



**Division of
Human Rights**

**NEW YORK STATE
DIVISION OF HUMAN RIGHTS**

**NEW YORK STATE DIVISION
OF HUMAN RIGHTS**

on the Complaint of

TINA LOUISE OWENS,

Complainant,

v.

CITY OF SALAMANCA,

Respondent.

**NOTICE AND
FINAL ORDER**

Case No. 10168512

Federal Charge No. 16GB402754

PLEASE TAKE NOTICE that the attached is a true copy of the Recommended Findings of Fact, Opinion and Decision, and Order (“Recommended Order”), issued on November 10, 2015, by Martin Erazo, Jr., an Administrative Law Judge of the New York State Division of Human Rights (“Division”). An opportunity was given to all parties to object to the Recommended Order, and all Objections received have been reviewed.

PLEASE BE ADVISED THAT, UPON REVIEW, THE RECOMMENDED ORDER IS HEREBY ADOPTED AND ISSUED BY THE HONORABLE HELEN DIANE FOSTER, COMMISSIONER, AS THE FINAL ORDER OF THE NEW YORK STATE DIVISION OF HUMAN RIGHTS (“ORDER”). In accordance with the Division's Rules of Practice, a copy of this Order has been filed in the offices maintained by the Division at One Fordham Plaza, 4th Floor, Bronx, New York 10458. The Order may be inspected by any

member of the public during the regular office hours of the Division.

PLEASE TAKE FURTHER NOTICE that any party to this proceeding may appeal this Order to the Supreme Court in the County wherein the unlawful discriminatory practice that is the subject of the Order occurred, or wherein any person required in the Order to cease and desist from an unlawful discriminatory practice, or to take other affirmative action, resides or transacts business, by filing with such Supreme Court of the State a Petition and Notice of Petition, within sixty (60) days after service of this Order. A copy of the Petition and Notice of Petition must also be served on all parties, including the General Counsel, New York State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. Please do not file the original Notice or Petition with the Division.

ADOPTED, ISSUED, AND ORDERED.

DATED: **APR 29 2016**
Bronx, New York



HELEN DIANE FOSTER
COMMISSIONER



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on the Complaint of

TINA LOUISE OWENS,

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v.

CITY OF SALAMANCA,

Respondent.

**RECOMMENDED FINDINGS OF
FACT, OPINION AND DECISION,
AND ORDER**

Case No. **10168512**

SUMMARY

Respondent unlawfully discriminated against Complainant on the basis of sex and disability. Therefore, Respondent is liable to Complainant in the amounts of \$154 in lost wages and \$10,000 for pain and suffering. Respondent is assessed \$10,000 in civil fines and penalties. Complainant did not establish that Respondent retaliated against her for allegedly having opposed unlawful discriminatory practices.

PROCEEDINGS IN THE CASE

On April 28, 2014, Complainant filed a verified complaint with the New York State Division of Human Rights (“Division”), charging Respondent with unlawful discriminatory practices relating to employment in violation of N.Y. Exec. Law, art. 15 (“Human Rights Law”).

After investigation, the Division found that it had jurisdiction over the complaint and that probable cause existed to believe that Respondent had engaged in unlawful discriminatory practices. The Division thereupon referred the case to public hearing.

After due notice, the case came on for hearing before Martin Erazo, Jr., an Administrative Law Judge (“ALJ”) of the Division. Public hearing sessions were held on June 2-3, 2015. Complainant and Respondent appeared at the hearing. Complainant was represented by the Law Offices of Lindy Korn, P.L.L.C., William F. Harper V, Esq., of counsel. Respondent was represented by the Law Offices of Hodgson Russ, L.L.P., Melanie J. Beardsley, Esq., of counsel.

At the public hearing, Complainant withdrew her allegations based on creed. (Tr. 60-61)

FINDINGS OF FACT

1. Respondent is a municipality in New York State. (Tr. 113)
2. Respondent maintains a police department. (Tr. 113)
3. In May 2004, Respondent hired Complainant as a police officer. (Tr. 33)
4. Complainant is female. (ALJ’s Exh. 1)
5. Respondent’s police department is staffed by a chief, two lieutenants, three sergeants, and 13 patrol officers. (Tr. 113)
6. Investigators are patrol officers on special assignment at the discretion of the chief of police. (Tr. 114)
7. Since March 2006, Complainant worked as an investigator, in the capacity of a “Juvenile Officer,” handling “critical incidents” involving youth, including sex abuse cases. (Tr. 33-34, 51, 96-97)

8. While on special assignment a patrol officer receives an additional 35 cents an hour as additional compensation. (Tr. 52; Respondent's Exh. 1)

9. On November 4, 2013, Complainant responded to an incident where a female victim was found deceased. (Tr. 35, 76; ALJ's Exh 1, p.17)

10. Complainant had a strong negative reaction to the death of the victim. (Tr. 35)

11. Complainant used her accrued leave to seek medical treatment and counseling. (Tr. 35; Respondent's Exh.4)

12. Complainant was diagnosed with post-traumatic stress disorder ("PTSD"). (Tr. 35)

13. On December 3, 2013, Complainant submitted a medical note to Respondent, from Mary Smith, a nurse practitioner, releasing her to return to work. (Tr. 36-37; Complainant Exh.1)

14. On December 4, 2013, Complainant returned to her regular duties as a Juvenile Officer. (Tr. 36-37; ALJ's Exh.1, p.11)

15. New York General Municipal Law § 207-c ("§ 207-c") provides statutory benefits to members of a municipal police department, for on the job injuries, beyond what would be provided in a workers compensation matter. (Tr. 39-40)

16. When Complainant returned to work she submitted a request for § 207-c benefits. (Tr. 37; Complainant's Exhs. 9, 10)

17. Complainant's goal in filing a § 207-c application was to recover the personal days, vacation days, and holiday time she used during her November 2013 leave. (Tr. 74-75)

18. Complainant's § 207-c application was the first Respondent had handled. (Tr. 65, 79; Complainant's Exh. 2)

19. Respondent worked as quickly as it could to establish procedures for the review of

§ 207-c applications while reviewing Complainant's request. (Complainant's Exh. 2)

20. Paul Meyers was the chief of police. (Respondent's Exhs. 2, 3)

21. When Complainant returned on December 3, 2013, she spoke with Chief Meyers about the kinds of assignments she would be receiving. (Tr. 42-43, 82-83, 96-97; ALJ's Exh. 1, p.11)

22. Based on Complainant's conversation with Chief Meyers, she expected that she would not be handling critical incidents, such as sex abuse cases, even though it was a part of her special assignment. (Tr. 82-83; ALJ's Exh. 1, p.11)

23. When Complainant returned to her desk she found she had three sex abuse cases to investigate. (Tr. 42-43; ALJ's Exh. 1, p.11)

24. Complainant was "upset" and "emotional" when she returned to the office after investigating the three sex abuse cases. (Tr. 44, 80-84)

25. Complainant told Chief Meyers that she wanted to go home early because she was emotionally drained and overwhelmed because of the sex abuse cases she investigated. (Tr. 44, 80-84; ALJ's Exh. 1, p.11)

26. Chief Meyers allowed Complainant to go home 45 minutes early. (Tr. 84)

27. On December 5, 2013, Chief Meyers told Complainant he was concerned for her health and placed Complainant on temporary desk duty. (Tr. 47-49; Complainant's Exh. 3)

28. The desk duty assignment was also known as dispatch. (Tr. 72, 84-85)

29. Chief Meyers characterized the dispatch assignment to Complainant as light duty work that would last for a period of six weeks. (Tr. 47, 52)

30. All officers worked dispatch on a rotational basis and was a duty Complainant had done before. (Tr. 72, 84-85)

31. Officers assigned to dispatch addressed incoming calls for help, answered general questions, sent officers on calls, handled walk-in complaints, paperwork, and managed prisoners. (Tr. 50-51)

32. When Chief Meyers reassigned Complainant to dispatch duty, she responded that she was being punished in retaliation for having filed a § 207-c application. (Tr. 49)

33. Chief Meyers replied that Complainant was reassigned to dispatch duty because he was concerned for her health. (Tr. 49)

34. While on dispatch, Complainant remained on the same shift, with the same days off, as she held as a Juvenile Officer, although Chief Meyers had initially indicated that her days would change. (Tr. 49; Complainant's Exh. 3)

35. While on dispatch duty, Complainant did not receive the additional 35 cents per hour she would have earned as a Juvenile Officer. (Tr. 51-52; Respondent's Exh1)

36. Chief Meyers did not review Complainant's assignment to dispatch immediately after the six week period expired. (Tr. 52)

37. Instead, it was Complainant who reminded Chief Meyers about returning her to the investigator position in March 2014. (Tr. 52-53)

38. In March 2014, Chief Meyers, and Carmen Vecchiarella, the Respondent's mayor, initially denied Complainant's requests to return to regular duty. Chief Meyers and Vecchiarella pointed to each other as the individual that had to make the decision. (Tr. 52-53)

39. Subsequently, in March 2014, Chief Meyers informed Complainant that he needed a note from a physician, not a nurse practitioner, allowing her to return to regular duty. (Tr. 53-54)

40. On approximately March 13, 2014, Complainant gave Chief Meyers a medical note from her physician, Dr. Patel, allowing her to return to work. (Tr. 55; Complainant's Exh. 13)

41. After Complainant submitted the medical note from Dr. Patel, Chief Meyers returned her to the Juvenile Officer assignment as an investigator. (Tr. 55)

42. In March 2014 Respondent approved Complainant's § 207-c application. (Tr. 65-66)

43. As a result of the approval, the four weeks of leave time Complainant used in November 2013 were restored to her accruals. (Respondent's Exh. 4)

44. Rhonda Bush, who is female, also works as a patrol officer designated as an investigator on special assignment. (Tr. 113-14)

45. In March 2014 Chief Meyers directed Complainant and Bush to fill out daily activity logs they found to be time consuming and duplicative of reports they already submitted. (Tr. 66-67)

46. Chief Meyers told Complainant that "just you girls" had to complete the daily activity logs, indicating Complainant and Bush. (Tr. 66, 68, 91, 136-37)

47. Mitch Cowen, who is a male patrol officer, also was required to complete the same activity logs a week or two later. (Tr. 66, 68, 91, 136-37)

48. Complainant and Bush regularly conducted investigations together. (Tr. 42)

49. In March 2014, Chief Meyers told Complainant that she would no longer work with Bush conducting investigations and that they were not to be in a vehicle together. (Tr. 42)

50. Chief Meyers told Complainant that she and Bush would work from their own respective offices. Subsequent to this directive, Chief Meyers allowed Complainant and Bush to investigate complex cases. (Tr. 42, 79-80)

51. Chief Meyers told Complainant that she and Bush could speak with each other during their two, ten minute breaks. (Tr. 42)

52. Complainant and Bush were the only two patrol officers assigned to work as investigators. (Tr. 33-34, 51, 96-97, 113-14)

53. Complainant and Bush had the same schedule, Tuesday through Saturday, 3:00 p.m. - 11:00 p.m. (Tr. 122)

54. In March 2014, when Complainant returned to her regular investigator duties, Chief Meyers changed Complainant's schedule to Wednesday through Sunday, 3:00 p.m. – 11:00 p.m. (Tr. 56-57)

55. Chief Meyers made the change in schedule so Respondent would have better coverage of juvenile activity in the city. (Tr. 122-23)

56. However, Complainant had the most seniority and was not allowed to bid for the schedule of her choice. (Complainant Exh. 5)

57. I do not credit Complainant's claim that the change in schedule interfered with her Sunday church services. Complainant conceded that Sunday service began at 10:00 a.m. and that, in the past, she had volunteered to work overtime shifts on Sunday. (Tr. 60, 88-89, 95)

58. On April 28, 2014, Complainant filed the present verified complaint with the Division. (ALJ Exh. 1, p.6)

59. In December 2014, Troy James Westfall became Respondent's new Chief of Police. (Tr. 112)

60. Complainant suffered lost wages for period of December 28, 2013 to March 14, 2014, the period of time Respondent required Complainant to work light duty in the position of dispatch. (Tr. 72)

61. During that period of time, Complainant worked approximately a total of 440 hours and would have earned an additional \$154 in her position as a Juvenile Officer. (Tr. 52, 72; Complainant's Exh. 18)

62. Complainant testified that while she was on light duty "it was very difficult to go to work every day because I felt like I was being punished..." (Tr. 63)

63. Complainant also felt that "getting to work was pretty difficult on most days." Complainant "woke up...crying every morning and was physically sick at least three out of five days...throwing up in the morning before work." (Tr. 63-64)

64. Complainant felt "frustrated" because she was dealing with the public every day while also being at conflict with her employer. (Tr. 64)

65. Complainant's workplace frustration impacted her family life. Because of her work place problems Complainant found herself arguing with her husband and felt as if she "just wasn't a good mom" because she was "short" with her children. (Tr. 64)

66. At the public hearing, 17 months after Respondent had placed Complainant on light duty, Complainant was overcome with emotions, and a recess had to be taken, as she recalled the alleged discriminatory events that took place. (Tr. 64)

OPINION AND DECISION

Differential Treatment

It is unlawful for an employer to discriminate against an employee on the basis of sex. Human Rights Law § 296.1(a). Complainant has the burden of establishing a prima facie case by showing that she is a member of a protected group, that she was qualified for the position she held, that she suffered an adverse employment action, and that Respondent's actions occurred

under circumstances giving rise to an inference of unlawful discrimination. Once a prima facie case is established, the burden of production shifts to Respondent to rebut the presumption of unlawful discrimination by clearly articulating legitimate, nondiscriminatory reasons for its employment decision. The burden then shifts to Complainant to show that Respondent's proffered explanations are a pretext for unlawful discrimination. *Ferrante v. Am. Lung Ass'n*, 90 N.Y.2d 623, 629-30, 665 N.Y.S.2d 25, 29 (1997).

Complainant established a prima facie case of discrimination based on sex. Complainant is female. Complainant is qualified to hold the position of investigator. In March 2014, Chief Meyers made changes to Complainant's job that rose to the level of adverse employment actions. Complainant routinely worked with the only other investigator, Bush, who is also female. Chief Meyers ordered Complainant not to have any interaction with Bush, not to work with Bush on any investigation, to keep to her own office, disregarded Complainant's seniority in her schedule assignment, and initially ordered only Complainant and Bush to complete daily activity logs.

No inference of unlawful gender-based discrimination can be drawn from the schedule assignment since the schedule Complainant preferred was held by Bush who is also female. However, an inference of unlawful discrimination can be drawn between Complainant's sex and the remaining adverse employment actions. Chief Meyers stated that "just you girls" had to fill out the activity logs, indicating Complainant and Bush. There was also no indication that Chief Meyers separated male police officers in the same manner as Complainant and Bush.

Respondent did not articulate any legitimate non-discriminatory reasons for its actions towards Complainant. Respondent argues that a male officer was subsequently required to maintain daily activity logs however no reason was articulated as to why the directive initially applied only to Complainant and Bush. Most importantly, Respondent did not explain why

Complainant and Bush were prohibited from working with each other in the performance of their police duties on routine cases. There is no indication that such a directive was applied to male officers. As a result, Complainant's gender-based claim must be upheld.

It is unlawful for an employer to discriminate against an employee on the basis of disability. Human Rights Law § 296.1(a). Complainant established a prima facie case of disability discrimination. In order to establish a prima facie case of unlawful disability discrimination, a complainant must demonstrate that: (1) she meets the definition of an individual with a disability; (2) her disability did not prevent her from performing her duties in a reasonable manner with or without reasonable accommodations; (3) she suffered an adverse employment action; and (4) the adverse employment action occurred under circumstances giving rise to an inference of unlawful discrimination. *See McEniry v. Landi*, 84 N.Y.2d 554, 558, 620 N.Y.S.2d 328 (1994); *Thide v. New York State Dep't. of Transp.*, 27 A.D.3d 452, 811 N.Y.S.2d 418 (2d Dept. 2006). If a complainant makes out a prima facie case of discrimination, the burden shifts to the respondent to present a legitimate, non-discriminatory reason for its action. If the respondent does so, the complainant must show that the reasons presented were merely a pretext for discrimination. The ultimate burden of proof always remains with the complainant. *Ferrante* at 630, 665 N.Y.S.2d 25 at 29.

Complainant established a prima facie case of disability discrimination. Complainant suffers from PTSD. Complainant's proof established that she could perform the essential functions of the job. In December 2013 Complainant gave Chief Meyers a medical note allowing her to return to full duty after having been absent from work for a period of a month. Complainant suffered an adverse employment action when, one day after her return to work, Chief Meyers placed Complainant on light duty work at a lower rate of pay. The adverse

employment action occurred under circumstances that gave rise to an inference of unlawful discrimination. Chief Meyers placed Complainant on light duty because he was concerned for her health despite the medical note which returned Complainant to work full duty.

None of Respondent's articulated business reasons are legitimate. Respondent argued that, in December 2014, Chief Meyers took it upon himself to place Complainant on light duty, because he believed it was for her own good. Chief Meyers removed Complainant from her investigator duties although she had submitted a medical note that cleared her to return to work full duty. Respondent also argued that Chief Meyers allowed Complainant to return to regular duty in March 2014, when she presented a second medical note allowing her to return to work. Complainant never asked for an accommodation, never stated she could not do the job, and never refused any order to perform her duties as an investigator involved with sex abuse cases. Respondent unlawfully removed Complainant from her regular duties and placed her on a light duty assignment she did not want or seek. An employee has the right to refuse an accommodation despite the existence of a disability, if the employee can perform the job in a reasonable manner without the accommodation. 9 New York Code of Rules and Regulations §466.11(k)5 In addition, Respondent could not deny her the opportunity of working as an investigator based on speculation and mere possibilities of her disability. *See N.Y. State Div. of Human Rights (Granelle) v. City of New York*, 70 N.Y.2d 100, 517 N.Y.S.2d 715, 510 N.E.2d 799 (1987) As a result, Complainant's disability-based claim must be upheld.

Retaliation

Complainant alleged that Respondent subjected her to unlawful retaliation. It is unlawful for an employer to retaliate against an employee for having filed a complaint or opposed discriminatory practices. Human Rights Law § 296.7.

Complainant bears the burden of establishing a prima facie retaliation claim by showing that she engaged in protected activity, Respondent was aware that she participated in this activity, she suffered an adverse employment action, and there is a causal relationship between the protected activity and the adverse employment action. *Adeniran v. State*, 106 A.D.3d 844, 844-45, 965 N.Y.S.2d 163, 164-65 (2d Dept. 2013). Once Complainant has met this burden, Respondent has the burden of coming forward with legitimate, nondiscriminatory reasons in support of its actions. *Id.* Assuming Respondent meets this burden, Complainant then must show that the reasons presented are a pretext for unlawful retaliation. *Id.*

Complainant did not establish a prima facie case of retaliation. Contrary to Complainant's arguments, Complainant did not engage in protected activity under the Human Rights Law when she filed a New York General Municipal Law § 207-c claim for statutory benefits for on the job injuries in December 2013. Complainant engaged in protected activity when she filed a discrimination complaint with the Division on April 28, 2014. However, the retaliation allegations raised by Complainant, within the scope of review of the public hearing, occurred before she filed with the Division. As a result, Complainant's retaliation complaint must be dismissed.

Mental Anguish Damages

Complainant is entitled to recover compensatory damages caused by Respondent's violation of the Human Rights Law. Human Rights Law § 297.4(c)(iii). The award of compensatory damages may be based solely on a complainant's testimony. Indeed, "[m]ental injury may be proved by the complainant's own testimony, corroborated by reference to the circumstances of the alleged misconduct." *New York City Transit Auth. v. N.Y. State Div. of Human Rights (Nash)*, 78 N.Y.2d 207, 216, 573 N.Y.S.2d 49, 54 (1991); *Cullen v. Nassau*

County Civil Service Commission, 53 N.Y.2d 452, 442 N.Y.S.2d 470 (1981). The severity, frequency, and duration of the conduct may be considered in fashioning an appropriate award. *New York State Dep't of Corr. Servs. v. N.Y. State Div. of Human Rights*, 225 A.D.2d 856, 859, 638 N.Y.S.2d 827, 830 (3d Dept. 1996). In considering an award of compensatory damages for mental anguish, the Division must be especially careful to ensure that the award is reasonably related to the wrongdoing, supported in the record, and comparable to awards for similar injuries. *N.Y. State Div. of Human Rights v. Muia*, 176 A.D.2d 1142, 1144, 575 N.Y.S.2d 957, 960 (3d Dept. 1991).

Respondent's actions had a negative effect on Complainant. Respondent's actions made her feel as if she was "being punished." Complainant felt that getting to work was "difficult on most days" as she "woke up...crying every morning" and was "throwing up in the morning before work." Complainant felt "frustrated" because she was dealing with the public every day while also being at conflict with her employer. In addition, Complainant's workplace frustration negatively impacted her interaction with her family as she found herself arguing with her husband and being "short" with her children. The impact of Respondent's discriminatory behavior on Complainant was evident at the public hearing as she remained upset about the events that had taken place 17 months earlier. Accordingly, the Division finds that an award of \$10,000.00 to Complainant for mental anguish is consistent with similar cases and will effectuate the remedial purposes of the Human Rights Law. See *New York State Division of Human Rights v. Neighborhood Youth and Family Services*, 102 A.D.3d 491, 956 N.Y.S.2d 892 (1st Dept. 2013); *MTA Trading, Inc. v. Kirkland*, 84 A.D. 3d 811, 814, 814-15, 922 N.Y.S. 2d 488, 491 491-92 (2nd Dept. 2011); *Woerhling v. New York State Div. of Human Rights*, 56 A.D. 3d 1304, 1306, 867 N.Y.S. 2d 641, 642-43, (4th Dept. 2008).

Lost Wage Damages

Complainant's lost wages are \$154 for the period of December 28, 2013 to March 14, 2014, the period of time Respondent required Complainant to work light duty in the position of dispatch. Respondent is liable to Complainant for predetermination interest on the back pay award at a rate of nine percent, per annum, from February 4, 2014, a reasonable intermediate date between December 28, 2013 and March 14, 2014, through the date of the Commissioner's Final Order. *Aurecchione v. New York State Division of Human Rights*, 98 N.Y.2d 21, 744 N.Y.S.2d 349 (2002). In addition, Respondents are liable to Complainant for interest on the back pay award at a rate of nine percent, per annum, from the date of the Commissioner's Final Order until payment is made.

Civil Fines and Penalties

Human Rights Law § 297 (4)(c)(vi) permits the Division to assess civil fines and penalties, "in an amount not to exceed fifty thousand dollars, to be paid to the state by a respondent found to have committed an unlawful discriminatory act, or not to exceed one hundred thousand dollars to be paid to the state by a respondent found to have committed an unlawful discriminatory act which is found to be willful, wanton or malicious."

Human Rights Law § 297 (4)(e) requires that "any civil penalty imposed pursuant to this subdivision shall be separately stated, and shall be in addition to and not reduce or offset any other damages or payment imposed upon a respondent pursuant to this article."

There are several factors that determine if civil fines and penalties are appropriate: the goal of deterrence; the nature and circumstances of the violation; the degree of respondent's culpability; any relevant history of respondent's actions; respondent's financial resources; other matters as justice may require. *119-121 East 97th Street Corp, et. al., v. New York City*

Commission on Human Rights, et. al., 220 A.D.2d 79; 642 N.Y.S.2d 638 (1st Dept.1996)

A civil fine of \$10,000 is appropriate in this matter. Chief Meyers subjected Complainant to discriminatory treatment based on gender and disability. Chief Meyer's conduct was deliberate, it negatively impacted Complainant's work environment, psychological and physical state. The civil fine serves as an inducement for Respondent to comply with the Human Rights Law and presents an example to the public that the Division vigorously enforces the Human Rights Law.

ORDER

On the basis of the foregoing Findings of Fact, Opinion and Decision, and pursuant to the provisions of the Human Rights Law and the Division's Rules of Practice, it is hereby

ORDERED, that Respondent, and its agents, representatives, employees, successors, and assigns, shall cease and desist from unlawful discriminatory practices; and

IT IS FURTHER ORDERED, that Respondent shall take the following action to effectuate the purposes of the Human Rights Law, and the findings and conclusions of this Order:

1. Within sixty days of the date of the Commissioner's Final Order, Respondent, City of Salamanca, shall pay to Complainant, Tina Louise Owens, the sum of \$154 as damages for economic loss. Interest shall accrue on this award at the rate of nine percent per annum, from February 4, 2014, a reasonable intermediate date between December 28, 2013 and March 14, 2014, until the date payment is actually made by Respondent.
2. Within sixty days of the date of the Commissioner's Final Order, Respondent, City of Salamanca, shall pay to Complainant, Tina Louise Owens, the sum of \$10,000 as compensatory damages for mental anguish and humiliation Complainant suffered as a result of Respondent's

unlawful discrimination against her. Interest shall accrue on this award at the rate of nine percent per annum, from the date of the Commissioner's Final Order until payment is actually made by Respondent.

3. The payments shall be made by Respondent, City of Salamanca, in the form of certified checks, made payable to the order of, Tina Louise Owens, and delivered by certified mail, return receipt requested, to William F. Harper, V, Esq., Law Offices of Lindy Korn, P.L.L.C., 535 Washington Street, Ninth Floor, Buffalo, New York 14203. A copy of the certified checks shall be provided to Caroline Downey, Esq., General Counsel of the Division, at One Fordham Plaza, 4th Floor, Bronx, New York 10458.

4. Within sixty days of the date of the Commissioner's Final Order, Respondent, City of Salamanca, shall pay to the State of New York the sum of \$10,000 as a civil fine and penalty for their violation of the Human Rights Law. Interest shall accrue on this award at the rate of nine percent per annum, from the date of the Commissioner's Final Order until payment is actually made by Respondent.

5. The payment of the civil fine and penalty shall be made by Respondent, City of Salamanca, in the form of a certified check, made payable to the order of the State of New York and delivered by certified mail, return receipt requested, to Caroline Downey, Esq., General Counsel of the Division, at One Fordham Plaza, 4th Floor, Bronx, New York 10458.

6. Within sixty days of the Final Order, Respondent, City of Salamanca, shall provide a training session in the proper review of reasonable accommodation requests, and in the prevention of unlawful discrimination, in accordance with the Human Rights Law. Training shall be provided to all Respondent's employees. Proof of the training session shall be provided to Caroline Downey, Esq., General Counsel of the New York State Division of Human Rights, at

One Fordham Plaza, 4th Floor, Bronx, New York 10458.

7. Respondent, City of Salamanca, shall cooperate with the representatives of the Division during any investigation into compliance with the directives contained in this Order.

DATED: November 10, 2015
Buffalo, New York

A handwritten signature in cursive script that reads "Martin Erazo, Jr.".

Martin Erazo, Jr.
Administrative Law Judge