

# STATE OF NEW YORK

2036

2019-2020 Regular Sessions

## IN SENATE

January 18, 2019

Introduced by Sen. BIAGGI -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

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:

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

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

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

14 10. Notwithstanding any provision of law to the contrary, a claim to  
15 recover damages for an unlawful discriminatory practice pursuant to  
16 article fifteen of the executive law shall be filed and served upon the  
17 attorney general within six months after the accrual of such claim,  
18 unless the claimant shall within such time serve upon the attorney  
19 general a written notice of intention to file a claim therefor, in which  
20 event the claim shall be filed and served upon the attorney general  
21 within three years after such accrual. The statute of limitations shall  
22 be tolled during ongoing proceedings related to the alleged unlawful  
23 discriminatory practice, from the date an investigation commences or the  
24 complainant files a complaint with their employer or the appropriate  
25 local, state or federal agency, whichever is earlier, until the date the  
26 complainant is notified that the investigation has concluded.

27 § 3. This act shall take effect immediately.

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

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