

STATE OF NEW YORK

1042

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. SIMOTAS, ORTIZ, DINOWITZ, EPSTEIN, STIRPE, MOSLEY, GOTTFRIED, ABINANTI, D'URSO, WALLACE, QUART, PAULIN, SEAWRIGHT, M. G. MILLER, RA, LENTOL, CRUZ, THIELE, SIMON, ZEBROWSKI, CYMBROWITZ, STERN, GLICK, FERNANDEZ, MAGNARELLI -- Multi-Sponsored by -- M. of A. DenDEKKER -- read once and referred to the Committee on Governmental 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

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

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1 be tolled during ongoing proceedings related to the alleged unlawful
2 discriminatory practice, from the date an investigation commences or the
3 complainant files a complaint with their employer or the appropriate
4 local, state or federal agency, whichever is earlier, until the date the
5 complainant is notified that the investigation has concluded.

6 § 3. This act shall take effect immediately.