



Village of Lake Placid

Sexual Harassment Prevention Training

S9-23-15 | September 2023

Contents

- Report Highlights 1**

- Sexual Harassment Prevention Training 2**
 - How Should Officials Help Prevent Sexual Harassment? 2
 - Not All Employees and Elected Officials Completed SHP Training . . 3
 - What Do We Recommend? 4

- Appendix A – Response From Village Officials 5**

- Appendix B – OSC Comment on the Village’s Response 6**

- Appendix C – Audit Methodology and Standards 7**

- Appendix D – Resources and Services 9**

Report Highlights

Village of Lake Placid

Audit Objective

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

Key Findings

SHP Training was provided to employees and elected officials. Of the 20 total individuals we tested (15 selected employees and all five elected officials), one employee of the Police Department or 7 percent of the employees tested and two elected Trustees did not complete the annual SHP Training.

Key Recommendation

Village officials should monitor the completion of annual SHP Training by all employees and elected officials.

Village officials generally agreed with our recommendation. Appendix B includes our comment on an issue that was raised in the Village's response letter.

Background

The Village is located in the Town of North Elba in Essex County and is governed by an elected five-member Board of Trustees (Board) composed of the Village Mayor (Mayor) and four Trustees.

The Mayor is responsible for the overall administration of Village government at the Board's direction.

The Village Clerk, with help from the Deputy Village Clerk, is responsible for providing annual SHP Training. Department heads are responsible for ensuring their staff complete the training.

Quick Facts

2021	
Total Employees & Elected Officials	82
Total Tested^a	20
SHP Training Method	Online presentation (group or individual)

a) See Appendix C for information on our sampling methodology

Audit Period

August 1, 2021 – July 31, 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, 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.

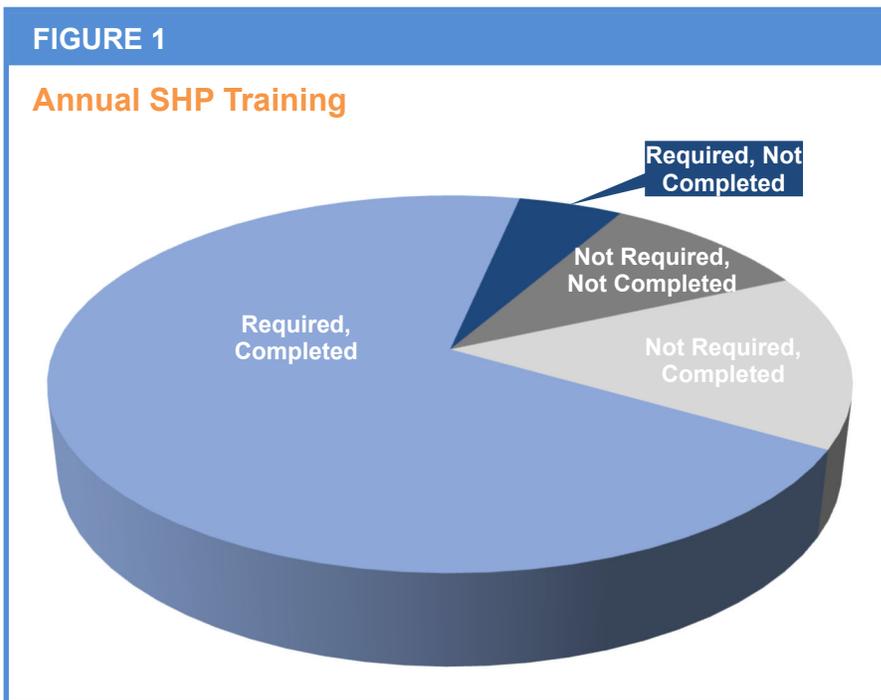
Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

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 Village provided annual SHP Training that met the minimum requirements to employees and elected officials during the 2021 period and maintained records of who completed the training. Newly hired employees are expected to complete the training at the next available training session after their hire date. However, the training was not completed by all employees or elected officials.

We tested 20 individuals (15 selected employees and all five elected officials) to determine whether they completed the annual SHP Training. One Police Department employee (7 percent of employees sampled) and two elected Trustees did not complete the training (Figure 1).



The other 14 selected employees and three elected officials (85 percent of individuals tested) completed the 2021 SHP Training.

The Village Clerk disseminated the SHP Training as an interactive, online training by a third-party presenter, for all staff to either complete individually, or view in-person as a group at one of four training sessions held in September, October and November 2021 and April 2022. The SHP Training notification included the date of the scheduled SHP Training sessions. Although additional notifications during the training cycle included upcoming training dates, the Deputy Village Clerk told us there was no communication to update department heads and the Board of specific employees that had not yet completed the SHP Training.

Both Trustees told us that they did not take the Village SHP Training because they took SHP Training at their other place of employment. However, no proof of training completion was provided to the Village.

The Deputy Village Clerk told us that the Police Department employee who did not complete the SHP Training was a police officer hired in November 2021 that was overlooked in the training cycle.

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?

1. Village officials 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 Village Officials



ART DEVLIN
Mayor
MayorDevlin@villageoflakeplacid.ny.gov

PETER HOLDERIED
MARC GALVIN
JACKIE KELLY
JASON LEON
Trustees

JANET H. BLISS
Village Attorney

ANITA A. ESTLING
Village Clerk
LPClerk@villageoflakeplacid.ny.gov

MINDY GODDEAU
Village Treasurer/CFO
Treasurer@villageoflakeplacid.ny.gov

LAKE PLACID VILLAGE, INC.

2693 MAIN STREET LAKE PLACID, NEW YORK 12946 PHONE 518-523-2597 FAX 518-523-1362

April 17, 2023

Office of the New York State Comptroller
110 State Street
Albany, NY 12236

RE: Village of Lake Placid Sexual Harassment Prevention Training Audit

To Whom it May Concern:

The Village of Lake Placid Clerk, Treasurer, Mayor, and Deputy Clerk/Treasurer received the Sexual Harassment Prevention Training draft audit report. It was further presented to the four Board members.

Overall, we accept and agree with OSC's findings with one exception. In the paragraph referring to the Trustees, it states, "No proof of training completion was requested by or provided to the Village," which is not completely accurate. The Clerk and Deputy Clerk/Treasurer told the Trustees that they need to provide the office with proof of their training. Two of them work for state overseen agencies, so there was no doubt in the Clerk's mind that they had taken the course, but the Trustees did not follow up with the proof (one trustee did, but it was after the audit had taken place.) Other than that, the report is complete and accurate.

See
Note 1
Page 6

Please let me know if you have any questions.

Sincerely,

Art Devlin
Mayor

Appendix B: OSC Comment on the Village's Response

Note 1

The report was updated to reflect this information.

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 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's Board meeting minutes from January 2021 through August 2022 to determine actions 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 at the Village during our audit period by obtaining and reviewing an employee listing, discussions with Village officials and review of the Village's website.
- Of the 82 total Village employees and elected officials, a sample of 24 percent (or 20) was selected. Using the Village's employee listing, all five elected officials were selected as part of the sample total, the remaining 15 employees were selected using our professional judgment to include both supervisory and nonsupervisory titled employees. We selected eight supervisory employees (8) and seven nonsupervisory employees. Two of the 15 employees selected were new hires, both 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 Village 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 Village Board to make the CAP available for public review in the Village Clerk's office.

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

