



State of Rhode Island and Providence Plantations

State House  
Providence, Rhode Island 02903-1196  
401-222-2080

Donald L. Carcieri  
Governor

July 9, 2009

TO THE HONORABLE, THE PRESIDENT OF THE SENATE:

In accordance with the provisions of Section 14, Article IX of the Constitution of the State of Rhode Island and Section 43-1-4 of the Rhode Island General Laws, I transmit, with my disapproval, 2009 S 0162, "An Act Relating to State Affairs and Government—The Civil Rights Act of 1990."

This legislation would extend the statute of limitations on any alleged violation of the Rhode Island Civil Rights Act ("Act") to three years. In 2007, the Rhode Island Supreme Court held in Lynore Horn v. Southern Union Co., 927 A.2d 292 (R.I. 2007), that a one-year statute of limitations found in the Rhode Island Fair Employment Act is also applicable to allegations of discrimination brought under the Act.

This is the second year in a row that I voice my opposition to this bill and the reasons remain the same. The statute of limitations for similar actions related to employment matters in accordance with two independent statutes should be consistent and should be limited to one year. Employment discrimination cases often involve fact intensive evidence and require the recollection of everyday conversations and events that occur daily in the workplace.

Limiting the amount of time to bring a lawsuit to one year ensures that individuals will receive prompt notice and, as a result, will be able to take steps to preserve evidence. Id. at 295-96. (citing Roadway Express, Inc. v. R.I. Comm'n for Human Rights, 416 A.2d 673, 676 (R.I. 1980) ("The time limit . . . also ensures that persons charged with violating the Act will receive notice of those charges within one year of the alleged violation. Prompt notification will enable such persons to investigate alleged violations and to preserve evidence . . .")); Ferguson Perforating and Wire Co. v. R.I. Comm'n for Human Rights, 415 A.2d 1055, 1056 (R.I. 1980) ("These procedural protections are designed to provide respondents with adequate time for such matters as scheduling witnesses, hiring lawyers, and gathering and compiling evidence of the alleged violations before witnesses' memories of the incidents become too obscure.")). Therefore, a three-year statute of

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limitations for this type of action is not reasonable, and the limit should remain a one-year.

For the reasons stated above, I disapprove of this legislation and respectfully urge your support of this veto.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald L. Carcieri". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Donald L. Carcieri  
Governor