



# City of Watertown

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## Sexual Harassment Prevention Training

**S9-23-3 | September 2023**

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# Report Highlights

## City of Watertown

### Audit Objective

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

### Key Findings

SHP Training was provided to employees and elected officials. However, there was a general lack of monitoring to ensure the SHP Training was completed by all employees and the City's training completion records were unreliable. As a result, officials have no assurance all individuals who should have completed the 2021 SHP Training did so.

### Key Recommendations

City officials should monitor completion of annual SHP Training by all employees and elected officials, supported by complete, accurate and reliable records.

City officials generally agreed with our recommendations and indicated they planned to initiate corrective action. Appendix B includes our comment on an issue raised in the City's response letter.

### Background

The City is located in Jefferson County and is governed by an elected five-member City Council (Council) composed of the City Mayor and four Council members.

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

The Human Resource Manager (HR Manager) is responsible for providing annual SHP Training. Department heads are responsible for ensuring their employees complete the training.

#### Quick Facts

2021	
<b>Total Employees &amp; Elected Officials<sup>a</sup></b>	448
<b>SHP Training Method</b>	Video and a paper quiz (Individual or group)

a) See Appendix C 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,
- 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.

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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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<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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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.

### **SHP Training Records Were Not Reliable**

The City 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. New employees were provided the training as part of their orientation. However, the training completion records were not reliable, as there was no tracking mechanism to verify the employees watched the assigned training video or completed the quiz afterwards. Additionally, the City accepted acknowledgment forms from elected officials that they completed training from their outside employment without verifying whether the training met minimum requirements. Therefore, there is no evidence the training was completed by employees or any elected officials.

The HR Manager disseminated the SHP Training via email notification as an online video, with a paper quiz and an acknowledgment form to be completed by employees either individually or as a group depending on the department's preference or employees' schedules. The HR Manager relied on department heads to ensure their employees completed training. The email included instructions on how to access the training video located on the City's network shared drive or the City's private intranet channel and a quiz, the quiz answer key for department heads, and a training acknowledgment form. The HR Manager asked that employees fill out and return the signed training acknowledgment form after watching the video and completing the quiz.

We determined there was a general lack of monitoring to ensure the SHP Training was completed by all employees. There was no tracking mechanism to verify whether employees watched the video. In addition, the employees were not required to return the completed quiz. The HR Manager told us he asked employees to submit the training acknowledgment form and relied on the employee's signature as a record of completed training. The HR Manager also kept a spreadsheet of all employees and updated it with training completion dates based on the submitted acknowledgment forms; however, he did not use the spreadsheet to follow up with those who did not complete the training. He relied on the department heads, who had access to the spreadsheet, to monitor and ensure their employees' training completion.

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Some department heads told us that at times group training was provided to employees. One of the departments provided us with the sign in sheet from the group training; however, the dates of completion varied for employees and were scattered over months. Therefore, this sheet is not reliable as a group training completion record.

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. Should monitor the completion of annual SHP Training by all employees and elected officials and develop administrative procedures to help ensure the annual SHP Training is completed.
2. Should establish procedures to ensure the SHP Training completion records are complete, accurate and reliable.

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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.

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# Appendix A: Response From City Officials

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## CITY OF WATERTOWN, NEW YORK

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KENNETH A. MIX  
CITY MANAGER

March 27, 2023

Dina M.L. Thompson, Chief of Municipal Audits  
State Office Building, Suite 1702  
44 Hawley Street  
Binghamton, NY 13901-4417

Dear Ms. Thompson:

Please consider this document as the response to the audit report of examination S9-23-3 for the City of Watertown. We would like to thank the Comptroller's Office for their professionalism and efforts during the 10-week process of auditing our sexual harassment prevention training program. We take our duty to provide this training very seriously and we appreciate the suggestions offered by the Comptroller's Office.

We concur with audit recommendation #1:

- 1) 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.

We will begin exploring our options to improve our internal control over the completion of training and will outline the steps we plan on taking within our corrective action plan.

Recommendation #2 states the following:

- 2) Should establish procedures to ensure the SHP Training completion records are complete, accurate, and reliable.

Several times within the audit report, mention is made that our training records are not reliable. In fact, on page 5 of the report it states the following, "Therefore, there is no evidence the training was completed by any elected officials or employees." We disagree with the audit determining that there is no evidence that the training was completed. Our employees sign training acknowledgment forms attesting that they have viewed the video. These acknowledgement forms were provided and reviewed by the State's auditor. We trust our employees and we trust that by signing the form, they have viewed the video. The audit did not

See  
Note 1  
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CITY MANAGER

identify any instances whereby an employee signed the acknowledgement form but didn't watch the video. To us this is evidence that the training video was viewed, and we are befuddled as to why that statement would appear in our audit report.

While we acknowledge that watching the video is not something that can currently be verified, we disagree that this means our records are unreliable or that there is no evidence that the training was completed. Regardless, we will explore our options for verifying that the training video was viewed.

See  
Note 1  
Page 7

Sincerely,

Kenneth A. Mix

## Appendix B: OSC Comment on the City's Response

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### Note 1

As you have acknowledged, there is no way to verify an employee watched the City's SHP Training video. To present an employee-signed training form as evidence of having watched the video is not sufficient evidence. Therefore, we considered the training acknowledgment records provided to be unreliable.

## Appendix C: 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 City for audit based on geographic location across NYS applied to a list of counties, cities, towns, 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 SHP Training for employees and elected officials.
- We reviewed relevant State laws and regulations, and guidance from NYS, as well as City policies to gain an understanding of their SHP Training and policy.
- We reviewed the City's Council meeting minutes for the calendar year of 2021 to determine action taken related to sexual harassment prevention.
- We reviewed and assessed the SHP 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 employed at the City during our audit period by obtaining and reviewing an employee listing.

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 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 D: 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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