



Town of Hyde Park

Sexual Harassment Prevention Training

S9-23-12 | September 2023

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Report Highlights

Town of Hyde Park

Audit Objective

Determine whether Town of Hyde Park (Town) employees and elected officials completed annual sexual harassment prevention training (SHP Training).

Key Findings

SHP Training was not provided to all employees and elected officials. Of the 20 total individuals we tested (10 selected employees and all 10 elected officials), one employee or 10 percent of employees tested and six elected officials did not complete the annual SHP Training.

Additionally, the Town excluded 47 seasonal employees from SHP training.

Key Recommendations

Ensure all employees complete annual SHP Training and encourage elected officials to complete the training.

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

Background

The Town, located in Dutchess County, is governed by an elected five-member Town Board (Board) composed of the Town Supervisor (Supervisor) and four Board members.

The Supervisor is responsible for the day-to-day management of the Town government under the Board's direction.

The personnel assistant, at the Supervisor's direction, is responsible for providing and ensuring completion of annual SHP Training.

Quick Facts

2021	
Total Employees & Elected Officials	154
Total Tested ^a	20
SHP Training Method	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

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.

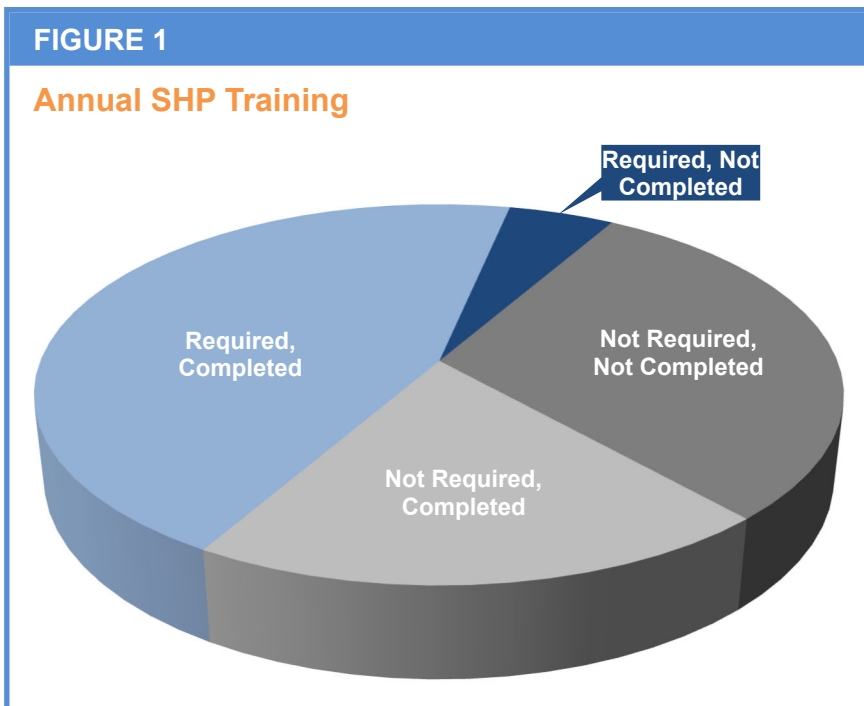
Furthermore, the annual training period may be based on any date the employer chooses, including, but not limited to, the calendar year or anniversary of each employee's start date. The guidance also recommends that new employees should receive the annual training as soon as possible after being hired.

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 Town 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. However, 47 seasonal employees were not provided the Town SHP Training. Therefore, the SHP Training was not completed by all employees and elected officials.

We tested 20 individuals (10 selected employees and all 10 elected officials) to determine whether they completed the annual SHP Training. One employee (10 percent of the employees sampled) and six elected officials (all four Board members, the former Supervisor and one Justice) did not complete the training (Figure 1).



The other nine selected employees and four elected officials (65 percent of individuals tested) completed the 2021 annual SHP Training.

The personnel assistant disseminated the SHP Training as an interactive, online training module for employees and elected officials to either complete individually, or view in-person as a group. After training was completed, the personnel assistant reviewed sign in sheets and training completion certificates to ensure that all full-time employees had taken the training and sent email notifications to the department supervisors to follow up with any employees who had not completed the training. However, the SHP Training was not provided to all employees. Forty-seven seasonal employees were excluded from SHP Training, because according to the personnel assistant, they were employed for too short a period. However, Labor Law Section 201-g does not include an exemption for any employees.

The personnel assistant told us that the former Supervisor and the four Board members did not complete the training because their respective terms ended December 31, 2021. However, they served during the training period with access to an online training module that allowed for flexibility to complete at a date and time of their choosing. She was not aware that the Justice did not complete the training. The current Supervisor, sworn in January 2022, told us he does not know what transpired with the previous administration.

The Justice told us she did not take the SHP Training because she missed the email instructing her to do so. She also told us she probably overlooked the SHP Training notification because the online training module was different from the other trainings completed that year.

The personnel assistant said the one employee, a motor equipment operator, who was scheduled for in-person training was out sick and the training was not rescheduled.

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

What Do We Recommend?

Town officials:

1. Must provide annual SHP training to all employees.
2. Should encourage elected officials to complete annual SHP Training.
3. 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 Town Officials



Historic Town of Hyde Park

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Hyde Park, NY 12538
(845) 229-5111, Extension 100,
(845) 229-0831 Fax

Alfred Torreggiani, Town Supervisor
"Working for the Enhancement of Hyde Park"

March 22, 2023

Office of the New York State Comptroller
Division of Local Government & School Accountability
110 State Street, 12th Floor
Albany, NY 12236

RE: Audit response for The Town of Hyde Park

Dear Ms. Dina Thompson,

Town of Hyde Park respectfully submits its response and our Corrective Action Plan to the multi-unit audit of Sexual Harassment Prevention Training conducted by the Office of the State Comptroller for the year 2021.

We are in agreement that the Town of Hyde Park did not provide SHP training to the seasonal employees and that we also did not ensure every employee who should have completed SHP training had in fact done so. Moving forward we are providing SHP training at orientation for our seasonal camp employees and are working on developing a procedure for our winter seasonal employees to complete SHP training.

We are currently proposing an action plan for Town Employees to ensure that everyone completes the annual SHP training in a timely manner.

The Town of Hyde Park would like to thank the Auditor's staff assigned to our Town with regards to their courtesy and professionalism exhibited during the audit.

Sincerely,

 Al Torreggiani
Town of Hyde Park Supervisor

AT/cam

CC: Heidi Peters, Town of Hyde Park Personnel Assistant

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 accomplish our audit objective and obtain relevant audit evidence, our procedures included the following steps:

- We used our professional judgment to select the Town 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 Town 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 Town policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the Town's Board meeting minutes for the 2021 calendar year to determine actions taken related to sexual harassment prevention.
- We reviewed and assessed the sexual harassment prevention training materials provided by the Town to determine whether the training met minimum required State law.
- We determined the total number of employees and elected officials employed at the Town during our audit period by obtaining and reviewing an employee listing and reviewing the County's Board of Election's election results.
- Of the 154 total Town employees and elected officials, a sample of 13 percent (rounding up to 20) was selected. Using the Town's employee listing, all 10 elected officials were selected as part of the sample total, the remaining 10 employees were selected using our professional judgment to include both supervisory and nonsupervisory titled employees. We selected five supervisory employees and five nonsupervisory employees. Two of the 10 employees selected were new hires, with supervisory 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 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 Town 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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www.osc.state.ny.us/local-government

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

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