



# COUNTY OF ERIE

MICHAEL A. SIRAGUSA  
ERIE COUNTY ATTORNEY

**MARK C. POLONCARZ**

COUNTY EXECUTIVE  
DEPARTMENT OF LAW

MICHELLE M. PARKER  
FIRST ASSISTANT COUNTY ATTORNEY

JEREMY C. TOTH  
SECOND ASSISTANT COUNTY ATTORNEY

February 14, 2012

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:	<i>Coles, Geraldine vs Erie County Sheriff's Office</i>
Document Received:	Div of Human Rights Charge of Discrim
Name of Claimant:	Geraldine Coles 147 Clarence Avenue Buffalo, New York 14215
Claimant's attorney:	Tasha E. Moore New York State Division of Human Rights - Buffalo 65 Court Street, Suite 506 Buffalo, New York 14202

Should you have any questions, please call.

Very truly yours,

MICHAEL A. SIRAGUSA  
Erie County Attorney

By:   
MICHELLE M. PARKER  
First Assistant County Attorney

MMP/mow  
Enc.

cc: Michael A. Siragusa, Erie County Attorney



ANDREW M. CUOMO  
GOVERNOR

NEW YORK STATE  
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF  
HUMAN RIGHTS on the Complaint of

GERALDINE COLES,

Complainant,

v.

ERIE COUNTY, SHERIFF'S OFFICE,

Respondent.

VERIFIED COMPLAINT  
Pursuant to Executive Law,  
Article 15

Case No.  
**10152875**

Federal Charge No. 16GB201391

I, Geraldine Coles, residing at 147 Clarence Ave., Buffalo, NY, 14215, charge the above named respondent, whose address is 69 Delaware Avenue, Suite 300, Buffalo, NY, 14202 with an unlawful discriminatory practice relating to employment in violation of Article 15 of the Executive Law of the State of New York (Human Rights Law) because of disability.

Date most recent or continuing discrimination took place is 12/28/2011.

The allegations are:

1. I have a disability within the meaning of the New York State Human Rights Law, a seizure disorder. Because of this, I have been subject to unlawful discriminatory actions.
2. On May 30, 1984, I was hired by the above named respondent and currently hold the position of deputy sheriff officer in the booking area where I serve as a female escort.
3. In 2009, I was first diagnosed with a seizure disorder. On October 20, 2011, I suffered a 5-10 second seizure while performing my duties. On October 21, 2011, the respondent placed me on involuntary leave with pay due to my disability and advised me that I would be required to undergo a medical exam in order to return to work.
4. On or about October 30, 2011, I submitted medical documentation to the respondent from my physician releasing me to return to work with the recommendation that I be placed elsewhere as an accommodation of my disability. I didn't hear anything from the respondent.

5. On November 15, 2011, the respondent scheduled me to undergo an independent medical examination which I did. After this examination, I heard nothing from the respondent

6. On January 4, 2011, I reported to work. Captain Hartman told me he had to send me home because the respondent had not yet received a decision from the independent medical exam.

7. By letter dated December 28, 2011, the respondent advised me that my medical leave with pay would end on January 10, 2012 and directed me to sign a request for leave without pay or face cancellation of my health insurance.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of disability, in violation of the New York State Human Rights Law (Executive Law, Article 15), Section 296.

I also charge the above-named respondent with violating the Americans with Disabilities Act (ADA) (covers disability relating to employment). I hereby authorize SDHR to accept this verified complaint on behalf of the U.S. Equal Employment Opportunity Commission (EEOC) subject to the statutory limitations contained in the aforementioned law(s).

I have not commenced any other civil action, nor do I have an action pending before any administrative agency, under any state or local law, based upon this same unlawful discriminatory practice.

  
Geraldine Coles

STATE OF NEW YORK )  
COUNTY OF ) SS:

Geraldine Coles, being duly sworn, deposes and says: that he/she is the complainant herein; that he/she has read (or had read to him or her) the foregoing complaint and knows the content thereof; that the same is true of his/her own knowledge except as to the matters therein stated on information and belief; and that as to those matters, he/she believes the same to be true.

*Geraldine Coles*  
Geraldine Coles

Subscribed and sworn to  
before me this *24* day  
of *January*, 20 *12*

*Beverly A. Frescholtz*  
Signature of Notary Public

BEVERLY A FRESCHOLTZ  
Notary Public, State of New York  
Qualified in Erie County  
No. 01FR6187237  
Commission Expires on May 18, 2012