

OnBase ID # 82304

January 26, 2021

To: Honorable Members of the
Board of Acquisition and Contract

From: John M. Nonna
County Attorney

Re: Request for Authorization to Settle the New York State Division of Human Rights
Cases of Elizabeth Maher v. Westchester County Department of Social Services
in the amount of \$30,000.00.

Attached for your consideration is a resolution which, if approved by your Honorable Board, would authorize settlement of the New York State Division of Human Rights cases entitled Elizabeth Maher v. Westchester County, Department of Social Services, Case No. 10190566 (“Maher I”), Federal Charge No. 16GB800122 and Elizabeth Maher v. Westchester County, Department of Social Services, Case No. 10201976 (“Maher II”), Federal Charge No. 16GB903773.

Maher I was filed on October 30, 2017 and includes claims of disability based discrimination and retaliation including hostile work environment and failure to provide a reasonable accommodation, in violation of the New York State Human Rights Law (NYSHRL). Probable Cause was found on April 6, 2018 and the case was thereafter scheduled for a hearing before an Administrative Law Judge.

In Maher II, filed on May 29, 2019, Complainant alleges that the Respondent violated her rights under the NYSHRL and the Americans With Disabilities Act by failing to reasonably accommodate her disability, retaliated against her, subjected her to a hostile work environment and failed to promote her. Probable Cause was found on December 31, 2019 and Maher I and Maher II were thereafter consolidated and a hearing was scheduled for January, 2021, after it was adjourned in 2020 due to the pandemic.

Given the nature of the numerous claims asserted by Complainant and the possibility that the Administrative Law Judge could find in her favor on at least some of the claims, she could be entitled to compensatory damages as well as attorney’s fees. Complainant has signed a settlement agreement and has indicated that \$30,000.00 would be acceptable to her.

RESOLUTION

Upon the communication of the County Attorney, it is hereby

RESOLVED, that the County Attorney is hereby authorized to settle the cases entitled Elizabeth Maher v. Westchester County, Department of Social Services, Case No. 10190566, Federal Charge No. 16GB800122 and Elizabeth Maher v. Westchester County, Department of Social Services, Case No. 10201976, Federal Charge No. 16GB903773 by payment from the County of Westchester to John Maher, Esq., as attorney for Elizabeth Maher in an amount not to exceed \$30,000.00; and it is further

RESOLVED, that the County Attorney or his designee is authorized to execute any documents necessary to implement this resolution.

Original Agreement	\$
First Amendment	\$
This Amendment	\$
TOTAL	\$ _____

Account to be Charged/Credited

Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub-Object	Trust Account	Dollars
2017	615	59	0697 / 4110	4280		15,000.00
2019	615	59	0699 / 4310	4280		15,000.00

Budget Funding Year(s) Start Date 1/1/2021 _____ End Date 12/31/2021
(must match resolution)

Funding Source	Tax Dollars \$30,000.00
	State Aid _____
\$30,000.00	Federal Aid _____
(must match resolution)	Other__ 6N fund _____