



Village of Lindenhurst

Sexual Harassment Prevention Training

S9-23-13 | September 2023

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Report Highlights

Village of Lindenhurst

Audit Objective

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

Key Findings

None of the Village’s 240 total employees and six elected officials were provided SHP Training during the 2021 annual training period.

Key Recommendations

Village officials should ensure all employees are provided, and complete, annual SHP Training and alternative dates or means of providing training are used as the needs of the Village dictate and encourage elected officials to complete the training.

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

Background

The Village is located in the Town of Babylon in Suffolk 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 Administrator Clerk (Administrator) is responsible for providing and ensuring completion of annual SHP Training.

Quick Facts

2021	
Total Employees & Elected Officials	246

Audit Period

March 1, 2021 – February 28, 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.

The Village Did Not Provide SHP Training

The Village did not provide annual SHP Training to employees or elected officials during the 2021 training period. As a result, none of the Village's 240 total employees and six elected officials completed SHP Training. The Mayor and Administrator told us the Village provides in-person SHP Training to Village employees each year in March, but did not do so during the 2021 annual training period because the COVID-19 pandemic made it difficult to require Village employees to attend in-person group training.

Given that Village officials have the flexibility to provide the training at any date they choose within the training period, and in different ways depending on the Village's needs, we question this reasoning. If Village officials were not prepared to provide the in-person group SHP Training to employees in March 2021, they had the remaining 11 months of the training period to provide training by other means, such as via webinar or online training module.

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 ensure all employees are provided, and complete, annual SHP Training and that alternative dates or training formats are used as the needs of the Village dictate and encourage elected officials to complete the training.

Appendix A: Response From Village Officials



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INCORPORATED VILLAGE OF LINDENHURST
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VILLAGE ADMINISTRATOR:
DOUGLAS MADLON

BOARD OF TRUSTEES
PATRICK PICHICHERO
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April 06, 2023

██████████
██████████
Division of Local Government
and School Accountability
Office of the NYS Comptroller
110 State Street
Albany, NY 12236

Dear ██████████,

We thank you for spending time with us and assisting us in making some adjustments and corrections to our required Sexual Harassment Training policy.

The Village of Lindenhurst understands the importance of this training and its requirement that it be made on a yearly basis in accordance with New York State guidelines. As a result of our conversations, we will be making the following improvements to ensure that not only is the training provided each year but that there will be various means for our employees to take the training.

We will be offering the training via any of the means below:

1. Weekday Classroom instruction
2. Weekend Classroom instruction
3. ██████████ Classes
4. Self-study via the NY State website with required proof that the class was audited

As Mayor, it is my duty and responsibility to ensure that this important training is taken by each and every employee on a yearly basis. As we have many senior employees who may not be computer literate nor have the access to the on-line program, it is for that reason that I will ensure that any of the four possible means will be incorporated.

We will not overlook this situation again.

Thank you again for your assistance and guidance which was very much appreciated.

Sincerely yours,

Michael A. Lavorata
Mayor, Village of Lindenhurst, New York

Cc:
Anna Genao, Deputy Treasurer
Douglas Madlon, Village Administrator
Joseph Barone, Deputy Village Administrator
Katie Schrader, Assistant to the Mayor
Katie McCaffrey, Assistant to the Village Board
All Members of the Board of Trustees
All Village of Lindenhurst Department Heads

[REDACTED]
[REDACTED]

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 achieve the audit objective and obtain valid audit evidence, our audit procedures included the following:

- 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 determined the total number of employees and elected officials at the Village during our audit period by obtaining and reviewing an employee listing and the Village's website.

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.

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

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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