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COUNTY OF ERIE

JEREMY A. COLBY
ERIE COUNTY ATTORNEY

CHRIS COLLINS
COUNTY EXECUTIVE

DEPARTMENT OF LAW

MARTIN A. POLOWY
FIRST ASSISTANT COUNTY ATTORNEY

THOMAS F. KIRKPATRICK, JR.
SECOND ASSISTANT COUNTY ATTORNEY

August 17, 2011

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

Dear Mr. Graber:

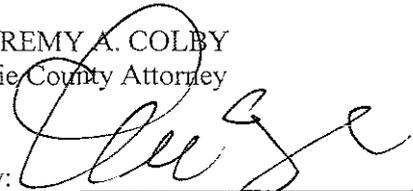
In compliance with the Resolution passed by the Erie County Legislature on June 25, 1987, regarding notification of lawsuits and claims filed against the County of Erie, enclosed please find a copy of the following:

| | |
|----------------------|---|
| File Name: | <i>Pascale, Margaret vs Erie County Department of Social Services</i> |
| Document Received: | Summons and Complaint |
| Name of Claimant: | Margaret Pascale 709 Busti Avenue Buffalo, New York 14213 |
| 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,

JEREMY A. COLBY
Erie County Attorney

By: 
THOMAS F. KIRKPATRICK, JR.
Second Assistant County Attorney
thomas.kirkpatrick@erie.gov

TFK/mow
Enc.

cc: JEREMY A. COLBY, Erie County Attorney

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AUG 01 2011

BUFFALO REGIONAL OFFICE



ANDREW M. CUOMO
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

MARGARET PASCALE,

Complainant,

v.

ERIE COUNTY, DEPARTMENT OF SOCIAL
SERVICES,

Respondent.

VERIFIED COMPLAINT
Pursuant to Executive Law,
Article 15

Case No.

10149794

Federal Charge No. 16GB104017

I, Margaret Pascale, residing at 709 Busti Ave., Buffalo, NY, 14213, charge the above named respondent, whose address is 95 Franklin Street, Buffalo, NY, 14202-3959 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 6/20/2011.

The allegations are:

1. I have a disability within the meaning of the New York State Human Rights Law, (prosthetic leg, and knee problems) which does not prevent me from performing the essential duties of my job in a reasonable manner. Because of this, I have been subject to unlawful discriminatory actions.
2. I was hired by Respondent on May 8, 2000 and currently hold the position of receptionist at the office located at 43 Court Street, Buffalo.
3. In or around the beginning of June 2011, Respondent took away my desk printer as part of a new policy to remove desk printers in order to reduce expenditures. Since then and continuing to date, I have been forced to get up and down several times each day in order to use the central copier/printer, which creates a hardship for me due to my disability.
4. Shortly after it was removed from my desk, I submitted medical documentation of my disability to Respondent and requested the return of my desk printer as an accommodation of it.

By letter dated June 20, 2011, Respondent denied my accommodation request, saying their decision was based, in part, on discussion with my "medical treating staff" which is not true as no one from my doctor's office spoke to Respondent. I believe Respondent denied me a reasonable accommodation of my disability.

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.

Margaret Pascale

Margaret Pascale

STATE OF NEW YORK)
COUNTY OF *Erie*) SS:

Margaret Pascale, 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.

Margaret Pascale

Margaret Pascale

Margaret Pascale
Subscribed and sworn to
before me this *29th* day
of *July*, 20*11*

Donna E. Hager
Signature of Notary Public

DONNA E. HAGER
Notary Public, State of New York
No. 01HA4866438
Qualified in Erie County
My Commission Expires August 4, 20*14*