



East Irondequoit Central School District

Sexual Harassment Prevention Training

S9-23-18 | August 2023

Contents

Report Highlights	1
Sexual Harassment Prevention Training	2
How Should Officials Help Prevent Sexual Harassment?	2
Not All Employees and No Board Members Completed SHP Training	3
What Do We Recommend?	5
Appendix A – Response From District Officials	6
Appendix B – OSC Comment on the District’s Response.	8
Appendix C – Audit Methodology and Standards	9
Appendix D – Resources and Services.	11

Report Highlights

East Irondequoit Central School District

Audit Objective

Determine whether East Irondequoit Central School District (District) employees and Board of Education (Board) members completed annual sexual harassment prevention training (SHP Training).

Key Findings

SHP Training was not provided to all employees and any Board members.

Of the 110 total individuals we tested (101 selected employees and all nine Board members), 15 employees or 15 percent of employees tested and the nine Board members did not complete the annual SHP Training.

Additionally, the District excluded per diem and stipend employees from SHP Training.

Key Recommendations

Ensure all employees complete annual SHP Training and encourage Board members to complete the training.

District officials generally agreed with our recommendations and indicated they planned to initiate corrective action. Appendix B includes our comment on the District's response letter.

Background

The District serves the Town of Irondequoit in Monroe County.

The District is governed by the elected nine-member Board responsible for the general management of the District.

The Superintendent of Schools (Superintendent) serves at the Board's direction and is responsible for the day-to-day management.

The Assistant Superintendent for Human Resources (Assistant Superintendent) is responsible for providing and ensuring completion of annual SHP Training.

Quick Facts

2021	
Total Employees & Board Members	1,088
Total Tested ^a	110
SHP Training Method	Online module (individual)

a) See Appendix C for information on our sampling methodology

Audit Period

July 1, 2021 – June 30, 2022

Sexual Harassment Prevention Training

Sexual harassment is a form of workplace discrimination and may include harassment based on sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. Sexual harassment is unlawful when, among other things, it subjects an individual to inferior terms, conditions or privileges of employment.

Employees have a legal right to a workplace free from sexual harassment and are required to work in a manner that prevents sexual harassment. All employers and officials should be committed to maintaining such a workplace.

How Should Officials Help Prevent Sexual Harassment?

New York State (NYS) Labor Law Section 201-g requires employees to be provided with SHP Training on an annual basis. This obligation includes local government employees. While the law does not expressly require training for local elected officials, District officials should encourage Board members to complete SHP Training as well.¹

NYS Department of Labor (DOL), in consultation with the NYS Division of Human Rights (DHR), has established a model for employers to use for this training.

Alternatively, employers may elect to develop their own training. Employers that do not use the model SHP Training program must ensure the SHP Training they use meets or exceeds the following minimum requirements. The SHP Training must:

- Be interactive,
- Include an explanation of sexual harassment consistent with guidance issued by DOL, in consultation with DHR,
- Include examples of conduct that would constitute unlawful sexual harassment,
- Include information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to targets of sexual harassment,
- Include information concerning employees' rights of redress and all available forums for adjudicating complaints, and
- Include information addressing conduct by supervisors and any additional responsibilities for such supervisors.

¹ See, e.g., chapter 139 of the Laws of 2022 (what was deemed effective as of, the effective date of section 1 of Ch. 160 L. 2019) amending the Executive Law to clarify that a city, town, village or other political subdivision shall be considered an employer of any employee or official, including any elected official, for purposes of the Human Rights Law.

Employees have a legal right to a workplace free from sexual harassment and are required to work in a manner that prevents sexual harassment.

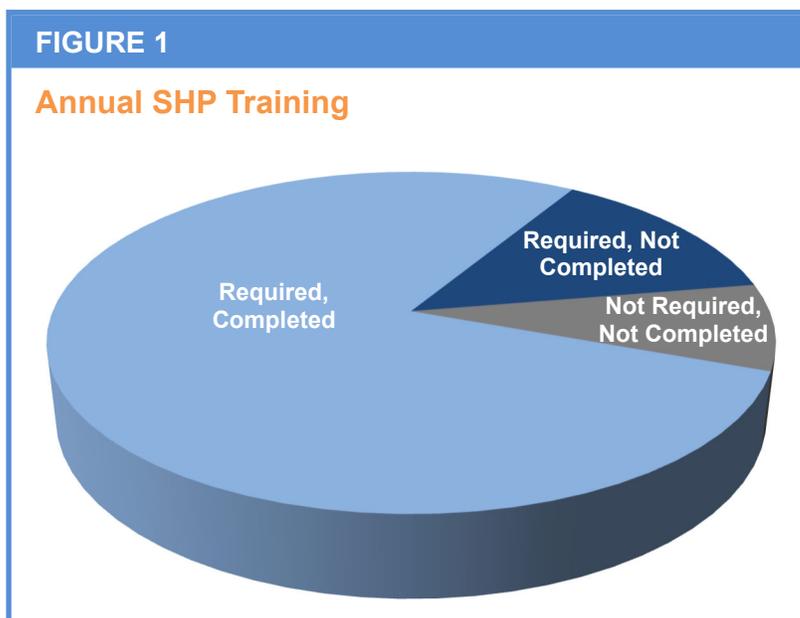
Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

SHP Training can be provided in different ways depending on the needs of the local government or school district, including in person, via webinar, an online interactive training module, or on another individual basis with a mechanism for feedback by the employee.

Not All Employees and No Board Members Completed SHP Training

The District provided annual SHP Training that met the minimum requirements to employees during the 2021 period and maintained records of who completed the training. Newly hired employees were expected to complete the training within two weeks of hire. However, the District did not provide SHP Training to Board members or per diem and stipend employees.

We tested 110 individuals (101 selected employees and all nine Board members) to determine whether they completed the annual SHP Training. Fifteen employees (15 percent of the employees sampled) and the nine Board members did not complete the training (Figure 1).



The other 86 employees (78 percent of individuals tested) completed the 2021 SHP Training.

Of the 24 individuals from our sample who did not complete the District SHP Training, 15 were not provided the training by the District, including the District's nine elected Board members and six per diem employees. The per diem and/or stipend employees included:

- One coach,
- One substitute teacher,
- One summer worker,
- One lifeguard, and
- One marching band instructor,
- One summer help desk employee.

The Assistant Superintendent told us that the nine elected Board members and six per diem and/or stipend employees were not assigned to take the training, as they were not required by the District. However, Labor Law Section 201-g does not include an exemption for any employees and, therefore, the District was required to provide those six employees with SHP Training.

For the staff that were provided the training, the Assistant Superintendent disseminated the SHP Training as an interactive, online training module for employees to complete individually. The Assistant Superintendent provided us examples of the initial SHP Training notification, dated July 19, 2021 and a follow-up email, dated January 5, 2022, sent as a reminder to complete the training for those employees who had not yet done so. Further, the Assistant Superintendent told us that a report of incomplete training is prepared by Human Resources in January and provided to him. He told us he will then email each employee on the report individually, as a reminder to complete the training.

Nine employees were provided, but did not complete, the 2021 SHP Training. These included:

- The Athletic Director, who told us he did not have a reason for not taking the training.
- The Communications Director, who said she assumed new responsibilities and was overwhelmed.
- The Network Administrator, who told us the training must have been missed.
- A receptionist, who explained that she thought the training was completed, and that it must have been an oversight.
- A school counselor, who the Assistant Superintendent told us was hired at the end of the school year and was not assigned to take SHP Training until the following year.
- A teacher's aide, a cleaner, a bus monitor and a tutor, did not tell us why they did not complete the training.

A lack of SHP Training is an ongoing risk to the District's ability to provide employees and other individuals in the workplace with an environment free from sexual harassment. Furthermore, the implications of sexual harassment

in the workplace can have a far-reaching impact, from the District's finances to employee productivity, and to a safe work environment. Therefore, it is important that all employees and other individuals in the workplace complete the District's annual SHP Training.

What Do We Recommend?

District officials:

1. Must provide annual SHP Training to all employees.
2. Should encourage Board members to complete annual SHP Training.
3. Should monitor the completion of annual SHP Training by all employees and Board members and develop administrative procedures to help ensure all employees and Board members complete the annual SHP Training.

Appendix A: Response From District Officials



EAST IRONDEQUOIT CENTRAL SCHOOL DISTRICT
ADMINISTRATIVE OFFICES
600 PARDEE ROAD
ROCHESTER, NY 14609

(585) 339-1200 • FAX (585) 339-1209
<http://eastiron.org>

Mary E.
Superintendent of Schools

Robert J. Crocetti
Assistant Superintendent
For Human Resources
(585) 339-1200
Robert_Crocetti@eastiron.mon

March 21, 2023

Unit Name: East Irondequoit Central School District
Audit Report Title: Sexual Harassment Prevention Training
Audit Report Number: S9-23-18

Response:

The District's position regarding the audit findings is that we agree with the report and the recommendations. This report will also serve as the Corrective Action Plan.

There are nine elected members that represent the District's Board of Education who have never been trained in Sexual Harassment Prevention. We also employ per diem and part time staff that may work only a few days during the school year. Traditionally, they have never been trained. The training we use is [REDACTED] which is a web based training site. All full time staff members receive a link to the web site and are required to complete the training within a month of the assigned date. The district does a follow up in January for those staff members who have not completed the training. There were some staff members who either did not complete the training or were not assigned to complete the training.

Audit Recommendation:

Ensure all employees and Board members are provided, and complete annual Sexual Harassment Prevention training.

1. Must provide annual SHP Training to all employees.
2. Should provide annual SHP Training to Board members.
3. Should monitor the completion of annual SHP Training by all employees and Board members and develop administrative procedures to help ensure all Board members and employees complete the annual Training.

See
Note 1
Page 8

Implementation Plan of Action:

1. All employees will be provided SHP training through our [REDACTED] training. Full time employees will continue to receive an email with detailed information about the training and a specific timeline to complete the training.
 - a. Per diem and Part time staff will receive the training every year on their Onboarding Day or their day of orientation. This will include coaches, summer workers, marching band instructors, substitutes, lifeguards, and any other per diem employee.
2. All Board members will be provided with SHP training through our [REDACTED] training or with an in person trainer at their annual summer workshop.
3. The district will monitor the completion of the annual SHP training.
 - a. Salary employees will be given two hours to complete during the first day of school.
 - b. Classified staff will complete their training during their orientation each year.
4. Procedures to ensure all Board members and employees complete the annual training.
 - a. Use the [REDACTED] to monitor who has completed the training.
 - b. Send a notice to staff who did not complete the training.

"BUILDING A FUTURE, ONE STUDENT AT A TIME"

Implementation Date:

Implementation date for the corrective actions will be July 1, 2023.

Person Responsible for Implementation:

Robert Crocetti, Assistant Superintendent for Human Resources

Signed:

Name
Assistant Superintendent for Human Resources

3-31-23

Date

"BUILDING A FUTURE, ONE STUDENT AT A TIME"

Appendix B: OSC Comment on the District's Response

Note 1

The draft audit recommendation was revised before the audit was released to clarify Board members should be encouraged to complete the training as they are not required to do so.

Appendix C: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. To accomplish our audit objective and obtain relevant audit evidence, our procedures included the following steps:

- We used our professional judgement to select the District for audit based on geographic location across NYS applied to a list of counties, cities, towns, villages and school districts (excluding NYC), not currently in the OSC audit process at the time of selection.
- We interviewed District officials and employees to gain an understanding of the process for creating, disseminating and monitoring sexual harassment prevention training for employees and Board members.
- We reviewed relevant State laws, and guidance from NYS, as well as District policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the District Board meeting minutes for the 2021-22 fiscal year to determine action taken related to sexual harassment prevention.
- We reviewed and assessed the sexual harassment prevention training materials provided by the District to determine whether the training met minimum required State law.
- We determined the total number of employees and Board members employed at the District during our audit period by obtaining and reviewing an employee listing and reviewing the District's website.
- Of the 1,088 total District employees and Board members, a sample of 10 percent (or 110) was selected. Using the District's employee listing, all nine Board members were selected as part of the sample total, the remaining 101 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select 46 supervisory employees and 55 nonsupervisory employees. Eleven of the 101 employees selected were new hires, including three supervisory and eight nonsupervisory titles.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning

the value and/or size of the relevant population and the sample selected for examination.

The Board has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law, Section 2116-a (3)(c) of New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted on the District's website for public review.

Appendix D: Resources and Services

Regional Office Directory

www.osc.state.ny.us/files/local-government/pdf/regional-directory.pdf

Cost-Saving Ideas – Resources, advice and assistance on cost-saving ideas

www.osc.state.ny.us/local-government/publications

Fiscal Stress Monitoring – Resources for local government officials experiencing fiscal problems

www.osc.state.ny.us/local-government/fiscal-monitoring

Local Government Management Guides – Series of publications that include technical information and suggested practices for local government management

www.osc.state.ny.us/local-government/publications

Planning and Budgeting Guides – Resources for developing multiyear financial, capital, strategic and other plans

www.osc.state.ny.us/local-government/resources/planning-resources

Protecting Sensitive Data and Other Local Government Assets – A non-technical cybersecurity guide for local government leaders

www.osc.state.ny.us/files/local-government/publications/pdf/cyber-security-guide.pdf

Required Reporting – Information and resources for reports and forms that are filed with the Office of the State Comptroller

www.osc.state.ny.us/local-government/required-reporting

Research Reports/Publications – Reports on major policy issues facing local governments and State policy-makers

www.osc.state.ny.us/local-government/publications

Training – Resources for local government officials on in-person and online training opportunities on a wide range of topics

www.osc.state.ny.us/local-government/academy

Contact

Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

www.osc.state.ny.us/local-government

Local Government and School Accountability Help Line: (866) 321-8503

STATEWIDE AUDIT – Dina M.L. Thompson, Chief of Municipal Audits

State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417

Tel (607) 721-8306 • Fax (607) 721-8313 • Email: Muni-Statewide@osc.ny.gov

osc.state.ny.us

