specify*)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest: 11-29-2011 Latest: 01-10-2012
[ ] CONTINUING ACTION

THE PARTICULARS ARE (*If additional paper is needed, attach extra sheet(s)*):

I began working for the above named Respondent on/about July 11, 2011. I was last classified as an Institutional Aide.

On/about November 18, 2011 I suffered a medical emergency. I was released to return to work on November 20, 2011. On my Doctor's advice, I requested reasonable accommodation on November 29, 2011 and again on December 7, 2011. Respondent refused to accommodate me informing me that I could not return to work under the restrictions I had. I went to my Doctor again on December 7, 2011 and received a note to be out of work until my next evaluation which was December 21, 2011. On December 21, 2011, I received another note from my Doctor to be out until January 21, 2012.

On/about January 10, 2012 I received a letter from Respondent stating that I was terminated, and that I failed to meet the minimum standards for an Institutional Aide. Respondent then informed me that I was being terminated for time and attendance.

I believe Respondent refused to accommodate me and terminated my employment because of a disability/perceived disability. This is in willful violation of The Americans with Disabilities Act.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

X 3/15/2012 — Charging Party Signature

NOTARY - *When necessary for State and Local Agency Requirements*

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

X

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (Month, day, year) 3/15/12

SHELLEY COON
Lic. #01C06236829
Notary Public-State of New York
Qualified in Erie County
My Commission Expires MARCH 07, 2015

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).

2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.

3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.

4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.

5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so <u>within 15 days</u> of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please notify EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Buffalo Local Office

6 Fountain Plaza, Suite 350
Buffalo, NY 14202
(716) 551-4442
TTY (716) 551-5923
Direct ADR : (716) 551-3290

MEDIATION INVITATION RESPONSE FORM

Complete and fax or mail this form on or before the mediation response due date

Please return by: APR 20 2012

Your charge has been selected for EEOC's Mediation Program. The Commission is making available to you, this effective, neutral and confidential process to Charging Parties and Respondents as an efficient alternative to investigation and possible litigation of employment disputes. If either side prefers investigation to mediation, please let us know immediately so that we may return your charge back to Enforcement.

Participation in the mediation program is completely voluntary, confidential, non-binding, and at no cost to either party. If however, the parties come to a resolution, the settlement will be upheld by law and will be binding. You may have a representative of your choice with you during mediation sessions, but note that you are not required.

If both parties agree to mediation, we will attempt to schedule an agreeable date. Please be advised that this process takes approximately 4-6 weeks. Once the Respondent agrees to participate in mediation, the due date for the Position Statement is temporarily suspended.

If you have any questions, please contact Elizabeth Marcus, at (617) 565-3212. If you call and get my voice mail, I ask that you leave a message including your phone number, with area code and charge number. I will get back to you as soon as I'm able. I look forward to hearing from you and encourage you to consider the many benefits of mediation. (See reverse)

Please return this form to:

Elizabeth Marcus, Mediator
US Equal Employment Opportunity Commission
Boston Area Office
JF Kennedy Federal Building
Boston, MA 02203-0506

Or Fax response to: (617) 565-3196
Or email response to: Elizabeth.marcus@eeoc.gov

• FILL IN THE FOLLOWING COMPLETELY *

SELECT: [ ] I/We agree to mediate
[ ] I/We decline offer to mediate

I AM THE (SELECT ONE): [ ] Charging Party / Representative
[ ] Respondent / Representative

If you decline to participate, we would appreciate your stating the reason for declining: _____

_____

_____

EEOC Charge No: 525-2012-00321

Charge Name: _____ v _____

Name (or Attorney if represented): _____ **TITLE:** _____

Mailing Address: _____

City, State, Zip: _____

Telephone: ( ) _____

Facts About Mediation

First and foremost, the EEOC is pleased to invite you to mediate the enclosed charge of discrimination. On the reverse side of this sheet is an **Invitation to Mediate.** Mediation is voluntary; it will not be scheduled unless BOTH parties agree. Mediation is a confidential, off the record attempt to resolve the charge, prior to any investigation or possible litigation. For questions or more information contact **Ms. Elizabeth Marcus, Mediator (617) 565-3212.**

Mediation is a form of Alternative Dispute Resolution (ADR) that is offered by the U.S. Equal Employment Opportunity Commission (EEOC) as an alternative to the traditional investigative or litigation process. Mediation is an informal process in which a neutral third party assists the opposing parties to reach a voluntary negotiated resolution of a charge of discrimination. The decision to mediate is completely voluntary for the charging party and the employer. Mediation gives the parties the opportunity to discuss the issues raised in the charge, clear up any misunderstandings, determine the underlying interests or concerns, find areas of agreement and charge or impose a decision on the parties. Instead, the mediator helps the parties agree on a mutually acceptable resolution. The mediation process is strictly confidential. Information disclosed during mediation will not be revealed to anyone, including other EEOC employees.

How Mediation Works

An EEOC representative will contact the employee and employer concerning their participation in the program. If both parties agree, a mediation session conducted by a trained and experienced mediation is scheduled. While it is not necessary to have an attorney in order to participate in EEOC's Mediation Program, either party may choose to do so. It is important that persons attending the mediation session have the authority to resolve the dispute(s). If mediation is unsuccessful, the charge is returned to the original investigator and investigated like any other charge.

Advantages of Mediation

- Mediation is an efficient process that saves time and money. Successful mediation avoids a time-consuming investigation and achieves a prompt resolution of the charge. The majority of mediations are completed in one session, which can last from one to five hours.
- Improves Communication
- Mediation is fair. Mediators are neutral third parties who have no interest in the outcome. Their role is to help the parties resolve the charge.
- Mediation is a confidential process. The sessions are not tape-recorded or transcribed. Any and all notes taken during the mediation are collected and destroyed promptly.
- Settlement agreements secured during the mediation do not constitute an admission by the employer of any violation of laws enforced by the EEOC.
- Mediation avoids lengthy and unnecessary litigation.
- Discover the real issues in your workplace
- Everyone wins.