

LOCAL LAW INTRO. NO. -2007

A LOCAL LAW amending the Laws of Westchester County to expand the jurisdiction of the Westchester County Human Rights Commission.

BE IT ENACTED by the Board of Legislators of the County of Westchester as follows:

Section 1. Paragraph "a." of Section 700.14 of the Laws of Westchester County is hereby amended to read as follows:

a. Except as otherwise provided in subdivision b. hereof, the commission shall not have jurisdiction to entertain or initiate a complaint where:

1. The complainant or party aggrieved has initiated a civil action in any court based upon the same transaction or occurrence or series of transactions or occurrences which are the subject of the complaint filed or sought to be filed with the commission, unless such civil action has been voluntarily discontinued or withdrawn by the complainant;

2. The complainant or party aggrieved has filed a complaint with the New York State Division of Human Rights, or with the commission on human rights of any city, town or village located in Westchester County, based upon the same transaction or occurrence or series of transactions or occurrences which are the subject of the complaint filed or sought to be filed with the commission;

3. The complainant or party aggrieved has filed a complaint, action or proceeding with any administrative agency of the State or the County of Westchester, based upon the same transaction or occurrence or series of transactions or occurrences which are the subject of the complaint filed or sought to be filed with the commission;

4. The complainant or party aggrieved: (i) is employed by an organization, company, association, government, or other entity, which, pursuant to a written policy, maintains an affirmative action, equal employment, or similar office or department, which office or department would have jurisdiction over the subject matter of the complaint filed or sought to be filed with the commission; and (ii) the complainant or party aggrieved has not exhausted the remedies provided for in the written policy. The provisions of this subparagraph shall not apply in the event that the affirmative action, equal employment or similar office or department to which complaint was made fails to render a determination thereon within one year of the filing of the complaint with such office or department, in which event the complainant or party aggrieved must file a complaint with the commission within one year of the time that the complaint or party aggrieved became entitled to file such complaint with the commission. The provisions of this subparagraph shall not preclude the filing with the commission of a complaint which alleges that the organization, company, association, government or other entity involved has engaged or is engaging in a pattern of unlawful discriminatory practices which have involved identical or substantially similar acts committed against two or more persons who were similarly situated, provided that the complaint is filed within one year after the occurrence of the alleged unlawful practices.

Section 2. This Local Law shall take effect on July 1, 2008.