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

September 30, 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:	*Bevilacqua, Ralph J. v. Erie County Department of Public Works*
Document Received:	NYS Division of Human Rights Charge of Discrimination
Name of Claimant:	Ralph J. Bevilacqua
Claimant's attorney:	Claimant is *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
Enc.

ANDREW M. CUOMO
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF HUMAN RIGHTS on the Complaint of RALPH J. BEVILACQUA, Complainant, v. ERIE COUNTY, DEPARTMENT OF PUBLIC WORKS, Respondent.	VERIFIED COMPLAINT Pursuant to Executive Law, Article 15 Case No. **10164350**

Federal Charge No. 16GB305000

I, Ralph J. Bevilacqua, residing at 23 Kennedy, Lackawanna, NY, 14218, charge the above named respondent, whose address is Attn: County Attorney, 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 opposed discrimination/retaliation.

Date most recent or continuing discrimination took place is 8/27/2013.

The allegations are:

1. I have acted as a witness in regard to another employee's discrimination complaint of age discrimination under the federal Age Discrimination in Employment Act (ADEA); (deposition taken in 3/13). I was hired by the above named Respondent, Division of Highways, on 3/29/1994 and work as a mechanic out of Respondent's East Aurora location.

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2. On 8/16/13, Gary Zawodzinski, Sr. Highway Maintenance Engineer, during a meeting with me and several others, encouraged us to fight with one another. He indicated he wanted us to get blood on him. His actions made me fearful for myself and my family's safety. I reported this incident to Respondent's Division of Equal Employment Opportunity Internal Complaint of Harassment, Discrimination or Retaliation form. Mr. Zawodzinski was initially present when I was giving my deposition in 3/13, and was removed after I informed the parties involved that I was not comfortable with him present, and feared he would retaliate against me. On 8/27/13, Zawodzinski called me in his office, with my immediate supervisor Ron Broska, and reduced all of my job responsibilities.

3. I believe that I have been subjected to retaliation for having acted as a witness for another employee in regard to his age discrimination claim/ complaint (Philip Tricoli).

Based on the foregoing, I charge respondent with an unlawful discriminatory practice relating to employment because of opposed discrimination/retaliation, 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 Age Discrimination in Employment Act (ADEA) as amended (covers ages 40 years of age or older in 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.

Ralph J. Bevilacqua

STATE OF NEW YORK)
COUNTY OF) SS:

Ralph J. Bevilacqua, 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.

Ralph J. Bevilacqua

Subscribed and sworn to
before me this 9th day
of September , 2013

Signature of Notary Public

CHRISTINE M. CEDERM...
Notary Public in the State of New York
Qualified in Erie County No. 01CE4965C6
My Commission Expires April 16, 2014