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

July 25, 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:	*Saramak, Meghan v. Erie County Sheriff's Office (NYS Dept. of Labor - workplace safety discrimination)*
Document Received:	NYS Department of Labor Complaint Letter
Name of Claimant:	Meghan Saramak 21 Avery Avenue Buffalo, NY 14216
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

New York State Department of Labor
Andrew M. Cuomo, *Governor*
Peter M. Rivera, *Commissioner*

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July 15, 2013

Sheriff Timothy B. Howard
Erie County Sheriff's Office
10 Delaware Ave
Buffalo, NY 14202

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
First Class Mail

Re: Saramak v Erie County Sheriff's Office
Case Number: 22774384

The New York State Department of Labor hereby serves you notice that a complaint has been filed by Meghan Saramak with the Public Employee Safety and Health Bureau, alleging a violation of Section 27-a.10 of the New York State Labor Law.

Meghan Saramak alleges that she was terminated on April 30, 2013 because, starting in January 2013, she requested Plexiglas to protect her from saliva, tampons, toilet paper, menstrual blood, or incision blood being thrown at her from Inmate Grant. Ms. Saramak alleges that, even though it is policy not to hand feed inmates, her supervisors required her to hand feed Inmate Grant. Ms. Saramak alleges that, on April 4 and 30, 2013, she questioned an order to hand feed Inmate Grant because she was concerned about bites or being grabbed and soiled by the inmate. Ms. Saramak alleges that the routinely-naked inmate would play with her own blood, body cavities, and surgical incisions while she was in the cell. Ms. Saramak alleges that she was assigned 200 hours of one-on-one time with this inmate -more than any other officer.

We would appreciate receiving from you promptly a full and complete written account of the facts and a statement of your position in response to the complainant's allegation that you have discriminated against Meghan Saramak in violation of the Act.

We understand that there is a factual dispute regarding the incident involving Meghan Saramak, on April 25, 2013, which led to her termination. We also understand that video recordings exist of the location in which Ms. Saramak was assigned to work on that day and these videos should allow for the resolution of any factual discrepancies. We are interested in resolving this matter as quickly as possible. Please forward us copies of the videos in which Ms. Saramak appears, as well as the video from Inmate Grant's cell, for the day of April 25, 2013. We are happy to cover any costs you incur in making these copies.

If you are prevented from making copies of such videos by other statute or regulation, please preserve said video recordings. We will send an Investigator from the Department of Labor to view them at your facility at a mutually convenient time.

We will endeavor to provide you every courtesy in working with you to resolve this matter. Please do not destroy or alter any evidence that would be relevant to the resolution of this investigation.

Please note that a full and complete initial response, supported by appropriate documentation, may serve to help achieve early resolution of this matter. Voluntary adjustment of meritorious complaints can be effected by way of a settlement agreement at any time.

This case has been assigned to Charles Riley, Discrimination Investigator. Please address all correspondence and communications regarding this investigation to the assigned investigator.

Charles Riley
109 S Union St. Room 402
Rochester, NY 14607
585-509-7234
Riley.charles@dol.gov

Attention is called to your right and the right of any other party to be represented by counsel or other representative in this matter. In the event you designate someone to be your representative, please notify the investigator of this promptly.

In order to expedite our investigation, we request that you submit your written response within ten working days of receipt of this letter. Failure to respond to all requests by the investigator within the given periods will be deemed "no response" on the part of management and our investigation will proceed without a position from you or your representative.

Sincerely,

Darren L. Mrak
Supervising Safety & Health Inspector

cc Discrimination Program Manager (electronic copy w/o enclosures)
Counsel's Office (electronic copy w/o enclosures)
Charles Riley