



# Yates County

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## Sexual Harassment Prevention Training

**S9-23-07 | September 2023**

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# Report Highlights

## Audit Objective

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

## Key Findings

SHP Training was provided to employees and elected officials. However, of the 45 total individuals we tested (23 selected employees and all 22 elected officials), we found three elected officials, including the Sheriff and two Coroners, did not complete the annual SHP Training.

## Key Recommendation

County officials should continue to monitor the completion of annual SHP Training by all employees and should encourage elected officials to complete the training.

County officials generally agreed with our recommendation and have indicated they planned to initiate corrective action.

## Background

The County, located in the Finger Lakes region, is governed by an elected 14-member Board of Legislators (Legislature).

The appointed County Administrator is responsible for the overall administration of County government at the Legislature's direction.

The personnel officer is responsible for providing and ensuring completion of annual SHP Training.

## Quick Facts

2021	
<b>Total Employees &amp; Elected Officials</b>	452
<b>Total Tested<sup>a</sup></b>	45
<b>SHP Training Method</b>	Online module (individual or 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,
- 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.

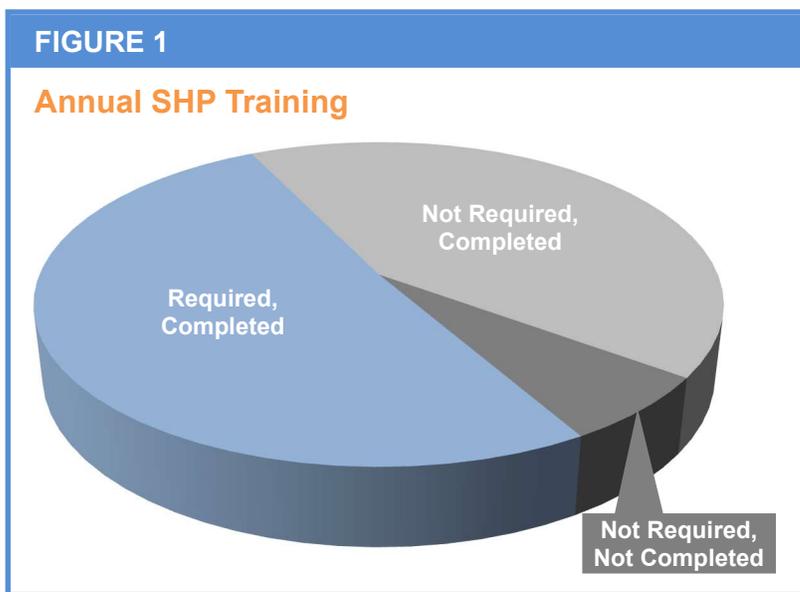
Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

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 Elected Officials Completed SHP Training

The County provided annual SHP Training that met the minimum requirements to employees and elected officials during the 2021 cycle and maintained records of who completed the training. Newly hired employees were required to complete the training within 30 days of hire.

We tested 45 individuals (23 selected employees and all 22 elected officials) to determine whether they completed the annual SHP Training. Three elected officials did not complete the provided training in the 2021 period (Figure 1).



All 23 employees and the other 19 elected officials (93 percent of individuals tested) completed the 2021 SHP Training.

The personnel officer disseminated the SHP Training as an interactive, online training module for all staff to either complete individually, or view in person as a group. The personnel officer provided us examples of the initial SHP Training

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notification, dated January 28, 2021, and a follow-up email, dated August 11, 2021, sent as a reminder to complete the training for those employees who had not yet done so. The personnel officer also provided us with an email notification sent to the undersheriff on September 30, 2021, to follow up with all Sheriff's Office employees who had not completed the training, which included the Sheriff. In addition, the personnel officer told us a separate email notification was also sent on September 30 to specific employees who had not completed the training.

The Sheriff told us he was surprised that he had not taken the County's SHP Training, and that it must have been an oversight, as he is responsible for taking several other annual trainings.

One Coroner stated he took the SHP Training, but the personnel officer did not have any records showing this Coroner completed the County SHP Training.

The other Coroner told us he had received notifications from the personnel officer of the SHP Training and thought he had taken it. He stated it must have been an oversight in 2021 as the personnel officer is very thorough in ensuring everyone completes mandatory training.

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

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

1. County officials should continue to monitor the completion of annual SHP Training by all employees and develop additional administrative procedures to encourage elected officials to complete the annual SHP Training.

# Appendix A: Response From County Officials

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OFFICE OF THE  
**YATES COUNTY ADMINISTRATOR**

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Winona B. Flynn  
COUNTY ADMINISTRATOR

April 5, 2023

[REDACTED]  
Auditor 3

Division of Local Government and School Accountability

Dear [REDACTED]

In response to your office's audit of Yates County on our sexual harassment prevention training, Yates County will continue to monitor the completion of the annual SHP training by all employees, including elected officials. Our Personnel Officer will document the administrative procedures, continue to implement the procedures, and continue to monitor that the training is completed each year.

Respectfully submitted,

Winona B. Flynn  
County Administrator

## 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 County 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 County 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 County policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the County Legislature 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 County to determine whether the training met minimum required State law.
- We determined the total number of employees and elected officials employed at the County during our audit period by obtaining and reviewing an employee listing and reviewing the County Board of Election's election results.
- Of the 452 total County employees and elected officials, a sample of 10 percent (or 45) was selected. Using the County's employee listing, all 22 elected officials were selected as part of the sample total, the remaining 23 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select 19 supervisory employees and four nonsupervisory employees. Two of the 23 employees selected were new hires, including one supervisory and one 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

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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 Legislature 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 Legislature to make the CAP available for public review in the County 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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