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LETIZIA TAGLIAFIERRO
INSPECTOR GENERAL

June 23, 2020

John Wirenius
Chairperson
New York State Public Employment Relations Board
Empire State Plaza, Building 2
Albany, New York 12220

Re: NYS IG 1847-070-2019

Dear Chairperson Wirenius:

On June 17, 2019, the New York State Public Employment Relations Board (PERB) alleged to the Office of the New York State Inspector General that it had discovered improper use of a PERB-assigned desktop computer by [REDACTED]. Specifically, PERB alleged that [REDACTED] used his State computer for personal email and that [REDACTED] had non-business programs on the computer, including Spotify and Kindle.

The Inspector General investigated this allegation and found that [REDACTED] utilized his PERB-assigned computer for personal purposes and inappropriately emailed his father a spreadsheet that contained sensitive information and personal opinions regarding active cases and litigants appearing before PERB. The Inspector General's investigation also found that [REDACTED] supervisor, [REDACTED], the director of the [REDACTED], engaged in improper conduct during the course of her investigation of [REDACTED]. The following is a summary of the Inspector General's investigation and findings.

The Inspector General reviewed all records provided by PERB of [REDACTED] investigation of [REDACTED] which consisted of emails to and from [REDACTED] personal Gmail account. One such email was to [REDACTED] father and included an attached "case list" spreadsheet, which contained notes on [REDACTED] assigned cases at PERB.

The Inspector General conducted a forensic review regarding [REDACTED] PERB-assigned computer, which confirmed that [REDACTED] improperly emailed to his father a spreadsheet that contained sensitive information and his opinions regarding active PERB cases that were pending before him. [REDACTED] testified to the Inspector General and admitted to sending his father this spreadsheet. According to PERB, the spreadsheet did not contain confidential information. The Inspector General reviewed relevant PERB policies and found that [REDACTED] other incidental use of his PERB-assigned computer and non-business computer applications did not violate these policies.

[REDACTED] also provided testimony to the Inspector General regarding her investigation of [REDACTED]. According to [REDACTED] she first accessed [REDACTED] PERB-assigned computer to obtain a report while [REDACTED] was on extended leave from PERB. [REDACTED] testified that with the assistance of a PERB computer technician, she gained access to [REDACTED] computer and quickly identified the report at issue. Also at this time, [REDACTED] observed a desktop icon entitled [REDACTED]." This link displayed [REDACTED] personal Gmail account, which [REDACTED] reviewed on numerous occasions in the ensuing two-week period by opening and reading [REDACTED] sent and received personal emails. According to [REDACTED] she believed that the emails physically resided on the PERB-assigned computer and therefore were in violation of PERB's internet and email policies.

The Inspector General's forensic analysis of [REDACTED] computer confirmed that his personal Gmail account was accessed by [REDACTED] numerous times while [REDACTED] was on extended leave from PERB. Specifically, the forensic analysis found that from June 12 to 19, 2019, [REDACTED] performed 416 unique interactions on [REDACTED] personal Gmail account (e.g., opened an email, refreshed a page, searched, etc.).

Given the findings against [REDACTED] and [REDACTED] I am referring this matter to PERB for any action deemed appropriate.

Please advise me of any action taken by PERB in response to this referral within 45 days of the date of this letter. If you require further information, please contact Deputy Inspector General James R. Davis at 518.474.1010.

Sincerely,

[REDACTED]

Letizia Tagliaferro
Inspector General

Cc: Jonathan O'Rourke
Executive Director

