



City of White Plains

Sexual Harassment Prevention Training

S9-23-01 | September 2023

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Report Highlights

City of White Plains

Audit Objective

Determine whether City of White Plains (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, of the 150 total individuals we tested (142 selected employees and all eight elected officials), 14 employees or 10 percent of employees tested and one elected official did not complete the annual SHP Training.

Key Recommendation

City officials should monitor the completion of annual SHP Training by all employees and elected officials.

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

Background

The City is located in Westchester County and is governed by an elected seven-member Common Council (Council) composed of the City Mayor (Mayor) and six Council members.

The Mayor is responsible for the overall administration of City government.

The Personnel Officer is responsible for providing and ensuring completion of annual SHP Training. The former Personnel Officer left City employment and was replaced by the current Personnel Officer in October 2021.

Quick Facts

2021

Total Employees & Elected Officials	1484
Total Tested^a	150
SHP Training Method	Online Presentation (individual or group)

a) See Appendix B 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.

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.

Employees have a legal right to a workplace free from sexual harassment and are required to work in a manner that prevents sexual harassment.

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.

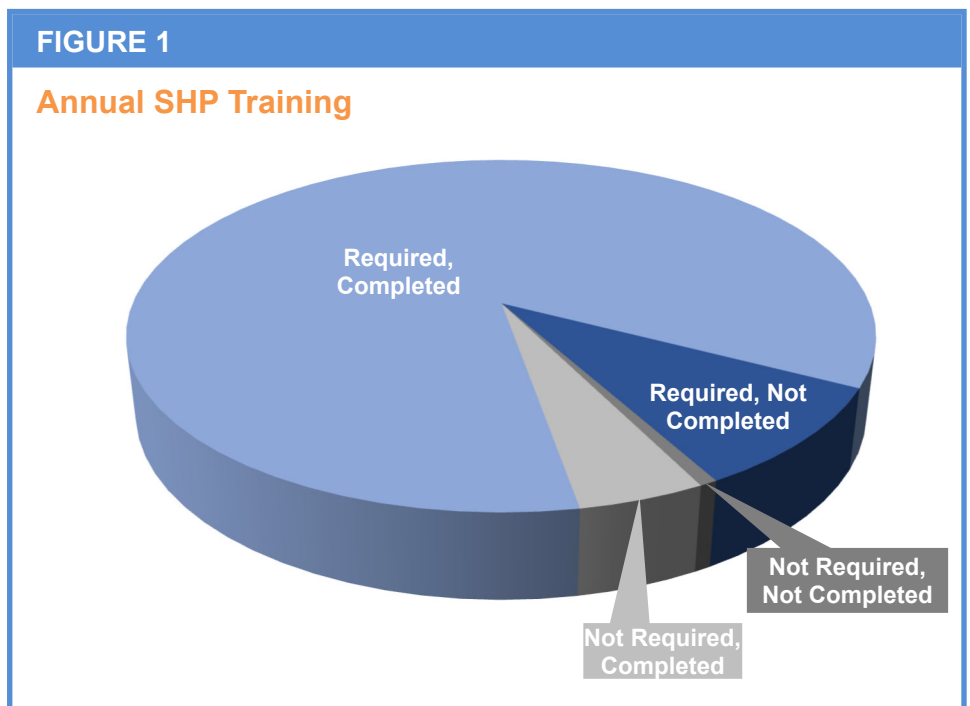
Not All Employees and Elected Officials Completed SHP Training

The 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. Newly hired employees were expected to complete training within 30 days of hire.

We tested 150 individuals (142 selected employees and all eight elected officials) to determine whether they completed the annual SHP Training. Fourteen employees (10 percent of employees sampled) and one Council member did not complete the training (Figure 1).

The other 128 selected employees and seven elected officials (90 percent of individuals tested) completed the 2021 SHP Training.

The former Personnel Officer disseminated the SHP Training as an interactive, online training module provided by a third-party for employees and elected officials to complete individually, or as a group. Employees without access to City computers were provided training in-person as a group, proctored by their respective departments. Neither the former nor current Personnel Officer required group attendance records from the individual departments be submitted to the Personnel Department for review to ensure all employees completed the 2021 SHP Training. The current Personnel Officer reviewed online completion records



only and sent reminders to Department supervisors to ensure their employees completed the training.

The current Personnel Officer was not aware the newly elected Council member did not take the training within 30 days of his first day in office. As a result, the Council member was not sent a reminder to complete SHP Training. While the Council member told us he took the training when provided access, the City had no completed 2021 SHP Training record on file.

The 14 employees sampled who did not complete SHP Training were 11 seasonal employees, two police officers and an assessment board member. Since the department supervisors were not required to submit the group attendance sheets, the current Personnel Officer did not know if or when the 11 seasonal recreation department employees completed the training and adequate records were not maintained at the recreation department. The current Police Lieutenant told us two police officers were not trained because they were inadvertently not included on the training reminder list. The assessment review board member told us he could not recall whether he was told to take the City SHP Training but knew he did not take it.

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?

1. City officials should monitor the completion of annual SHP Training by all employees and elected officials and develop additional administrative procedures to help ensure the annual SHP Training is completed.

Appendix A: Response From City Officials



"THE BIRTHPLACE OF THE STATE OF NEW YORK"
OFFICE OF THE MAYOR

THOMAS M. ROACH
MAYOR

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SENT VIA EMAIL TO: Muni-Statewide@osc.ny.gov

March 29, 2023

[REDACTED]
Division of Local Government and School Accountability
Office of the New York State Comptroller
110 State Street
Albany, New York 11226

Re: OSC Audit- Sexual Harassment Training Program

Dear [REDACTED]:

This letter is to serve both as the City of White Plains' response to the above referenced audit, as well as the City's corrective action plan. The City agrees with the findings of the audit and has implemented the sole recommendation as stated in the report. The City's Personnel Department has created and distributed a sign-in form which contains the necessary information relative to group trainings. The Personnel Department requires these forms be returned to their department where they are monitored. The Personnel Officer will continue to oversee the City's Sexual Harassment Training Program for ongoing compliance.

Thank you for the time and effort your office has dedicated to this audit. I particularly appreciate the professionalism of your staff members assigned to the City [REDACTED]. If you have any questions or concerns, please feel free to contact the City's Personnel Officer, Angela Sapienza, at (914) 422-1403.

Sincerely,

Mayor

255 MAIN STREET, WHITE PLAINS, NY 10601
www.cityofwhiteplains.com

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 City 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 City 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 City policies to gain an understanding of their sexual harassment prevention policy and training.
- We reviewed the City's Council 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 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 and obtaining the number of Council members from the City's legal department.
- Of the 1,484 total City employees and elected officials, a sample of 10 percent (or 150) was selected. Using the City's employee listing, all eight elected officials who served during the audit period were selected as part of the sample total, the remaining 142 employees were selected to include both supervisory and nonsupervisory titled employees. We used our professional judgment to select 58 supervisory employees and 84 nonsupervisory full time and part time employees.

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 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 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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