

Summary: Allegations of Improper Access to Employee Emails by a National Indian Gaming Commission Official

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We investigated allegations that a National Indian Gaming Commission (NIGC) official authorized an employee to split the payment of a \$19,176 invoice to stay under U.S. Government charge card purchasing thresholds. In addition, after learning that the employee had reported concerns about the issue to a member of the Office of the Secretary's integrated charge card program, the official requested that an IT manager provide the official the employee's emails on the matter.

We confirmed that the official authorized that the invoice be split, but we did not find that this was improper because the invoice related to two distinct audio/visual projects.

We also confirmed that the official orally requested copies of the emails exchanged between the employee and a member of the integrated charge card program, but the IT manager declined the request because written authorization was not obtained from NIGC's General Counsel. NIGC policy permits authorized senior staff to access employee emails to ensure "efficient and proper operation of the workplace" or the search for "suspected misconduct" and we found no U.S. Department of the Interior policy prohibiting such queries. However, the U.S. Office of Special Counsel issued a memorandum to all executive departments and agencies in February 2018, urging that policies and practices for monitoring employee communications should "not interfere with or chill employees from lawfully disclosing wrongdoing."

This is a summary of an investigative report that we provided to the NIGC Chairman. We also issued a Management Advisory to the NIGC Chairman related to concerns about how the NIGC applies its email access policy and the chilling effect this may cause for employees disclosing wrongdoing.

