STATE OF NEW YORK

11296--B

IN ASSEMBLY

July 25, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Simotas, D'Urso, Dinowitz, Ortiz, Wallace, Epstein, Mosley, Abinanti, Stirpe, Quart) -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law and the court of claims act, in relation to filing a complaint for an unlawful discriminatory practice

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 297 of the executive law, as amended by chapter 958 of the laws of 1968, is amended to read as follows:

5. Any complaint filed pursuant to this section must be so filed within [~~one year~~] **three years** after the alleged unlawful discriminatory practice. **The statute of limitations shall be tolled during ongoing proceedings related to the alleged unlawful discriminatory practice, from the date an investigation commences or the complainant files a complaint with their employer or the appropriate local, state or federal agency, whichever is earlier, until the date the complainant is notified that the investigation has concluded.**

§ 2. Section 10 of the court of claims act is amended by adding a new subdivision 10 to read as follows:

10. Notwithstanding any provision of law to the contrary, a claim to recover damages for an unlawful discriminatory practice pursuant to article fifteen of the executive law shall be filed and served upon the attorney general within six months after the accrual of such claim, unless the claimant shall within such time serve upon the attorney general a written notice of intention to file a claim therefor, in which event the claim shall be filed and served upon the attorney general within three years after such accrual. The statute of limitations shall be tolled during ongoing proceedings related to the alleged unlawful discriminatory practice, from the date an investigation commences or the

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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complainant files a complaint with their employer or the appropriate local, state or federal agency, whichever is earlier, until the date the complainant is notified that the investigation has concluded.

§ 3. This act shall take effect immediately.