(13)

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

May 29, 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:	*Workman, Ottis v. Erie County Clerk (religious discrimination)*
Document Received:	Division of Human Rights Charge of Discrimination
Name of Claimant:	Ottis Workman, Jr.
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

ANDREW M. CUOMO
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of OTTIS WORKMAN, JR., Complainant, v. NEW YORK STATE, DEPARTMENT OF MOTOR VEHICLES, Respondent.	VERIFIED COMPLAINT Pursuant to Executive Law, Article 15 Case No. **10161916**

Federal Charge No. 16GB303141

I, Ottis Workman, Jr., residing at 147 Hastings Ave., Buffalo, NY, 14215, charge the above named respondent, whose address is Division of Labor Relations 6 Empire Plaza, Room 530B, Albany, NY, 12228 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 creed.

Date most recent or continuing discrimination took place is 5/6/2013.

The allegations are:

1. I am of the Methodist fatih. Because of this, I have been subject to unlawful discriminatory actions.

2. I was hired by respondent in January 2009 and last held the job title of Junior Motor Vehicle Cashier at the 170 Peal Street, Buffalo, New York location. Joseph Wolf was the Deputy County Clerk.

3. Mr. Wolf has subjected me to differential treatment due to my religion and because I am a religious person. Mr. Wolf has been aware of my religion since the time of my hire as he knew I was recommended for my position by a minister. Because of my religion and because I would speak with ministers who came to my window, Mr. Wolf made derisive comments about me such as saying to me, "You're such a man of god" in a sarcastic manner. Mr. Wolf treated me in a hostile manner, continually threatening me with a poor performance evaluation and

causing me to have to defend myself on a daily basis. Mr. Wolf did not treat employees who were not religious in this manner.

4. On May 6, 2013, respondent terminated my employment accusing me of a policy violation I did not commit. Mr. Wolf and other supervisors ambushed me when I came into work that day with the false accusation and refused to listen to me or allow me to explain although evidence indicates that other employees, Mr. Lott and my estranged father, were responsible. I believe Mr. Wolf used this false allegation as an excuse to terminate my employment without proper investigation into the allegations against me due to my religion.

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of creed, 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 Title VII of the Civil Rights Act of 1964, as amended (covers race, color, creed, national origin, sex 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.

Ottis Workman, Jr.

Ottis Workman, Jr.

STATE OF NEW YORK)
COUNTY OF) SS:

Ottis Workman, Jr., 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.

Ottis Workman Jr
Ottis Workman, Jr.

Subscribed and sworn to
before me this 13 day
of May ,2013

Beverly A Freischoltz
Signature of Notary Public

BEVERLY A. FRESCHOLTZ
Notary Public, State of New York
No. 01FR6187237
Qualified in Erie County
My Commission Expires May 19, 2016

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of OTTIS WORKMAN, JR., Complainant, v. NEW YORK STATE, DEPARTMENT OF MOTOR VEHICLES, Respondent.	AFFIDAVIT OF SERVICE Case No. 10161916

Federal Charge No. 16GB303141

STATE OF NEW YORK)
COUNTY OF ERIE) SS:

Beverly Frescholtz, being duly sworn, deposes and says, that he/she is over the age of 18 years; that he/she is employed by the New York State Division of Human Rights; that on May 21, 2013, he/she served the within AMENDMENT TO THE COMPLAINT upon:

Complainant
Ottis Workman, Jr.
147 Hastings Ave.
Buffalo, NY 14215

Respondent
Erie County, County Clerk
95 Franklin St.
Buffalo, NY 14202

by personally placing true copies of the same, securely enclosed in postpaid wrappers in the post office box/depository under the exclusive care and custody of the United States Postal Service at 65 Court Street, Buffalo, New York.

Dated: May 21, 2013
Buffalo, New York

Beverly Frescholtz
Agency Program Aide

Sworn before me this
21 day of May, 2013

Notary Public

ELIZABETH E. LAKE
Notary Public - State of New York
No. 01LA6187026
Qualified in Erie County
Commission Expires on May 12, 2016