

Washington Metropolitan Area Transit Authority  
**Board Action/Information Summary**

☒ Action ☐ Information

Document  
Number:  
210848

Resolution:  
☒ Yes ☐ No

**Presentation Name:**

Implementing Reforms to the Office of Inspector General

**Project Manager:**

Jennifer Ellison

**Project Department:**

Office of the Board Corporate Secretary

**Purpose/Key Highlights:**

Through the Infrastructure Investment and Jobs Act (IIJA), Congress re-emphasized the importance of a strong and independent Inspector General and required the Board to adopt certain reforms to the Office of Inspector General (OIG) as a condition of funding to WMATA.

In addition to previous Board actions, in this action the Board will adopt and direct staff to implement the measures set forth in Staff Notice 2014-12, dated March 24, 2024 and 2024-28, dated September 11, 2024, and amendments to Policy/Instruction (P/I) 13.4/4 implementing improved processes.

**Interested Parties:**

There are no Interested Parties in this action to amend WMATA policy.

**Background:**

In Resolution 2006-18, the Board of Directors established the Office of Inspector General (OIG) to conduct and supervise audits, program evaluations and investigations relating to Authority activities; promote efficiency, economy and effectiveness in Authority actions; and keep the Board of Directors fully informed of deficiencies in Authority activities, as well as the necessity for and progress of corrective actions. The Inspector General is an officer of the Authority, who reports to the Board and leads the OIG.

In 2021, Congress passed the Infrastructure Investment and Jobs Act (IIJA), that

recognized the importance of a strong and independent Inspector General and required the Board to adopt certain reforms to the OIG as a condition of funding for WMATA.

Subsequently, the Board adopted Resolutions 2021-46 and 2023-04, implementing the reforms to the OIG as set forth in Section 30019(c) of the IIJA, including the Inspector General's memorandum of December 16, 2022, describing procurement and human resource reforms for the OIG and amendments to Policy/Instruction (P/I) 13.4/3 *The Office of Inspector General*.

### **Discussion:**

The Inspector General has submitted two Staff Notices to the Board, signed by the Inspector General and the General Manager/Chief Executive Officer, that will improve the procurement and human capital processes. These are:

- Staff Notice 2014-12 - *Guidelines for Procurement and Human Capital Activities, Office of the Inspector General*, dated March 14, 2024; and
- Staff Notice 2024-28 - *Guidelines for the Submission of the Office of Inspector General's Budget for Approval by WMATA's Board of Directors*, dated September 11, 2024.

The Inspector General has also submitted revisions to P/I 13.4/4, *The Office of Inspector General*, implementing improved processes that will strengthen the OIG.

Additionally, the Board wishes to revise the terms of appointment for the Inspector General to ensure that the OIG has sufficient continuity to conduct its work. The current terms of appointment are for an initial three-year term, with automatic one-year extensions. The proposed action would change the term of an IG's reappointment from a one-year term to a three-year term.

### **Funding Impact:**

There is no funding impact associated with these reforms to WMATA policies.

### **Previous Actions:**

**April 2006** - Board establishes the Office of Inspector General pursuant to Resolution 2006-18

**December 2021** - In Resolution 2021-46, the Board adopts and directs staff to implement the reforms to the OIG set forth in Section 30019(c) of the IIJA

**November 2022** - In Resolution 2022-35, the Board amends the term of the Inspector General to a three-year appointment with automatic, successive one-year extensions

**January 2023** - In Resolution 2023-04, the Board adopts the memorandum and

policy changes proposed by the IG consistent with Section 30019(c) of the IIJA.

**Next Steps:**

Implement additional reforms to the OIG as needed or required by statute/policy.

**Recommendation:**

Approval to: implement reforms to the OIG and amend the term of appointment for the Inspector General.

**PRESENTED AND ADOPTED: September 26, 2024**

**SUBJECT: AMENDMENT OF INSPECTOR GENERAL TERM AND IMPLEMENTING REFORMS TO THE OFFICE OF INSPECTOR GENERAL**

**2024-26**

**RESOLUTION  
OF THE  
BOARD OF DIRECTORS  
OF THE  
WASHINGTON METROPLITAN AREA TRANSIT AUTHORITY**

WHEREAS, Pursuant to Resolution 2006-18, the Board of Directors established the Office of Inspector General to conduct and supervise audits, program evaluations and investigations relating to Authority activities; promote economy, efficiency, and effectiveness in Authority activities; and keep the Board of Directors fully and currently informed of deficiencies in Authority activities, as well as the necessity for, and progress of, corrective action; and

WHEREAS, The Inspector General is an Officer of the Authority, who reports to the Board of Directors and leads the Office of Inspector General; and

WHEREAS, Resolution 2022-35 provides that the Inspector General shall serve a term of three years, with automatic extensions for successive one-year terms unless within 60 days of the end of any term the Board notifies the Inspector General that his/her term will not be extended, unless terminated sooner; and

WHEREAS, To ensure that the Office of Inspector General has sufficient continuity to conduct its work, the Board desires to amend the Inspector General's term to three years and any reappointments shall be for three-year terms; and

WHEREAS, In Section 30019(c) of the Infrastructure Investment and Jobs Act of 2021 ("Infrastructure Act"), Congress recognized the importance of a strong and independent Office of Inspector General and required the Board to adopt certain reforms to the Office of Inspector General as a condition of funding for WMATA; and

WHEREAS, In Resolution 2021-46 and Resolution 2023-04, the Board adopted the reforms to the Office of Inspector General set forth in Section 30019(c) of the Infrastructure Act, including the Inspector General's memorandum of December 16, 2022, describing procurement and human resource reforms for the Office of Inspector General and amendments to Policy/Instruction 13.4/3, *The Office of Inspector General*, implementing those reforms; and

**Motioned by Mr. Smedberg, seconded by Dr. Hadden Loh**

**Ayes: 7- Ms. Worth, Mr. Smedberg, Mr. McAndrew, Ms. Kline, Dr. Hadden Loh, Mr. Letourneau and Ms. Martin-Proctor**

WHEREAS, The Inspector General has submitted to the Board two staff notices signed by the Inspector General and the General Manager and Chief Executive Officer that will improve the procurement and human capital processes (March 14, 2024, Staff Notice 2024-012, Guidelines for Procurement and Human Capital Activities of the Office of Inspector General, Attachment A), and the annual budget process (September 11, 2024, Staff Notice 2024-028, Guidelines for Submission of the Office of Inspector General's Budget for Approval by WMATA's Board of Directors, Attachment B) for the Office of Inspector General, and amendments to Policy/Instruction 13.4/4, *The Office of Inspector General*, implementing the improved processes (substantially in the form as shown in Attachment C), all of which will strengthen the Office of Inspector General;

NOW, THEREFORE, be it

*RESOLVED*, That the Board of Directors deletes in its entirety the second *RESOLVED* clause in Resolution 2022-35; and

*RESOLVED*, The Inspector General shall serve a term of three years and any reappointments shall be for three-year terms; and

*RESOLVED*, That the Board of Directors rescinds in its entirety Resolution 2023-04; and

*RESOLVED*, That the Board of Directors adopts, and directs staff to implement (a) the measures set forth in the March 24, 2024, Staff Notice 2024-012 (Attachment A) and the September 11, 2024, Staff Notice 2024-028 (Attachment B), and (b) the amendments to Policy/Instruction 13.4/4, *The Office of Inspector General*, implementing the improved processes (substantially in the form as shown in Attachment C); and

*RESOLVED*, That the March 24, 2024, Staff Notice 2024-012 and the September 11, 2024, Staff Notice 2024-028 shall supersede any other WMATA guidance or policy related to Office of Inspector General operations that is inconsistent with these Staff Notices; and be it finally

*RESOLVED*, That as this Resolution deals solely with internal management action, it shall be effective immediately.

Reviewed as to form and legal sufficiency,



Patricia Y. Lee  
Executive Vice President, Chief Legal Officer  
and General Counsel

WMATA File Structure No.:  
2.1 Board of Directors  
2.6 Executive Appointment and Compensation

# S T A F F N O T I C E

Date: March 14, 2024Number: 2024-012Subject: Guidelines for Procurement and Human Capital Activities of the Office of Inspector GeneralDistribution: All Staff in Procurement, Human Capital, and Audit & Compliance, and the Senior Management Team

Recognizing the unique independence requirements of the WMATA Office of Inspector General (OIG) as delineated in Section 30019 of the Infrastructure Investment and Jobs Act of 2021 (IIJA) and WMATA Board Resolution 2023-04, WMATA staff and OIG shall adhere to the following guidelines for OIG's Procurement and Human Capital activities. As set forth in the IIJA, the WMATA Inspector General will exercise decisional authority over the procurement and human capital activities of the OIG to ensure the continued independence of OIG operations, audits, evaluations, and investigations to the extent possible under the WMATA Compact and in accordance with applicable federal law or regulation and only as may be necessary to carrying out the duties of the OIG. This Staff Notice describes how WMATA and OIG will work together to implement the procurement and human capital reforms consistent with IIJA. The Inspector General shall be solely responsible for any of the OIG's procurement and human capital decisions for the OIG.

This Staff Notice does not supersede or take precedence over the oversight authority of the Inspector General by the WMATA Board of Directors.

## **OIG Procurement Guidelines**

The following guidelines will apply to OIG's Procurement activities:

1. The Inspector General is the final approving authority for OIG-initiated procurements, including sole source procurements and ratifications.
2. OIG staff are responsible for generating and submitting in PeopleSoft CLM, or any successor system, a properly prepared procurement package, to include a fully documented requisition, independent cost estimate, scope of work/specifications, determination & findings, and including any applicable clearances and approvals required to initiate any procurements.
3. To facilitate OIG's procurement activities, the Chief Procurement Officer (CPRO) will assign to OIG a dedicated Contracting Officer (CO) who will support the OIG procurement activities consistent with this Staff Notice.
4. In consultation with the OIG, the CO or its representative will conduct OIG initiated solicitations consistent with the WMATA Office of Procurement and Materials Best Practices Manual (BPM).



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5. Notwithstanding any language to the contrary in the BPM, OIG will retain decisional authority over the following:
  - a. OIG staff will select the Technical Evaluation Team (TET) members.
  - b. OIG will review the TET team's analysis and make final recommendations to the Inspector General.
  - c. OIG will perform any Cost/Price Analysis to ensure reasonable prices are paid for goods and services.
  - d. OIG's budget staff will approve all budget requests for procurements to be funded from OIG's budget.
6. The CO or its representative will include OIG in all communications throughout the procurement life cycle of OIG procurements.

**OIG Human Capital Guidelines**

The following guidelines will apply to OIG's Human Capital activities:

1. OIG staff will initiate and enter/input all human capital actions impacting OIG personnel through WMATA's human capital management system.
2. The Chief People Officer (CPO) will assign a human capital subject matter expert to assist OIG in furthering its human capital needs and helping to move OIG personnel actions through WMATA human capital systems. The CPO's representative will support OIG human capital activities consistent with this Staff Notice.
3. OIG staff, working with and through WMATA's Human Capital staff, will conduct human capital activities in accordance with WMATA's policies and procedures.
4. OIG staff will be responsible for initiating and completing, and the Inspector General will have sole decisional authority for, the following personnel actions:
  - a. Hiring, recruitment, and separation from employment
  - b. Job offers
  - c. Background checks and suitability assessments
  - d. Acting assignments, appointments, and promotions
  - e. Compensation, pay increases and awards
  - f. Training, professional development, and succession planning



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- g. Performance appraisals
  - h. Leave
  - i. Alternative work schedules, telework, and compensatory time
  - j. Job description and grades
  - k. Records management
- 5. OIG staff will be responsible for budget approval for all OIG human capital activities.
  - 6. The CPO or its representative will include OIG in all communications involving OIG personnel and human capital activities.
  - 7. OIG personnel and human capital activities shall comply with Title VII of the Civil Rights Act of 1964, as amended, and applicable regulations of the U.S. Equal Employment Opportunity Commission. To that end, the WMATA Office of Equal Employment Opportunity (OEEO) will continue to review and provide recommendations on OIG personnel and human capital activities.

Thank you for your attention to this matter.

Randy Clarke



Randy Clarke  
General Manager and Chief Executive Officer

Kevin  
Muhlendorf



Kevin B. Muhlendorf  
Acting Inspector General

## ATTACHMENT B

# S T A F F N O T I C E



Date: September 11, 2024 Number: 2024-028

Subject: Guidelines for Submission of the Office of Inspector General's Budget for Approval by WMATA's Board of Directors

Distribution: All WMATA Employees

Recognizing the independence requirements of the WMATA Office of Inspector General (OIG), as delineated in Section 30019 of the Infrastructure Investment and Jobs Act of 2021 (IIJA) and WMATA Board Resolution 2023-04, WMATA staff and OIG shall adhere to the following guidelines identified below for submission of the yearly OIG Budget to the WMATA Board of Directors for its review and approval.

As outlined in the IIJA, each year the WMATA Inspector General shall transmit a budget estimate and request to the WMATA Board of Directors specifying the aggregate amount of funds requested for OIG operations during the following fiscal year. This Staff Notice describes how WMATA and OIG will work together to implement the yearly OIG budget requirements within the IIJA. This Staff Notice will also supersede any other WMATA guidance related to the OIG budget process.

This Staff Notice does not change or modify the oversight authority of the WMATA Board of Directors over OIG.

### **OIG Budget Process Guidelines**

The following guidelines will apply to OIG budget activities:

1. The Inspector General shall have final authority over all OIG budget management decisions, including determination of proper expenses, budget estimates, allocations, and submissions, including final determination of the overall proposed yearly OIG budget submitted to WMATA's Board of Directors.
2. The OIG staff, in coordination with WMATA's Management and Budget staff, will follow WMATA's yearly budget process and meet its deadlines and submission requirements to achieve the requirements of that process.
3. To facilitate OIG's budget activities, the Chief Financial Officer (CFO) will designate a budget process subject matter expert familiar with this Staff Notice and the IIJA's OIG budget independence requirements, which will assist OIG through the budget process.
4. WMATA, on behalf of OIG, will continue to incorporate and submit OIG's

fiscal year budget estimates and justification narrative for WMATA Board of Directors approval as part of WMATA's overall proposed fiscal year budget.

5. WMATA will not make any changes to OIG's fiscal year budget estimates to be submitted to the WMATA Board of Directors without prior consultation and approval in writing from OIG.
6. The CFO or its representatives will include OIG in all OIG budget communications throughout the budget process.

Thank you for your attention to this matter.



Randy Clarke  
General Manager and Chief Executive Officer

Digitally signed by  
Michelle A. Zamarin  
Date: 2024.09.11  
09:28:39 -0400

Michelle A. Zamarin  
Inspector General



**POLICY/INSTRUCTION:**  
**13.4/5**

**The Office of the Inspector General**

**SUPERSEDES P/I: 13.4/4**

**Applicable To: All Metro Officials, Employees,  
Consultants and Contractors**

## **1.00 PURPOSE**

- 1.1 This Policy/Instruction (P/I) supports the Office of Inspector General (OIG) in carrying out its responsibilities under section 9(d) of the Washington Metropolitan Area Transit Authority (WMATA, also named "Metro") Compact (known as WMATA Compact) and Board Resolution 2006-18, *Establish an Office of Inspector General* to:
- (a) conduct and supervise audits, program evaluations and investigations;
  - (b) promote economy, efficiency and effectiveness;
  - (c) prevent and detect fraud, waste and abuse; and
  - (d) keep the Board of Directors fully and currently informed about deficiencies in Metro activities as well as the necessity for and progress of corrective actions.
- 1.2 This P/I also implements the Board's directive in Resolution 2006-18 that the OIG shall have access to all Metro records and the full cooperation of staff when necessary for performing the functions and responsibilities of the OIG, as well as Board Resolution 2023-04, *Implementing Reforms to Office of Inspector General*.
- 1.3 In accordance with the WMATA Compact, including but not limited to sections 12 and 73, this P/I also implements Staff Notice 2024-012, dealing with OIG procurement and human capital activities, as well as Staff Notice 2024-028, dealing with OIG's yearly budget.

## **2.00 SCOPE**

- 2.1 This P/I applies to all Metro officials, employees, programs, and operations.
- 2.2 The requirements of this P/I also apply to consultants and contractors and are incorporated through contract provisions as described in section 4.03.

## **3.00 DEFINITIONS**

- 3.1 **Attestation** - audit engagements requested by contracting officers to determine if contractor price and billing information is current, accurate, and complete.
- 3.2 **Cooperate or Cooperation** - to respond to requests from the OIG in an accurate, complete and timely manner; this includes, but is not limited to, making oneself available for telephone or in-person interviews, giving truthful statements, and producing documents and records.
- 3.3 **Criminal Conduct** - conduct that is prohibited by federal, state or local criminal law or ordinances (e.g., theft, fraud, bribery, and conspiring to commit a crime).

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- 3.4 **Document or Record** - for purposes of this P/I, original and non-identical copies of any written, typed, printed, photocopied, photographic, video or tape recorded matter of any kind, no matter how produced, recorded, stored, or reproduced (e.g., all correspondence, electronic devices, recordable media, transcriptions (by mechanical device or by other means), lists, bulletins, calendars, desk pads, ledgers, diaries, financial documents, and all other written and/or graphic materials, writings and instruments however produced or reproduced). Electronic documents wherever stored or archived are also included.
- 3.5 **Management Issues** - matters that generally fall outside the purview of the OIG under Board Resolution 2006-18 or may be technically within the purview of the OIG but are ordinarily handled by supervisors or other Metro offices. Examples include, but are not limited to:
- (a) matters for which there are other established procedures for seeking redress (e.g., civil rights complaints, violence in the workplace, and challenges to personnel or disciplinary actions (other than personnel or disciplinary actions prohibited by this P/I));
  - (b) general complaints about employee or office morale;
  - (c) individual attendance issues (e.g., tardiness, misuse of leave or absence without leave (but not including misrepresenting or falsifying leave and attendance records));
  - (d) violations of Metro's policies regarding use of alcohol or drugs; and
  - (e) insubordination.

**4.00 RESPONSIBILITY****4.1 The OIG is an independent and objective unit that:**

- (a) enjoys the greatest possible independence and freedom from interference, consistent with the WMATA Compact, including initiating, carrying out, and completing any audit or investigation and issuing any subpoena in the course of an audit or investigation;
- (b) conducts and supervises audits, program evaluations, and investigations relating to Metro activities:
  - (1) Audits examine the performance of Metro programs and operations and of responsible Metro offices and contractors in carrying out their respective responsibilities and are intended to provide independent assessments of Metro's programs and operations.
  - (2) Investigations by OIG may address circumstances that could constitute federal, state, or local crimes relating to Metro activities, and other wrongdoing or misconduct of a civil or administrative nature, consistent with the provisions of this P/I, including allegations of fraud, waste, or abuse relating to Metro programs or operations. OIG may investigate conduct by Metro employees, consultants, or contractors relating to Metro activities as well as actions by individuals or entities outside Metro but relating

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to Metro programs, operations or activities. These investigations can lead to criminal prosecution, civil penalties, disciplinary action, and/or administrative action.

- (3) When OIG opens an investigation, OIG is responsible for all investigative activity within Metro relating to the OIG investigation, including the supervision, consistent with WMATA Compact section 9(d), of any investigative activity undertaken by other Metro departments or offices in connection with the OIG investigation, and for coordinating as appropriate with law enforcement or other agencies outside Metro.

- (c) performs audits with OIG resources or oversees audit work done by outside audit firms;
- (d) promotes economy, efficiency, and effectiveness by providing independent, objective oversight and issuing reports and recommendations relating to Metro activities;
- (e) detects and prevents fraud, waste and abuse in Metro activities by conducting and supervising independent, objective audits and investigations;
- (f) investigates complaints or refers complaints to management, the OIG audit component for audit consideration, or another agency as appropriate;
- (g) performs attestations either through contract or with own staff;
- (h) oversees mandatory financial statement audits;
- (i) keeps the Board of Directors fully and currently informed about deficiencies in Metro's activities as well as the necessity for and progress of corrective action; and
- (j) provides advice to the Board of Directors and the General Manager and Chief Executive Officer (GM/CEO) to assist in achieving the highest levels of program and operational performance in Metro.

**4.2 All Metro employees, consultants and contractors must:**

- (a) cooperate fully with the OIG and comply with all OIG requests for information, documents, and records necessary in the performance of OIG's functions and responsibilities;
- (b) report information indicating potential criminal conduct, fraud, waste, abuse, or other wrongdoing relating to Metro activities to the OIG at the earliest possible opportunity either in person, in writing (through the internal Metro mail system or external United States Postal Service (USPS)), or through the OIG Hotline 1-888-234-2374 and/or [hotline@wmataoig.gov](mailto:hotline@wmataoig.gov);
- (c) not report any information or allegation they know to be false or with willful or reckless disregard for the truth or falsity of the information/allegation to the OIG; and

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- (d) except as provided herein, report information about management issues to supervisors and managers. Employees may report such matters to the OIG either in addition to reporting them to management or without reporting them to management where the employee:

- (1) fears reprisal;
- (2) has reported the matter but believes the matter has not been adequately resolved or addressed;
- (3) has a reasonable basis to believe the procedure used to address the matter is flawed or inadequate; or
- (4) has another reasonable basis to do so.

The OIG may exercise its discretion to refer management issues to the appropriate supervisor or manager.

4.3 The Senior Vice President and Chief Procurement & Materials Officer must:

- (a) ensure that the appropriate requirements of this P/I are included in Metro contracts, and that contracting officers take appropriate action to that end;
- (b) take appropriate steps to require that consultants and contractors over whom contracting officers and their agents, e.g., Contracting Officer's Technical Representatives (COTR's), have oversight also cooperate fully with the OIG; and
- (c) ensure appropriate steps are taken to require consultants and contractors to comply with this P/I.

4.4 Managers and Supervisors must:

- (a) not subject any Metro employee to, or threaten any Metro employee with, any form of retribution, reprisal, or retaliation as a result of:
  - (1) reporting or providing, or stating an intention to report or provide information to the OIG;
  - (2) cooperating with the OIG; or
  - (3) complying with an OIG request for information or documents or records.

Generally, management issues are the responsibility of Metro supervisors and managers to address and resolve with the assistance of other Metro offices as applicable, and not that of the OIG.

- (b) ensure that all subordinate employees cooperate fully with the OIG and comply with all OIG requests for information, documents or records necessary in the performance of OIG's functions and responsibilities.

4.5 Procurement Staff must:

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Consultants and Contractors**

Follow the requirements outlined in Staff Notice 2024-012, which defines procedures for WMATA staff and OIG to follow when carrying out OIG procurement activities. As set forth in the Infrastructure Investment and Jobs Act of 2021 (IIJA), the WMATA Inspector General will exercise decisional authority over the OIG's procurement activities to ensure the continued independence of OIG operations.

**4.6 Human Capital Staff must:**

Follow the requirements outlined in Staff Notice 2024-012, which defines procedures for WMATA staff and OIG to follow when carrying out OIG human capital activities. As set forth in IIJA, the WMATA Inspector General will exercise decisional authority over the OIG's human capital activities to ensure the continued independence of OIG operations.

**4.7 Finance Staff must:**

Follow the requirements outlined in Staff Notice 2024-028, which defines procedures for WMATA staff and OIG to follow for submitting the yearly OIG budget to the WMATA Board of Directors for review and approval. As set forth in IIJA, the WMATA Inspector General shall transmit a budget estimate request to the WMATA Board of Directors specifying the aggregate amount of funds requested for OIG operation during the following fiscal year.

**5.00 POLICIES AND PROCEDURES****5.1 Cooperation with the OIG:**

- (a) Metro must consider the failure of any Metro employee to cooperate with the OIG in the performance of the OIG's functions and responsibilities to be grounds for disciplinary action and up to including termination.
- (b) Authorized representatives of the OIG may solicit both voluntary and compelled statements from employees. When an OIG representative informs an employee that a statement is voluntary, a refusal to provide a statement or answer questions will not be considered a failure to cooperate or grounds for disciplinary action. All voluntary statements and answers given by any Metro employee to the OIG may be used in any criminal, civil or administrative proceedings, including disciplinary proceedings, against the employee. When an OIG representative informs an employee that a statement is compelled, the employee must provide the statement or answer questions put to the employee, and failure to do so or to respond fully and truthfully may be grounds for disciplinary action against the employee, including termination. Compelled statements and answers may be used in civil and administrative proceedings, including disciplinary proceedings that could result in disciplinary action against the employee, including termination. Compelled statements and answers may not be used against the employee in any criminal proceedings, except that if the employee knowingly and willfully provides false statements or information, the employee may be subject to criminal prosecution for that action in a court of competent jurisdiction.

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- (c) It is the policy of Metro (consistent with the directive of Board Resolution 2006-18) that the OIG must have access to all Metro data, records and systems. Any information that is protected by any privilege or restriction on distribution (for example, the attorney-client privilege, the deliberative process privilege, privacy protections, or law enforcement sensitive information) remains subject to such privilege or restriction when provided to the OIG. The existence of such privilege or restriction is not a basis for withholding such information from OIG, unless the document, record, or other information is required (expressly or in effect) to be withheld from OIG by applicable law, regulation, court order, court rule or similar court mandate or instruction, or by a promise of confidentiality made by Metro to another party in a settlement agreement or pursuant to settlement discussions, as determined by the Metro General Counsel in accordance with subsection 5.01 (e). Whenever any employee, office or department discloses, provides, or transfers any record, document, or information to the OIG, such actions shall not constitute or otherwise be construed as a waiver of any privilege or exemption that otherwise could be asserted by Metro to prevent disclosure to the general public or in a judicial or administrative proceeding.
- (d) Additionally, all Metro officials, employees, consultants, and contractors must cooperate fully with the OIG and report information about fraud, waste, abuse, criminal conduct, and other misconduct or wrongdoing relating to Metro activities to the OIG.
- (e) In the event of a dispute over providing any information to the OIG, the Metro General Counsel shall determine whether the document, record, or other information is required to be withheld from OIG by applicable law, regulation, court order, court rule or similar court mandate or instruction, or by a promise of confidentiality made by Metro to another party in a settlement agreement or pursuant to settlement discussions, and shall deny or grant the request accordingly. To the extent applicable, the Metro General Counsel shall use reasonable efforts to contact the court or government agency requiring the withholding from OIG, or the other party to the promise of confidentiality, to obtain consent to provide the subject document, record, or other information to the OIG. The OIG and the Metro General Counsel shall also endeavor to address the matter cooperatively in a manner that resolves OIG's need for the document, record or other information consistently with all of Metro's legal obligations. Nothing in this policy shall require the Metro General Counsel to violate his/her ethical obligations as a member of the legal bar or his/her fiduciary obligations to Metro.
- (f) If OIG disagrees with the Metro General Counsel's decision in a dispute over providing any information to the OIG, the Inspector General may enforce its right to documents or information pursuant to the WMATA Compact, Board policy, or other applicable law, regulation, court order, court rule or similar court mandate or instruction.
- (g) The OIG will bring facts reflecting an employee's failure to cooperate to the attention of the employee's supervisor and any other appropriate Metro official and may make recommendations to supervisors and management officials to consider appropriate disciplinary action.

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Consultants and Contractors****5.2 Prohibition Against Reprisal:**

- (a) Metro employees may raise as a defense to any disciplinary action or administrative proceeding against them, the claim that such action or proceeding was motivated by the employee having provided information or stated an intention to provide information to the OIG or having cooperated with the OIG or otherwise acted consistently with this P/I. Metro employees may also challenge other administrative action by Metro on the same grounds.
- (b) No Metro employee may:
- (1) direct or threaten to direct another Metro employee, consultant, or contractor to refrain from providing information or assistance to the OIG, either upon request or on their own initiative; or
  - (2) threaten another employee with, or subject such employee to any form of retribution, reprisal, or retaliation as a result of reporting, providing, or stating an intention to report or provide information to the OIG.

5.3 Metro employees, consultants or contractors may report information and allegations to the OIG in person, in writing (through either the internal Metro mail system or external USPS), or through the OIG Hotline 1-888-234-2374 and/or [hotline@wmataoig.gov](mailto:hotline@wmataoig.gov).

5.4 Persons reporting information to the OIG may do so anonymously or request that their identities be treated as confidential by the OIG. The OIG will ensure that the person's identity will be held confidential upon request by the reporting person, unless the Inspector General determines that disclosure of the person's identity is unavoidable during the course of an investigation. Persons making reports to the OIG should understand and consider that the OIG is far better able to effectively investigate if it knows the identity of the person making the report and can obtain necessary additional information from the person reporting.

**5.5 Criminal Conduct:**

When an OIG investigation finds evidence of criminal conduct, OIG in its discretion may notify the Metro Transit Police Department and may request the cooperation and assistance of the Metro Transit Police Department in OIG's conduct of the investigation.

**5.6 Attestation Reports:**

Because attestation reports generally involve contractor proprietary information, the reports are not posted on the OIG website and are not publicly distributed.

**6.00 ENFORCEMENT**

The OIG works with Metro management to carry out OIG's roles and responsibilities as outlined in the WMATA Compact and Board Resolutions 2006-18, 2021-46 and 2024-26. Failure to adhere to this P/I,

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**POLICY/INSTRUCTION:  
13.4/5****The Office of the Inspector General****SUPERSEDES P/I: 13.4/4****Applicable To: All Metro Officials, Employees,  
Consultants and Contractors**

including but not limited to failing to cooperate with the OIG in the performance of the OIG's functions and responsibilities, may result in discipline, up to and including termination.

**7.00 EXCEPTIONS**N/A**RELATED POLICIES, REGULATIONS & RESOLUTIONS**

- 7.1 P/I 7.8.1, Whistleblower Rights & Responsibilities
- 7.2 P/I 8.1, Delegation of Contracting Officer Authority
- 1.1 P/I 15.4, Network Infrastructure Policy
- 7.3 P/I 15.28, Cybersecurity Policy
- 7.4 Cybersecurity Policy Manual, dated 08/09/2022
- 7.5 Board Resolution 2006-18, Establish an Office of Inspector General
- 7.6 Board Resolution 2021-46, Reforms to Office of Inspector General
- 7.7 Board Resolution 2024-26, Amendment of Inspector General Term and Implementing Reforms to the Office of Inspector General
- 7.8 WMATA Compact, Section 9(d)

**8.00 LIST OF APPENDICES, ATTACHMENTS OR FORMS**

- 8.1 WMATA Staff Notice 2024-012, Guidelines for Procurement and Human Capital Activities of the Office of Inspector General
- 8.2 WMATA Staff Notice 2024-028, Guidelines for Submission of the Office of Inspector General's Budget for Approval by WMATA's Board of Directors

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