



**UNITED STATES GOVERNMENT**  
*National Labor Relations Board*  
**Office of Inspector General**

## **Memorandum**

March 17, 2004

To: Vanita S. Reynolds  
Library and Administrative Services Branch Chief

From: Jane E. Altenhofen  
Inspector General

Subject: Inspection Report No. OIG-INS-31-04-04: Review of Westlaw Usage

We initiated this inspection in January 2004 to evaluate controls over Westlaw and determine whether the service was used appropriately at the National Labor Relations Board (NLRB or Agency). Payments to Westlaw were processed correctly and an automatic log-off feature was enacted to minimize usage.

Agency policies are outdated and do not reflect current practices. Thirty-three Westlaw users who departed before November 1, 2003 had active user accounts in November 2003 - about half of these accounts were still active on December 17, 2003. Five Westlaw users' accounts were accessed after the employee's departure. A December 17, 2003 list of users provided by Westlaw showed 82 general user identifications not assigned to individual users. We identified one user with questionable activity and referred this for potential investigation.

### **SCOPE**

We reviewed Westlaw Usage Reports for September and December 2003, a list of users provided by Westlaw dated December 17, 2003, a list of users provided by the Library Section, and information provided by the Human Resources Branch to identify former Agency employees. We evaluated controls over the use of services, including whether automatic time-out features were used and the Library Section reviewed user activity. We evaluated the process used to authorize invoices for payment and determined the accuracy of those payments. We analyzed Westlaw usage from September 1, 2003 through March 3, 2004 for potential misuse.

We reviewed Agency policies and procedures including Administrative Bulletin (AB) 93-47, WESTLAW Instructions and Guidelines for Direct Searchers in the NLRB Library – Pilot Project,

dated May 14, 1993; AB 94-55, WESTLAW Instructions for Direct Users in All Field and Division of Judges Offices, dated June 29, 1994; Administrative Policy Circular (APC) 99-03, Use of Agency Telecommunication Resources, dated January 22, 1999; and APC 99-11, Providing WESTLAW from Home/Personal Computers, dated August 5, 1999.

We conducted this review from January through March 2004. This review was done in accordance with the Quality Standards for Inspections issued by the President's Council on Integrity and Efficiency.

## **BACKGROUND**

The NLRB contracts with the West Publishing Corporation, a division of Thomson West, to access the Westlaw research service. Westlaw is an on-line legal research service that provides access to an extensive collection of legal resources, news, business, and public records.

New users are added by the Library Section through the Internet and are given access immediately. The Library Section also deactivates user identifications of departing employees through the Internet. The Library Section is notified to add users by the employee requesting this access, support staff employee, or the supervisor through e-mail, telephone, or in person. Any support staff employee requesting Westlaw must have their supervisors' approval in writing. E-mails are accepted as written approvals. If the request is made in person, the Library Section will verify the employee's job classification before granting access. This is usually accomplished with an Outlook directory search.

Westlaw users have access to all fixed rate databases. These include databases on state and federal cases, statutes, law reviews, and other secondary resources. Users who require additional access can contact the Library Section for assistance. However, other arrangements are normally made to locate the information rather than using the non-fixed rate databases. Only Library Section personnel have access to non-fixed rate databases.

The Agency is charged a standard fee for all users to have access to fixed rate databases. Usage, however, directly affects the fixed rate charged the following year. Westlaw services cost the Agency approximately \$268,000 for Fiscal Year 2003. As of December 17, 2003, 1,485 Westlaw individual user identifications existed. The Agency is billed monthly for services. Invoices are sent to the Library Section for review. Once approved, invoices are forwarded to the Finance Branch for payment.

## **RESULTS**

### **Agency Policy**

Agency policies do not reflect current practices regarding the use of Westlaw. Significant changes have occurred since the Agency last issued policy or guidance approximately 10 years ago. These policies, AB 93-47 and AB 94-55, were developed at a time when each office had a designated

Westlaw terminal. Since then, the Agency's use of Westlaw has evolved and users now access Westlaw on their personal computers. Westlaw can now also be accessed at any location with Internet access. The Agency pays a fixed fee for access to standard databases. Remote access is addressed in APC 99-11.

The major differences between the outdated policies and current practices appear below.

<b>Policy</b>	<b>Current Practice</b>
<ul style="list-style-type: none"> <li>• Passwords obtained from office supervisor</li> </ul>	<ul style="list-style-type: none"> <li>• Passwords obtained from Library Section personnel</li> </ul>
<ul style="list-style-type: none"> <li>• Use NLRB Computer Search Request Form (Form NLRB-5302)</li> </ul>	<ul style="list-style-type: none"> <li>• No longer used</li> </ul>
<ul style="list-style-type: none"> <li>• Search information recorded in Westlaw Computer Search Log, Form NLRB-5304A</li> </ul>	<ul style="list-style-type: none"> <li>• No longer used</li> </ul>
<ul style="list-style-type: none"> <li>• Standard format for client ID</li> </ul>	<ul style="list-style-type: none"> <li>• No longer used</li> </ul>
<ul style="list-style-type: none"> <li>• Printing documents discouraged</li> </ul>	<ul style="list-style-type: none"> <li>• Printing documents encouraged</li> </ul>
<ul style="list-style-type: none"> <li>• Monthly billing report showing usage details for each office sent to supervisors</li> </ul>	<ul style="list-style-type: none"> <li>• Monthly billing report sent to the Library Section</li> </ul>

### **Westlaw User Accounts**

The Agency had 82 general user identifications assigned to a particular office, but not related to a specific Westlaw user. Also, former employees' accounts were not disabled and were accessed after the employees left the Agency. We identified 171 employees who left the Agency between January 2, 2002 and October 31, 2003 and based upon their occupational series were likely Westlaw users. Records maintained by the Library Section as of November 2003 identified 33 of these former employees as still having active Westlaw user accounts. Of these, 17 remained active on the December 2003 user list generated by Westlaw.

The Westlaw Usage Reports for September and December 2003 showed that five accounts were accessed after the employee's departure date. Four instances were in September 2003 and one was in December 2003. This activity resulted in an additional \$927.93 in total charges that will be factored into the calculation of the next year's fee.

The Library Section is responsible for deactivating Westlaw services for departed employees. Library Section employees stated that they are usually made aware of employee departures through the

Agency's newsletter. User access is deactivated on-line and the change takes effect immediately. Library Section employees stated that improvements could be made to their methodology.

Form NLRB-4197, Certification for Release of Final Salary Check, is used to ensure that departing employees' administrative matters are in order. The form is used to document items such as the return of office keys, identification cards, and accountable property. The form is routed through the Library Section to ensure that materials are returned. This form could be used to notify the Library Section to deactivate Westlaw accounts.

In response to a suggestion we made in our draft report, management stated that they modified Form NLRB-4197 to replace the check off box entitled "Other Library Material" with one titled "Databases Access" and instructed the Library Section staff to disable Westlaw passwords within 48 hours of notification of employee departure. Management also stated that they will begin using both the bi-weekly Accession/Separation listing provided by the Human Resources Branch and the Field Losses, Commitments, and Transfers listing provided by the Division of Operations-Management to verify information on employee departures.

A December 17, 2003 list of users provided by Westlaw contained 82 general user identifications not assigned to individual users. Thirty-five of these were used to access Westlaw in September 2003. During the first several years, Westlaw was accessed at the Agency through dedicated terminals. Originally, only the Library Section had access to Westlaw through a dedicated terminal in the Library. Access to the dedicated terminal was then provided to other Headquarters employees, and later field employees were provided access to dedicated terminals in the field offices. In 1995 and 1997 individual passwords were assigned for Westlaw use, eliminating the need for the general user identifications.

Temporary employees and interns who used Westlaw were given the password for the general user identification in their department or office. This leaves the Agency vulnerable for misuse because temporary employees and interns are able to access the general user identifications after they leave the Agency. Also, general user identifications make it more difficult to hold current employees accountable for inappropriate use of the service.

In response to a suggestion made in our draft report, management stated that they have deactivated all general user identifications and will not issue them in the future. They noted that all new employees needing Westlaw access would be issued unique passwords.

## **Review of User Activity**

The Library Section does not monitor Westlaw usage. They review the dollar amount on all invoices and scan the monthly Westlaw Payer Billing Detail report if the monthly charge is more than \$100 greater than the fixed monthly fee. Information provided monthly by Westlaw includes an invoice, Westlaw Payer Billing Detail for the entire Agency, and other usage reports by account, usually office.

## **Suggestion**

We suggest that the Library and Administrative Services Branch Chief revise Agency policies for Westlaw to reflect current practices.