



# Public Employees for Environmental Responsibility

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February 10, 2020

Mark Lee Greenblatt, Inspector General

U.S. Department of Interior

1849 C Street, NW

Mail Stop 4428

Washington, DC 20240

Also filed online at: <https://www.doioig.gov/oig-hotline-forms>

Re: Complaint regarding NPS Special Assistant to the Director P. Daniel Smith

Dear Inspector General Greenblatt:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to request that your office review the telework arrangements for P. Daniel Smith who now is the Special Assistant (GS-15, step 10) to the Director of the National Park Service (NPS), a position he has held for more than four months.<sup>1</sup> According to NPS employee reports we have received, Mr. Smith has done little to no observable work in the position and appears to have violated the NPS's teleworking policies. He is a GS-15 assistant to the Director in the present unique context in which there is no true Director, nor is he subject to normal performance review processes. As a consequence, review by your office would be appropriate.

On September 30, 2019, Secretary of the Interior Bernhardt announced that Deputy Director Smith would lead NPS efforts on the 250th anniversary commemoration of our nation's independence in 2026 as a "Special Assistant to the Director".<sup>2</sup> Prior to that

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<sup>1</sup> The annual salary for a position at this level in Guilford County, North Carolina, where Mr. Smith is believed to be based, is \$164,858. OPM, Salary Table 2020-RUS, at <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/RUS.pdf>.

<sup>2</sup> NPS New Release, September 30, 2019, "Secretary Bernhardt Announces New National Park Service Leadership," at <https://www.nps.gov/orgs/1207/secretary-bernhardt-announces-leadership-updates.htm>, stating that "Smith will serve an essential role in leading the service, its partners, and visitors through a national effort to commemorate the 250th anniversary". It should be noted that Smith is neither a member of the U.S. Semiquincentennial Commission (see <http://www.america250.org/>) nor does a search of

announcement Mr. Smith had been the Deputy Director “exercising the authority of the Director”. That Deputy role was then assumed by David Vela, who continues in it to date. There is no Senate-confirmed Director nor an “acting” Director under the Federal Vacancies Reform Act. Smith’s current position of Special Assistant to the Director is neither shown on any NPS organization chart nor is he in any available agency directory. Sources report he is working remotely from his home in North Carolina and also has an office at the Guilford Courthouse National Military Park, near his home. Employees report that he is on a telework arrangement and he rarely comes to his office to work.

**Telework Policy:** Employee reports indicate that Mr. Smith rarely emails and his communication is infrequent at best, and he does not regularly report to his duty station. Thus, it appears he is in violation of the DOI’s current telework policy.<sup>3</sup> Ironically, that policy was implemented within the NPS during Smith’s own tenure of exercising the authority of the Director. The particular provisions that his actions/inactions may be violating are:

*6.I. Teleworkers are responsible for:*

*..... (2) Providing the same level of support, availability, accessibility to customers, coworkers, and supervisor as if working at the official worksite. This includes meeting organizational and individual work requirements, participating in staff meetings, working assigned duty hours, and responding to phone calls, email, and voicemail in a timely manner.*

and: *7. Policy*

*..... An employee approved to telework must physically report to his or her official duty station at least two full work days per bi-weekly pay period, except for rare short-term circumstances or as a reasonable accommodation.*

It should be noted that Mr. Smith, as Deputy NPS Director, reportedly had previously signed orders that restricted several NPS officials in their preferred teleworking authorizations. His own current telework approach appears inconsistent with those orders. Significantly, this was a new position drawn up especially for, and presumably largely by, Mr. Smith prior to his departure from the NPS leadership position. To the extent that it was drawn up by Mr. Vela, it is highly relevant that it was Smith who last year gave Vela his

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the NPS website or any other source reveal that he has done any work related to the Semiquincentennial or to a commemoration of the Southern Campaign of the American Revolution, his other alleged duty.

<sup>3</sup> DOI, Personnel Bulletin on Telework Program, No. 19-02. June 14, 2019. At [https://www.doi.gov/sites/doi.gov/files/elips/documents/personnel\\_bulletin\\_19-02\\_telework\\_program\\_access.pdf](https://www.doi.gov/sites/doi.gov/files/elips/documents/personnel_bulletin_19-02_telework_program_access.pdf).

initial NPS Deputy Director job.<sup>4</sup> It has the appearance of a sinecure for Smith, that is, an easy GS-15 appointment with no management or supervisory responsibilities and low demands.

In his role on the 250th anniversary commemoration he is to work with the NPS Interpretation leadership as well as top NPS officials in Philadelphia helping to lead the effort. However, he reportedly had, as of early January, never led a teleconference or even been on the coordinating calls, nor had he attended any in-person meetings.

An additional current role for him includes assisting with coordination of the NPS’s “Southern Campaign of the American Revolution”.<sup>5</sup> However, other NPS officials also working on this effort reportedly have had virtually no interaction with Mr. Smith – and seen no documents written by him.

Smith’s only apparent supervisor is David Vela, who succeeded Smith as the current Deputy Director “exercising the authority of the Director”. It is unlikely that Mr. Vela would take any action to ensure against poor performance by Smith, (who, again, had initially appointed Vela as his Deputy).

In sum, an investigation is needed because Mr. Smith has reportedly neither generated any real work product nor engaged in any project coordination after more than four months of apparently unsupervised activity, while drawing over \$50,000 in salary.<sup>6</sup>

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<sup>4</sup> April 19, 2019, letter from Smith naming Vela as Acting Deputy Director, online at: [https://www.eenews.net/assets/2019/04/15/document\\_gw\\_02.pdf](https://www.eenews.net/assets/2019/04/15/document_gw_02.pdf).

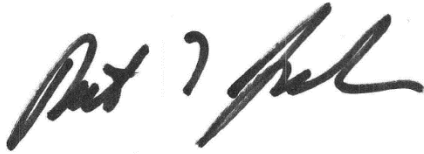
<sup>5</sup> NPS description of Southern Campaign at <https://www.nps.gov/cowp/learn/historyculture/southerncampaign.htm>. Note: the Guilford Courthouse National Military Park where Smith allegedly has his duty station is a key park commemorating the Campaign.

<sup>6</sup> Smith is most well-known for intervening to allow the Washington Redskins football team owner Daniel Snyder to bypass environmental laws so that he could cut down over 130 trees under NPS management to get a better view of the Potomac River from his ridge-top mansion. A 2006 DOI IG report found that Smith “inappropriately used his position to apply pressure and circumvent NPS procedures” and made false statements to investigators. *Report of Investigation - Allegations that the National Park Service Improperly Allowed Daniel Snyder to Cut trees on Government Land*, at <https://www.doioig.gov/reports/report-investigation-allegations-national-park-service-improperly-allowed-daniel-snyder-cut>. In mid-2018 he acknowledged making lewd gestures and using vulgar language in the hallway of the Main Interior Building. A DOI IG investigation cleared him of criminal activity. *Investigation of Alleged Inappropriate Conduct by NPS Deputy Director*, at <https://www.doioig.gov/reports/investigation-alleged-inappropriate-conduct-nps-deputy-director>. However, he issued an agency-wide apology for his behavior. Grandoni, D. 2018. National Park Service chief apologizes for behaving ‘in an inappropriate manner’ *Washington Post*, June 4, at

**PEER can, upon request, verbally provide names of key NPS officials reported to have knowledge of the background facts.** To protect their identities, their names are not provided here.

If your office needs any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter T. Jenkins". The signature is stylized with a large, sweeping "P" and "J".

Peter T. Jenkins, Senior Counsel  
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<https://www.washingtonpost.com/news/energy-environment/wp/2018/06/04/national-park-service-chief-apologizes-for-behaving-in-an-inappropriate-manner/>.