



# Village of Johnson City

## Sexual Harassment Prevention Training

S9-23-16 | August 2023

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# Report Highlights

## Village of Johnson City

### Audit Objective

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

### Key Findings

SHP Training was not provided to all employees. Of the 20 total individuals we tested (14 selected employees and all six elected officials), two employees or 14 percent of employees tested did not complete the annual SHP Training.

Additionally, over 30 seasonal workers were excluded from SHP Training and one of the two SHP Trainings provided by the Village did not include all the minimum requirements. As a result, most Village employees were provided with incomplete SHP Training.

### Key Recommendations

Ensure all employees are provided, and complete, annual SHP Training that includes all minimum training requirements.

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

### Background

The Village is located in the Town of Union in Broome County and is governed by an elected five-member Board of Trustees (Board), composed of the Village Mayor (Mayor) and four Board members.

The Mayor is responsible for the day-to-day management of Village government under the Board's direction.

The Mayor's secretary (Secretary) was assigned responsibility to disseminate the annual SHP Training. Each Department Supervisor (Supervisor) is responsible for ensuring their employees complete the training.

#### Quick Facts

2021	
<b>Total Employees &amp; Elected Officials</b>	204
<b>Total Tested<sup>a</sup></b>	20
<b>SHP Training Method</b>	Online Presentation (individual or group), Videos (group)

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

### Audit Period

January 1, 2021 – December 31, 2021

# Sexual Harassment Prevention Training

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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.<sup>1</sup>

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,

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<sup>1</sup> 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.

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

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- 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.

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.

### **Most Employees Were Provided SHP Training That Did Not Meet Minimum Requirements**

Although the Village provided annual SHP Training to employees and elected officials during the 2021 training period and maintained records of who completed the training, only one of the two SHP Trainings provided, a model video presentation for Police Department employees, included all the minimum requirements. The other SHP Training, an online webinar conducted by a third-party vendor for the Village's non-Police Department employees and elected officials did not. Specifically, this training did not include the required information on supervisor conduct and additional supervisor responsibilities. As a result, most of the Village's employees were not provided with SHP Training that met the minimum requirements.

Furthermore, newly hired Police Department employees were required to complete the SHP Training during their new hire orientation. However, non-Police Department newly hired Village employees were not required to complete SHP Training until it was offered during the next training period, at the beginning of the next calendar year. Seasonal Village employees were not provided the SHP Training. As a result, the SHP Training that was provided by the Village was not completed by all employees.

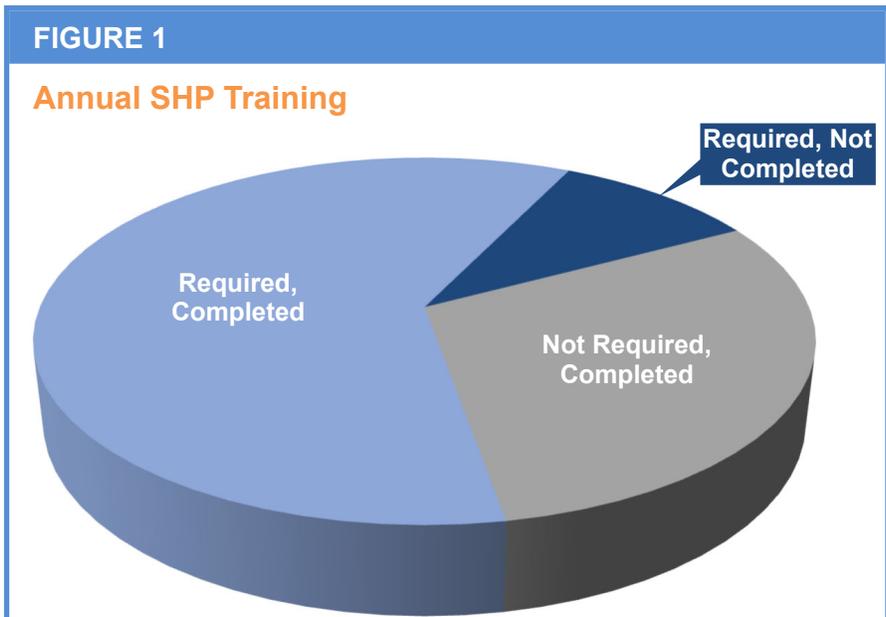
We tested 20 individuals (14 selected employees and all six elected officials) to determine whether they completed the annual SHP Training. Two employees,

including a laborer and seasonal park supervisor (14 percent of employees sampled), did not complete the training (Figure 1).

The other 12 selected employees and all six elected officials (90 percent of individuals tested) completed the 2021 SHP Training.

At the Mayor's direction, the Secretary disseminated the SHP Training as online webinars conducted by a third-party for employees and elected officials to either complete individually or as a group. However, Village officials excluded 34 seasonal employees from the 2021 training. Additionally, the Police Chief disseminated a separate SHP Training to Police Department employees by facilitating the model training videos. After the training is completed, Supervisors return training attendance sheets to the Secretary. The Secretary reviewed the attendance sheets, monitored employee training completion and sent reminders to any employees who had not yet completed the training. The Mayor told us the Village relied on its training provider to ensure all training requirements were met and did not realize the training needed to include more specific information for supervisory responsibilities. He also told us he relied on the Supervisors to ensure that their employees completed the training.

The laborer was a newly hired employee that the Mayor told us was not required to complete SHP Training until it was offered during the next training period. The Mayor also told us the seasonal park supervisor did not complete the training because, like all seasonal Village employees, he was excluded from the SHP Training. Instead, the Department of Public Works Supervisor reviews the Village's Sexual Harassment Policy with all seasonal employees when they are hired, and, at that time, they sign an acknowledgement form that they received the policy. However, NYS guidance recommends new employees receive the annual training as soon as possible after being hired and Labor Law Section 201-g does not include an exemption for seasonal employees. Further, employee acknowledgement of an employer's sexual harassment policy is not equivalent to the requirement for employer-provided SHP Training.



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

### **What Do We Recommend?**

Village officials:

1. Must ensure the annual SHP Training includes all minimum training requirements, such as addressing supervisor conduct and additional supervisor responsibilities.
2. Must provide annual SHP Training to all employees.
3. Should continue to monitor the completion of annual SHP Training by all employees and develop additional administrative procedures to help ensure all employees complete the annual SHP Training.

# Appendix A: Response From Village Officials

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OFFICE OF THE CLERK/TREASURER  
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March 23, 2023

New York State Office of State Comptroller  
Binghamton Regional Office  
State Office Building, Room 1702  
44 Hawley Street  
Binghamton, NY 13901-4417

**Re: Village of Johnson City Sexual Harassment Prevention Training Report of Examination S9-23-16**

To whom it may concern,

This letter serves as the official approved Audit Response and Corrective Action Plan from Village Officials regarding the findings of the Sexual Harassment Prevention Audit of the Village of Johnson City, New York for the Audit Period of January 1, 2021 – December 31, 2021.

**Finding #1:** “Of the 20 total individuals we tested (all 6 elected officials and 14 selected employees), two employees, including a laborer and a seasonal park supervisor, did not complete the provided SHP Training”.

**Audit Response to Finding #1:** The Village of Johnson City hereby agrees to Finding #1, and recognizes that by not providing the necessary training the Village did not meet the requirements of Sexual Harassment and Prevention training.

**Corrective Action Plan to Finding #1:** The Village of Johnson City will continue to ensure that all employees are provided with the correct training as provided by the New York State Comptroller's Office at hire. The Village will further conduct trainings annually internally which will be monitored by the Mayor's Secretary and the Clerk-Treasurer.

**Finding #2:** “one of the two SHP Trainings provided by the Village did not include all the minimum requirements”.

**Audit Response to Finding #2:** The Village of Johnson City hereby agrees to Finding #2, and recognized that the trainings provided may not have met the minimum requirements as prescribed by the New York State Comptroller's office.

**Corrective Action Plan to Finding #2:** The Village of Johnson City will utilize the Sexual Harassment Prevention Training videos, documentation, and tools for monitoring training as provided by the New York State Comptroller's office. The training materials will be acquired and distributed by the Clerk-Treasurer, and provided to departments for the training of part time seasonal employees.

Sincerely,

Mayor Martin Meaney

## Appendix B: Audit Methodology and Standards

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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 Village 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 Village 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 Village policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the Village Board meeting minutes for the 2021 calendar year to determine action taken related to sexual harassment prevention.
- We reviewed and assessed the sexual harassment prevention training materials provided by the Village to determine whether the training met minimum required State law.
- We determined the total number of employees and elected officials employed at the Village during our audit period by obtaining an employee listing and reviewing the Village Board of Election's election results.
- Of the 204 total Village employees and elected officials, a sample of 10 percent (or 20) was selected. Using the Village's employee listing, all 6 elected officials were selected as part of the sample total, the remaining 14 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select seven supervisory employees and seven nonsupervisory employees. Three of the 14 employees selected were new hires, including one supervisory and two nonsupervisory title.

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

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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 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 Board to make the CAP available for public review in the Village Clerk's office.

## Appendix C: Resources and Services

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### **Regional Office Directory**

[www.osc.state.ny.us/files/local-government/pdf/regional-directory.pdf](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.osc.state.ny.us/local-government/academy)

## Contact

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