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:

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 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.

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

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