



City of Glens Falls

Sexual Harassment Prevention Training

S9-23-04 | September 2023

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Report Highlights

City of Glens Falls

Audit Objective

Determine whether City of Glens Falls (City) employees and elected officials completed annual sexual harassment prevention training (SHP Training).

Key Findings

SHP Training was not provided to all employees and any elected officials. Of the 30 total individuals we tested (23 selected employees and all seven elected officials), two employees or 9 percent of employees tested and all seven elected officials did not complete the annual SHP Training.

Additionally, the City excluded seasonal employees and new hires starting in June or after from SHP Training.

Key Recommendations

Ensure all employees are provided, and complete, annual SHP Training and encourage elected officials to complete the training.

City officials generally agreed with our recommendations and indicated they planned to initiate corrective action.

Background

The City is located in Warren County and is governed by an elected seven-member City Council (Council) composed of the City Mayor (Mayor) and six Council members.

The Mayor is responsible for the overall administration of City government at the Council's direction.

The Human Resources Director, with help from Department heads, is responsible for providing and ensuring the completion of the annual SHP Training.

Quick Facts

2021

Total Employees & Elected Officials	308
Total Tested^a	30
SHP Training Method	Online module (individual or group)

a) See Appendix B for information on our sampling methodology.

Audit Period

January 1, 2021 – December 31, 2021

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, they should be encouraged 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.

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

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.

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.

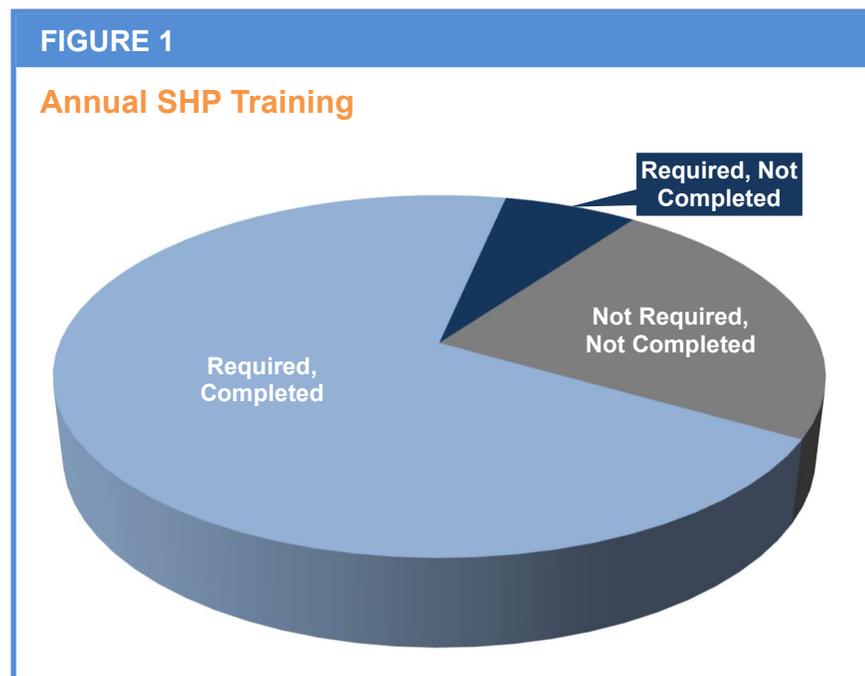
Not All Employees and Elected Officials Completed SHP Training

The City 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 are expected to complete the training soon after hire but if they are hired in June or after, they would be expected to complete the training in the next year's training period. Elected officials and seasonal employees were excluded from the training.

We tested 30 individuals (23 selected employees and all seven elected officials) to determine whether they completed the annual SHP Training. Two employees (9 percent of the employees sampled) and the seven elected officials did not complete the training (Figure 1).

The two employees who did not complete the training included a camp director and a school crossing guard. The other 21 selected employees (70 percent of the total tested) completed the 2021 SHP Training.

The Human Resources Director disseminated the SHP Training as two interactive online training modules for employees to complete individually or view in-person as a group, with a deadline of May 1, 2021 for completion.



She sent reminder emails to Department heads with employees that did not complete the training by the deadline to inquire about the training status of their respective employees. The training was not disseminated to elected officials or seasonal employees.

The Human Resources Director told us she did not disseminate the training to the Mayor in office, now former Mayor, and Council members because she did not think they were required to complete the training as they are not considered employees. The current Mayor, who was a Council member during the 2021 training period, told us all elected officials completed training through their other employers and did not think they were required to take the training again.

Additionally, the Human Resources Director did not think seasonal employees were required to be trained and therefore the camp director was not included in the training roster, and her focus was on training year-round employees. However, Labor Law Section 201-g does not include an exemption for any employees and, therefore, the City was required to provide the camp director with SHP Training. The Human Resources Director told us the school crossing guard had accidentally been overlooked when employees were identified for the required training.

A lack of SHP Training is an ongoing risk to the City'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 City'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 City's annual SHP Training.

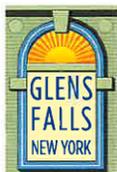
What Do We Recommend?

City officials:

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

Appendix A: Response From City Officials

WINDOW ON THE FUTURE
S. WILLIAM COLLINS, MAYOR



AMERICA'S HOMETOWN
FOR THE 21st CENTURY
A CITY OF OPPORTUNITY

March 31, 2023

Elliott Auerbach, Deputy Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor
Albany, NY 12236

Dear Mr. Auerbach,

Thank you for sending the City your draft report on your recent audit of our Sexual Harassment Prevention Training. We have reviewed your findings, and we agree with them:

- That the City of Glens Falls provided opportunities for Sexual Harassment Prevention Training (SHP Training) for our employees, but should have included part time and seasonal employees, as well as providing the training to elected officials; and
- That the City of Glens Falls ensure that all employees are offered the training by the City of Glens Falls no matter whether they might have received it in other positions (like for the elected officials); and
- That the City of Glens Falls must monitor the completion of the training by all elected officials and employees, and
- That the City of Glens Falls should develop stronger administrative procedures to that end.

Sincerely,

S. William Collins,
Glens Falls Mayor

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Appendix B: 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 judgment to select the City 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 City officials to gain an understanding of the process for creating, disseminating and monitoring sexual harassment prevention training for employees and elected officials.
- We reviewed relevant State laws and guidance from NYS, as well as City policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the City Council meeting minutes for the 2021 and 2022 calendar year to determine any action taken related to sexual harassment prevention.
- We reviewed and assessed the sexual harassment prevention training materials provided by the City to determine whether the training met minimum required State law.
- We determined the total number of employees and elected officials at the City during our audit period by obtaining and reviewing an employee listing and discussions with City officials.
- Of the 308 total City employees and elected officials, a sample of approximately 10 percent (or 30) was selected. Using the City's employee listing, all seven elected officials were selected as part of the sample total, with the remaining 23 selected to include both supervisory and nonsupervisory employees. One of the 23 employees selected (supervisory) was a new hire.

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 Council has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report should be prepared and provided to our office within 90 days, pursuant to Section 35 of General Municipal Law. 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. We encourage the Council to make the CAP available for public review in the City Clerk's office.

Appendix C: 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

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