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

October 3, 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 - NYSDHR*
Document Received:	Verified Complaint
Name of Claimant:	Ralph J. Bevilacqua
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
Enc.

ANDREW M. CUOMO
GOVERNOR

SEP 24 2013

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. **10164545**

Federal Charge No. 16GB305142

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 9/13/2013.

The allegations are:

1. I filed NYSDHR Charge No. 10164350 on September 9, 2013.

2. On 9/13/13, I was issued a Record of Disciplinary Action, including demotion, involuntary transfer to the Hamburg location and a 3 day suspension. The disciplinary action also restricts me from obtaining any promotion for 1 year. The action violates my union contract, as it cites a prior disciplinary action from 2004 (the contract allows only consideration of prior disciplinary actions within the past year; the 2004 action is the only prior disciplinary action I have ever received). The disciplinary action references issues raised in the prior charge, and accuses me of making false statements. I did not make false statements.

3. I believe that I have been issued this disciplinary action in retaliation for filing the NYSDHR claim.

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 20th day
of September, 2013

Signature of Notary Public

SHERYL BRAUNSCHEIDEL
Lic. #01BR6268829
Notary Public-State of New York
Qualified in Erie
My Commission Expires 09/17/2016