



Village of Lynbrook

Sexual Harassment Prevention Training

S9-23-14 | September 2023

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Report Highlights

Village of Lynbrook

Audit Objective

Determine whether Village of Lynbrook (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 35 total individuals we tested (28 selected employees and all seven elected officials), six employees did not complete the annual SHP Training or 21 percent of employees tested.

Key Recommendation

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

Village officials generally agreed with our recommendation and indicated they planned to initiate corrective action. 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 Hempstead in Nassau County and is governed by an elected five-member Board of Trustees (Board) composed of the Village Mayor and four Trustees.

The Village Clerk is the Village Administrator who is responsible for implementing the decisions of the Board and managing daily business operations.

The Village's Deputy Clerk is responsible for providing and ensuring completion of annual SHP Training.

Quick Facts

2021	
Total Employees & Elected Officials	342
Total Tested ^a	35
SHP Training Method	Classroom (group) Online (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, 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.

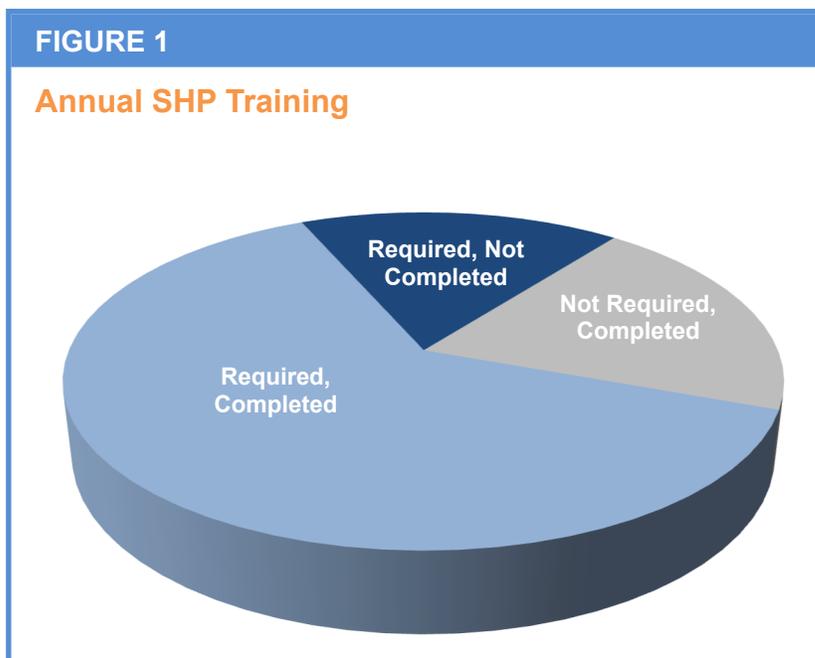
Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

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 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. Although there were no established procedures for newly hired employees, the Deputy Clerk told us new hires would be expected to complete the training at the next available session after their hire date. However, the training was not completed by all employees.

We tested 35 individuals (28 selected employees and all seven elected officials) to determine whether they completed the annual SHP Training. Six employees (21 percent of employees sampled) did not complete the training (Figure 1).



These six employees included:

- The Village Administrator,
- Two seasonal workers,
- One Department of Public Works (DPW) employee,
- One school crossing guard and one police officer.

The other 22 selected employees and all seven elected officials (83 percent of individuals tested) completed the 2021 SHP Training.

The Deputy Clerk disseminated in-person group training presented by a third-party instructor to employees and elected officials except for the Lynbrook Library and Police Department. The Deputy Clerk scheduled multiple training sessions with the instructor in April, May and June of 2022. The Deputy Clerk notified department heads about upcoming training dates and monitored completion by retaining the employees' training sign-in sheets after each session, and by communicating with department heads to ensure compliance. According to the Deputy Clerk, if less-than-full-time employees or elected officials could not attend the scheduled in-person training, they were instructed to complete the NYS model training online and submit signed and dated acknowledgment forms as proof of completion. They could also provide training completion certificates if they completed the training through another employer.

The training dissemination differed for the Lynbrook Library and Police Department employees. For the Lynbrook Library, the Library Director reviewed the status of the SHP Training provided to ensure each library employee completed their assigned interactive online training module. Police Department employees were scheduled for in-person training sessions, with their attendance ensured by a Police Department Sergeant.

The Deputy Clerk used records (e.g., sign-in sheets, acknowledgement forms and completion certificates) to monitor SHP Training completion of all employees and elected officials, including Lynbrook Library and Police Department employees.

The Village Administrator told us he took the training shortly before the 2021 training period began and did not realize he missed taking the SHP Training during the 2021 training period. For the remaining five employees who did not complete the SHP Training, the Deputy Clerk told us:

- There were no sessions scheduled during the two seasonal workers time of employment.
- The DPW employee said he attended a Village-provided training session but Village officials and the employee have no evidence the employee did so.

-
- The school crossing guard was hired in September of 2021 and was not trained until the next scheduled Police Department training in August of the following year.
 - The police officer was not trained because he missed the scheduled Police Department training sessions.

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 continue to monitor the completion of annual SHP Training by all employees and elected officials and develop additional administrative procedures to help ensure all employees and elected officials complete the annual SHP Training.

Appendix A: Response From Village Officials

MAYOR
ALAN C. BEACH
DEPUTY MAYOR
MICHAEL N. HAWXHURST

TRUSTEES
ROBERT BOCCIO
ANN MARIE REARDON

VILLAGE JUSTICE
WILLIAM J. M LAUGHLIN

ASSOCIATE JUSTICE
BRENDAN HUGHES

COURTCLERK
MICHELE ROUSE



INCORPORATED VILLAGE OF LYNBROOK

WWW.LYNBROOKVILLAGE.NET

ADMINISTRATION	516-599-8300	F: 516-887-8148
ASSESSING	516-593-6505	F: 516-593-8309
BUILDING	516-599-8828	F: 516-593-8309
JUSTICE COURT	516-599-0416	F: 516-599-0448
LIBRARY	516-599-8630	F: 516-596-1312
POLICE	516-599-3300	F: 516-596-0199
PUBLIC WORKS	516-599-8838	F: 516-596-1001
RECREATION	516-599-8000	F: 516-593-8311

VILLAGE ADMINISTRATOR
JOHN GIORDANO

ASSESSING
LISA KENNY

VILLAGE ATTORNEY
THOMAS D. ATKINSON ESQ

BUILDING SUPERINTENDENT
BRIAN STANTON

PARK SUPERVISOR
KEITH BONOMO

PUBLIC WORKS SUPERINTENDENT
PHILIP HEALEY

March 30, 2023

Division of Local Government and School Accountability
Office of State Comptroller
110 State St.
Albany, NY 12236

RE: Sexual Harassment Prevention (SHP) Training - Audit 7/1/21-6/30/22

Dear [REDACTED]

Please let this letter serve as a Response and Corrective Action Plan regarding your above subject audit findings. The Village has administered annual SHP training for its 342 employees each year as required since 2019 by the NYS Labor Law. The audit findings discussed several instances in 2021 of non-attendance from a sample group as noted below; our accompanying explanation is in italics.

As a large employer, each year SHP training is scheduled over many months at different times for multiple Departments to comply by year end. This results in training attended in annual intervals that will overlap or underlap depending on what 12-month period is audited. We note that the Labor Law requiring SHP annual training does not specify which 12-month "training interval" applies when scheduling such training.

See
Note 1
Page 8

Response:

1. 1 Police Officer – *was on disability leave for 10-months*
2. 1 School Crossing Guard – *annual training occurred 3 weeks prior to hiring – she attended next training cycle*
3. 1 DPW Employee – *the employee claimed to attend but did not sign-in*
4. 2 Seasonal Workers – *1 worker (only works Sundays) was on vacation 2 weeks during scheduled training; the other worker was on leave away at college*
5. Administrator- *attended 3 ¼ months prior on 3/9/2021*

Corrective Action Plan:

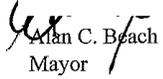
As we take this matter seriously, we conducted a review of the attendance of all 342 staff, and found that there was only one person, (an offsite part-time employee) who did not attend training and has subsequently done so, thereby establishing a 99% attendance rate. This also takes into account that there were 19 others who attended the training an average of 6 weeks within the "training interval" range in 2021. Collectively, we believe our excellent attendance record and procedures are unmatched.

1 COLUMBUS DRIVE P.O. BOX 7021 LYNBROOK, NY 11563

To facilitate scheduling convenient, flexible training dates, we are providing annual, on-line SHP Training with links to our Sexual Harassment Policy. This automates attendance records and simplifies SHP Training administration.

The Village is in the process of scheduling its training for 2023 and will phase this in accordingly. We thank you for your review in this regard.

Sincerely,


Alan C. Beach
Mayor

Appendix B: OSC Comment on the Village's Response

Note 1

The “training interval” is a management decision made by the employer. Village officials stated the 2021 training period ran from July 1, 2021, through June 30, 2022. Employees should have been trained within the established training period, and attendance before or after the period would fall into the previous or next training cycle.

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 Board meeting minutes from January 2021 through October 2022 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 and reviewing an employee listing.
- Of the 342 total Village employees and elected officials, a sample of 10 percent (or 35) was selected. Using the Village's employee listing, all 7 elected officials were selected as part of the sample total, the remaining 28 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select 14 supervisory employees and 14 nonsupervisory employees. Two of the 28 employees selected were new hires from two different departments and two were seasonal workers. One of the seasonal workers was also one of the new hires selected.

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

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

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

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