

Washington Metropolitan Area Transit Authority

Board Action/Information Summary

☒ Action ☐ Information

MEAD Number:
202349

Resolution:
☐ Yes ☒ No

TITLE:

Acceptance of OIG's Reports

PRESENTATION SUMMARY:

~Semiannual Report to the Board of Directors, No. 29 - The Inspector General's Semiannual Report to the Board of Directors, No. 29 summarizes the activities and accomplishments of the Office of Inspector General (OIG) during the six-month period ending December 31, 2021.

~Management Assistance Report - Pension Plan Overpayments (MAR-22-0001) OIG initiated a review of WMATA's five retirement pension plans to determine whether improper payments were continuing after annuitants had died.

PURPOSE:

The Executive Committee's acceptance of OIG's reports entitled:

Semiannual Report to the Board of Directors, No. 29
Management Assistance Report - Pension Plan Overpayments (MAR-22-0001)

DESCRIPTION:

N/A

Key Highlights:

Semiannual Report to the Board of Directors, No. 29

During this reporting period, OIG investigative work resulted in three Reports of Investigation, one Management Alert, and two Special Project Reports. OIG audit work resulted in issuing 23 audit reports. We continue to focus our efforts on procurement fraud by conducting contract audits and during this period we issued numerous contract audit reports and one Buy America Act audit report, identifying \$13.1 million in possible savings which WMATA desperately needs during this time of financial uncertainty. As part of our dedication to the Federal Transit Administration's (FTA) Buy America requirements, we sent an audit team to the Andrews Federal Center bus garage to inspect and ensure this mandate was followed. The audit report showed the manufacturer was in compliance with FTA regulations.

Management Assistance Report - Pension Plan Overpayments (MAR-22-0001)

OIG initiated a review of WMATA's five retirement pension plans to determine whether improper payments were continuing after annuitants had died. The five pension plans are funded by payroll contributions from plan participants and by WMATA Compensation and Benefits Office (CBO). As a result of our review, eight accounts from the Local 689 pension plan were identified as active accounts, when in fact the annuitant was deceased. Those eight active accounts should have been closed. CBO subsequently closed these accounts, and payments were discontinued in 2019. Since February 2021, Local 689 legal counsel, through correspondence with the surviving family members, has engaged in reclamation efforts for the improper payments to individuals from these accounts in the amount of \$440,219. The results of the review indicated that WMATA did not have an internal mechanism in place to confirm continued eligibility of annuitants on an annual or recurring basis, or a method to ensure accuracy of the data within the active annuitant records. In addition, CBO does not maintain up to date annuitant records because it relies on an outside source, the annuitant fiduciary institutions (FI), to provide that data to CBO. Currently, CBO only tracks annuitants on Excel spreadsheets and not through an internal centralized electronic database.

Background and History:

Semiannual Report to the Board of Directors, No. 29

Board Resolution 2006-18 requires the Inspector General to make a report periodically to a committee of the Board designated by the Board as the committee may require, and semi-annually to the Board of Directors.

Management Assistance Report - Pension Plan Overpayments (MAR-22-0001)

OIG initiated a review of WMATA's five retirement pension plans to determine if improper payments were continuing after an annuitant had died. During this review, OIG could not substantiate criminal intent on behalf of the surviving family members. The improper annuity payments were stopped, and the accounts closed. The Local 689 pension plan's legal counsel is pursuing reclamation of the monies from the annuitant's survivors. However, due to the seriousness of the OIG findings regarding lax internal controls to mitigate erroneous payments, the OIG promptly issued a Management Assistance Report to advise and make recommendations for corrective actions to management.

Discussion:

Semiannual Report to the Board of Directors, No. 29

The work highlighted in this report demonstrates OIG's commitment to promoting accountability, efficiency and effectiveness in WMATA's programs and operations and keeping the Board of Directors fully and currently informed

about deficiencies in WMATA's activities, as well as the necessity for and progress of corrective actions.

Management Assistance Report - Pension Plan Overpayments (MAR-22-0001)

OIG recommends the General Manager/Chief Executive Officer take the following actions to address the issues identified above and apply these controls to the other pension funds to mitigate erroneous payment contributions made by WMATA for all pension funds:

1. Establish a centralized automated database that will serve as a single source of truth to track retiree data and benefits for all stakeholders that manage aspects of retiree benefits, i.e. CBO, Accounting and MTPD.
2. Establish written policies and procedures for all WMATA stakeholders to enhance collaboration and consistent process in managing the various aspects of retiree benefits including validating WMATA's contribution payments to the union for pensions and validating the badging and credentialing for authorized retirees
3. Formalize an agreement between WMATA and SSA to obtain SSA quarterly Death Index which allow for quarterly matching to validate WMATA records of retirees.
4. Establish formal sharing agreements with the union pension trustees to obtain retiree data on a regular basis to allow for matching against WMATA, FI, and SSA data as part of an ongoing data validation process
5. Establish an annual certification process to validate active annuitant records and identify deceased or inactive retiree accounts.
6. Establish a process to certify the accuracy of annuitant data to be used by WMATA's Office of Accounting to mitigate erroneous payment contributions to union pension funds.

Management agreed to take corrective actions for all 6 recommendations. However, it was noted that corrective action to address Recommendation 1, establish a centralized automated database, will be completed by June 2024.

FUNDING IMPACT:

Funding impact cannot be determined at this time because there is no process to validate pension payment contributions to the union pension fund.

TIMELINE:

Anticipated actions after presentation: Executive Committee's acceptance of these reports.

RECOMMENDATION:

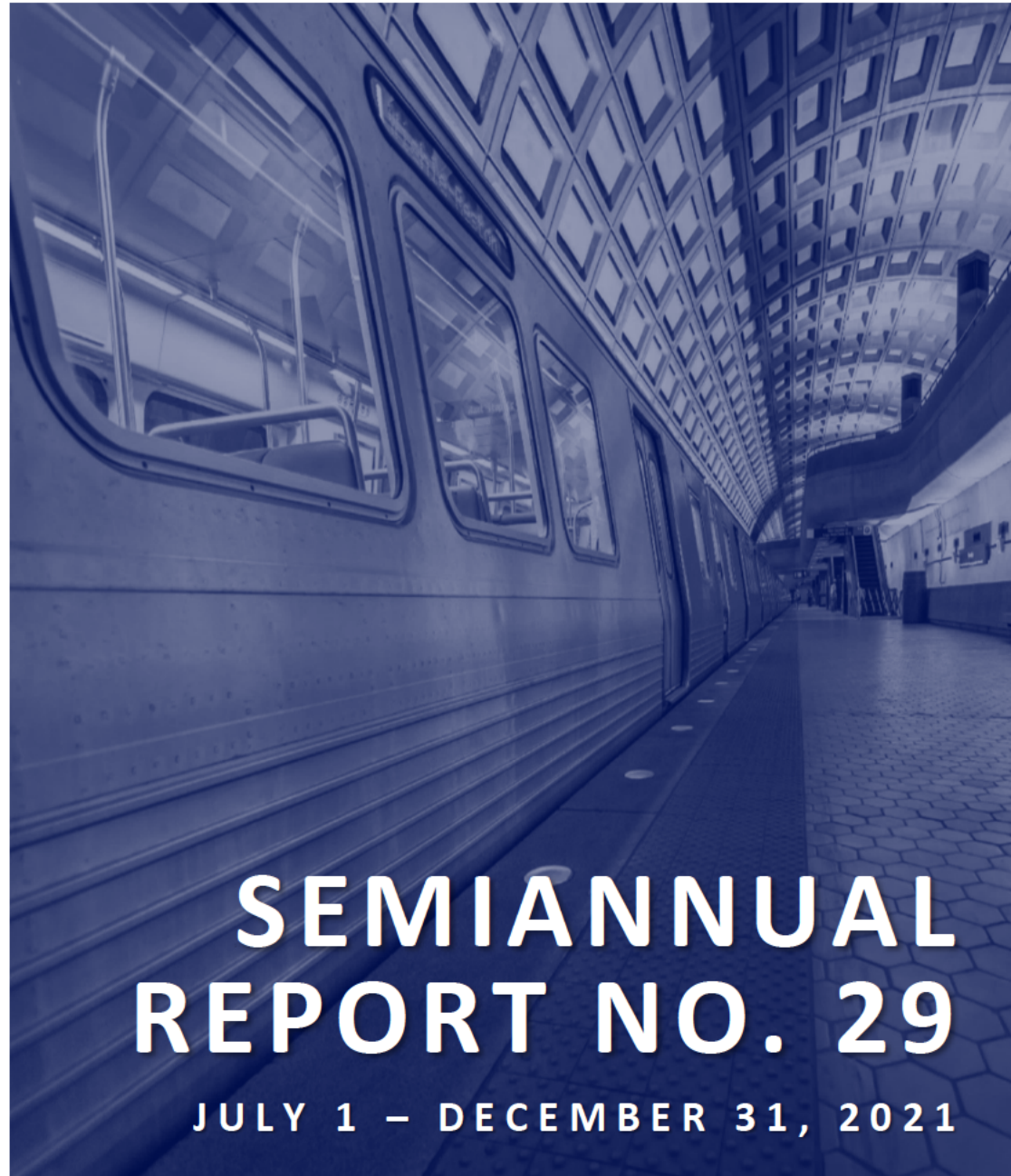
Executive Committee accepts OIG's reports.

Acceptance of the final reports constitutes the Board's authorization to post the reports on the WMATA OIG website provided the Inspector General has conferred with the General Counsel and confirmed that any private or confidential information has been redacted in accordance with applicable law and WMATA policy.



OFFICE OF INSPECTOR GENERAL

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY



SEMIANNUAL REPORT NO. 29

JULY 1 – DECEMBER 31, 2021



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DEPUTY INSPECTOR GENERAL'S MESSAGE TO THE BOARD

I am pleased to present the 29th Semiannual Report (SAR) to the Washington Metropolitan Area Transit Authority (WMATA) Board of Directors, which covers significant achievements of the WMATA Office of Inspector General (OIG) for the six-month period from July 1, 2021 to December 31, 2021.

During this period, OIG has worked with stakeholders to execute its mission of promoting the economy, efficiency, and effectiveness of WMATA's operations and combating fraud, waste, abuse, crimes, and other serious misconduct as our work shifted from remote to on-site and back again several times. I acknowledge the professionalism and flexibility of all OIG personnel who leaned in during these challenging times to conduct the OIG mission.

During this SAR period, the COVID pandemic affected WMATA's operations as they continued to have significant challenges, such as reduced ridership and impact on the WMATA workforce while the safety of the public and staff remained a top priority.

In November 2021, the Infrastructure Investment and Jobs Act became law providing continued support to WMATA as well as OIG. The provisions of this law reaffirm Congress' commitment to a strong and independent OIG within WMATA. The law also places significant new reporting responsibilities on OIG, including requirements to assess WMATA's effectiveness in its use of funds for major capital improvement projects, its compliance with strategic plan deadlines, and its compliance with certain reforms adopted by Virginia, Maryland, and the District of Columbia on their provision of funds to WMATA.

During the six months covered by this report, OIG investigative work resulted in three Reports of Investigation, one Management Alert, and two Special Project Reports. OIG audit work resulted in issuing 23 audit reports. We continued to focus our efforts on procurement fraud by issuing numerous contract audit reports and one Buy America Act audit report, and identifying \$13.1 million in possible savings that WMATA desperately needs during this time of financial uncertainty. As part of our compliance oversight of the Federal Transit Administration's (FTA) Buy America requirements, we sent an audit team to the Andrews Federal Center bus garage to inspect and ensure this mandate was followed. The audit report showed the manufacturer was in compliance with FTA regulations.

We continued to protect the interests of riders, taxpayers, and other stakeholders through our robust investigative efforts and those of our partner law enforcement agencies with which we cooperate. OIG Special Agents collaboratively conduct investigations with the assistance of many state and local agencies,

including United States Attorney Offices, the Federal Bureau of Investigation, and local States Attorney offices. These collaborative efforts enhance OIG's ability to conduct thorough criminal, civil and administrative investigations. For example, OIG was alerted to questionable actions related to the integrity of the procurement of a federally funded contract. OIG issued a Management Alert, which ultimately resulted in the termination of the procurement.

OIG strives to maintain the highest possible standards of professionalism and quality in investigations, evaluations, inspections, and audits. I would like to commend our dedicated and professional staff for their diligence and commitment to the mission of this office. I would like to thank WMATA management and its staff for implementing recommended corrective actions in a timely manner. Finally, I would like to thank the Board of Directors for its continued support.



Rene Febles

Deputy Inspector General for
Investigations and Special Projects

OVERVIEW OF OIG

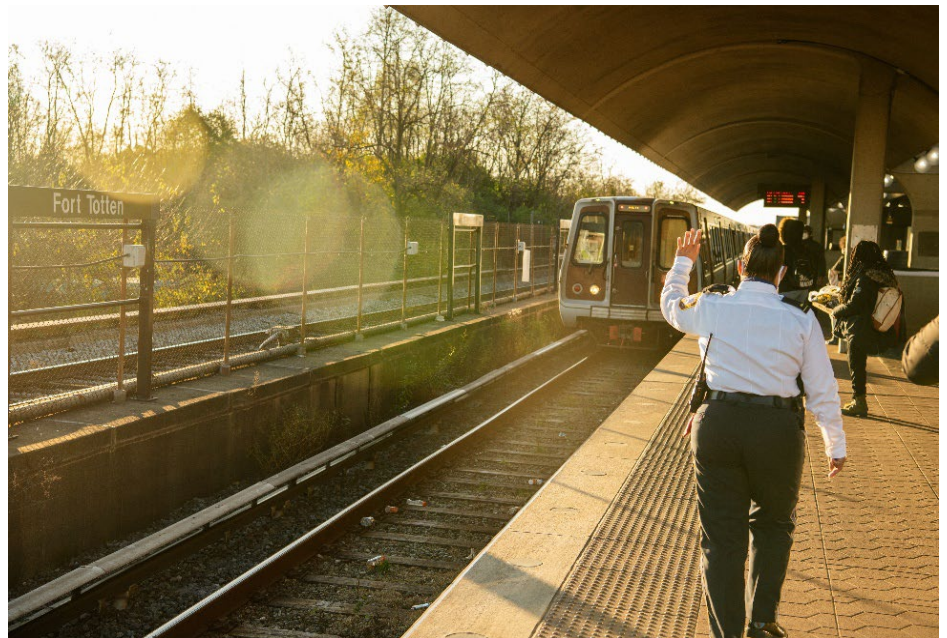
BACKGROUND

The Board of Directors established OIG by Resolution 2006-18, approved April 20, 2006. On August 19, 2009, the WMATA Compact was amended to codify OIG by statute and to make the Inspector General an officer of WMATA. The Inspector General reports to the Board.

MISSION STATEMENT

Under the WMATA Compact, OIG is “an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.” We provide advice to the Board and General Manager/Chief Executive Officer (GM/CEO) to assist in achieving the highest levels of program and operational performance at WMATA.

**Promoting
economy,
efficiency,
and
effectiveness
in Authority
activities**



OUR CORE VALUES

Excellence

We are committed to excellence in our people, our processes, our products, our impact, and in the performance of our mission.

- We value a diverse, educated, and highly trained workforce that reflects independence, initiative, and mutual respect.
- We value operating within an objective code of standards yet remain open to innovation.
- We support WMATA's mission to provide safe, equitable, reliable, and cost-effective public transit.

Accountability

We insist on high standards of professional conduct from OIG employees at all levels and compliance with professional standards to ensure the Board and management can rely on our products.

- We have confidence in the accuracy of our work and that our results hold up to professional scrutiny.
- We encourage an environment of risk-free communication and promote an open, honest, and respectful exchange of ideas and information.

Integrity

We strive to maintain the highest level of trust and integrity in all of our activities, and the approach we take in accomplishing our mission must reflect fairness, balance, and credibility.

- The personal and professional qualities of our employees include honesty, respect for others, and freedom from bias.
- We value and protect our access to information recognizing that reputations, public confidence, and lives can be affected by our actions.



OFFICE OF INVESTIGATIONS & SPECIAL PROJECTS

OIG is comprised of two offices - Investigations and Special Projects (OI) and Audits and Evaluations (OA).

OI focuses on three areas: Investigations, Special Projects, and Cybersecurity/Data Analytics. OI is comprised of staff who have extensive law enforcement experience at the local, state, and federal levels. Collectively, its staff has more than 300 years of law enforcement experience in conducting fraud, financial, administrative, police misconduct, and myriad economic and general crime investigations. Many of the staff have served in executive level positions where they managed a variety of investigations, both domestic and international. They have received extensive training in law enforcement investigative techniques from the Federal Law Enforcement Training Center, Military Criminal Investigative Academies, the Federal Bureau of Investigation, the Internal Revenue Service, as well as local police academies and private institutions. All of them have college degrees; several have Master and Juris Doctor degrees. Many staff members are Certified Fraud Examiners.

Investigations

OI conducts criminal, civil, and administrative investigations relating to WMATA activities, programs, and operations. Investigations can lead to criminal prosecution, civil penalties, disciplinary action, and/or administrative action. OI also manages the OIG Hotline, including the intake of complaints and determining the appropriate handling of those complaints. Complaints may be investigated by OI or referred to Management, to OA for audit consideration, or to another agency, as appropriate. OI also aggressively pursues proactive investigations through data analysis, recruiting confidential informants, and mining financial information to detect evidence of wrongdoing. OI reports to the WMATA Board of Directors on a regular basis regarding these activities.

OI also investigates Whistleblower retaliation complaints. OI makes quarterly reports to the Board regarding Whistleblower complaints and outcomes or litigation that relate to any protected activity or prohibited personnel practices.

Special Projects

Special Projects provides a range of specialized services and products, including quick reaction reviews, onsite inspections, and in-depth evaluations of a major departmental function, activity, or program.

These products include:

- Factual and analytical information;
- Monitoring compliance;
- Measuring performance;
- Assessing the effectiveness and efficiency of programs and operations;
- Sharing best practices; and
- Inquiring into allegations of fraud, waste, abuse, and mismanagement.

Cybercrimes and Data Analytics

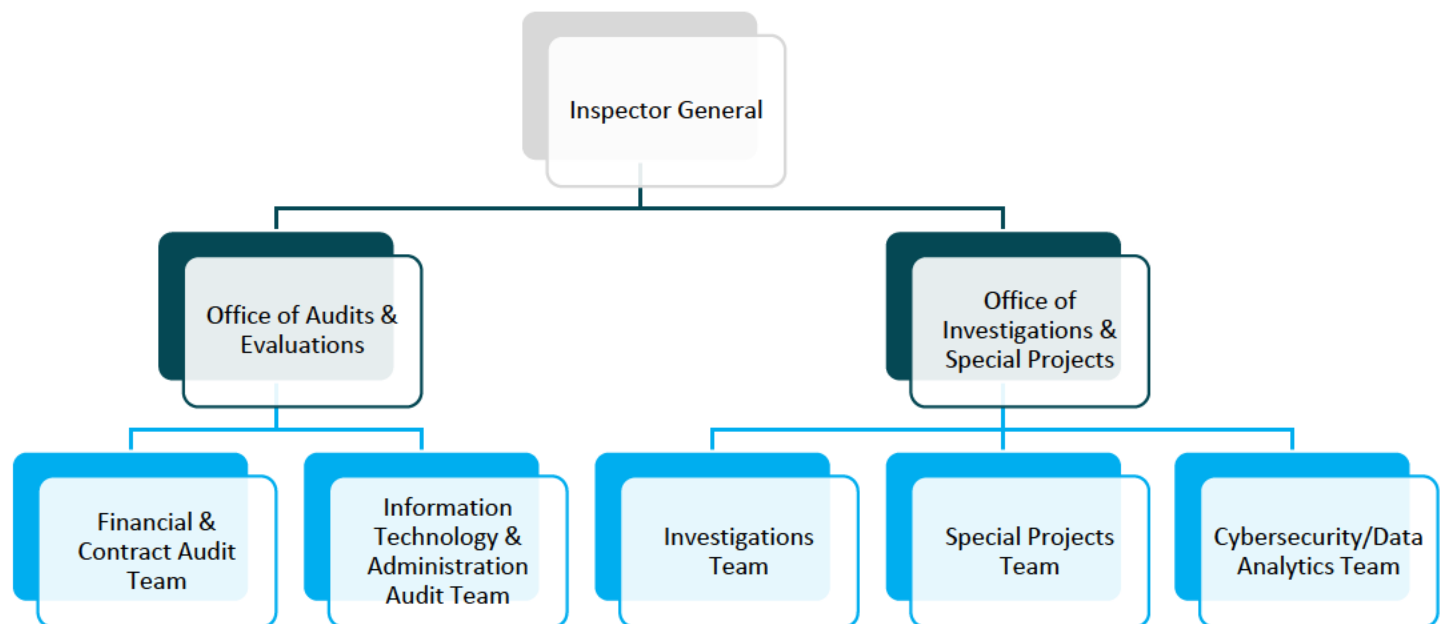
The OI Cybercrimes and Data Analytics Unit manages OIG’s information technology, cyber, forensics, and data analytics programs. Its primary function is to provide investigative support and coordination to OIG investigations and audits. The unit’s members also serve as subject experts on matters under their purview such as digital forensic analysis, cyber incident response protocols, and the use of data analytics as a way to uncover fraud and misconduct in WMATA programs and activities. In addition, since OIG is responsible for investigating cybercrimes that affect WMATA programs and operations, OIG coordinates with the Chief Information Officer, the Chief Information Security Officer, and all appropriate Information Technology (IT) staff.

OFFICE OF AUDITS

OA is comprised of two teams: the financial and contract audit team, and the information technology and administration audit team. OIG audits provide independent assessments of WMATA programs and operations that help to reduce waste, abuse, and mismanagement and to promote economy and efficiency. OIG also oversees audit work conducted by outside audit firms on behalf of OIG. Our staff is comprised of auditors with educational backgrounds and degrees in accounting, finance, and information systems. Most of the staff have professional certifications as accountants, internal auditors, fraud examiners, and information systems auditors.

Each July, OIG issues an *Annual Audit Plan* that summarizes the audits planned for the coming fiscal year. OIG seeks management input from the GM/CEO and his staff as a part of the planning phase. Unanticipated high-priority issues may arise that generate audits not listed in the *Annual Audit Plan*.

OIG ORGANIZATIONAL CHART



INVESTIGATIONS & SPECIAL PROJECTS



3 ROIs

- Handicap Placards
- Unauthorized and Unsafe Use of Cell Phone
- Unauthorized Recording



2 SPECIAL PROJECT REPORTS

- MTPD Promotional Practices
- COVID Response

BACKGROUND

During this reporting period, OI conducted both criminal and administrative investigations involving allegations of wrongdoing. Several of these investigations involved potential criminal activity. OIG Special Agents and Investigators worked closely with federal, state, and local law enforcement agencies and prosecutors to pursue criminal charges when appropriate. During this reporting period, OI issued numerous subpoenas related to ongoing investigations. To ensure the confidentiality and integrity of sensitive information, only a summary of the variety of complaints and investigations conducted is provided in this report.

REPORTS OF INVESTIGATION

Handicap Placards

OIG initiated an investigation alleging WMATA employees were misusing disability placards (placards) in the vicinity of Western Metrobus Division. Specifically, the complaint alleged that a large number of WMATA employees without a legitimate need for a parking accommodation utilized placards in their vehicles solely to obtain free parking in close proximity to their work locations. The OIG investigation revealed similar activity at the Montgomery Metrobus Division.

The OIG investigation revealed that 46 employees repeatedly used placards not issued to them or any passengers of their vehicles at the time of use. DC regulations provide that only individuals who are issued disability placards can use the placard for special parking privileges. A Maryland statute requires that the person displaying a handicap placard be an eligible person with a disability or accompanied by an eligible person with a disability who depends upon the person displaying the placard for transportation. The employees' conduct also violated the WMATA Bus Service Employee Rulebook's rule of conduct that states, "Employees shall not engage in immoral, indecent, or unlawful conduct while on or off duty; or about Authority premises."

All 46 employees were informed of the regulations and codes governing the possession and usage of placards during their interviews with OIG. Four employees voluntarily surrendered their placards to OIG. An additional 30 employees told OIG that they were no longer in possession of the placards stating they were returned, lost, stolen, or discarded at the time of their interviews. With respect to the remaining 12 employees, they provided OIG various reasonable justifications for why the placards should remain in their possession and any remaining placards were not surrendered.

Unauthorized and Unsafe Use of Cell Phone

During the course of an ongoing investigation, OIG obtained an audio recording in which a WMATA Train Operator, Office of Rail Transportation, was speaking by phone with a financial claims representative regarding a personal matter while operating an in-service train. As a safety concern and violation of multiple WMATA policies, OIG reported the matter to Management for immediate review and action.

Unauthorized Recording

OIG received a complaint containing electronic audio files from a WMATA employee in which he surreptitiously recorded his conversations with managers within WMATA's Office of Bus Transportation (BTRA). The employee's complaint involved human resource matters outside the purview of OIG. Maryland law requires that all parties to a conversation agree to recording a conversation. OIG's investigation found sufficient evidence to substantiate that at least two recordings were made by the employee without consent from the BTRA managers at the WMATA Bus Division in Landover, Maryland.

OIG also determined there are no apparent WMATA policies, staff notices, or guidelines expressly delineating jurisdictional consent laws and potential legal consequences for WMATA employees engaging in non-consensual recordings.

SPECIAL PROJECT REPORTS

MTPD Promotional Practices

OIG reviewed MTPD's promotions to the rank of captain between 2017 and 2020. OIG found MTPD made noncompetitive appointments which were inconsistent with its General Order (GO) regarding promotional practices and WMATA's Policy Instruction (P/I) 7.2.2/1. MTPD used acting assignments to appoint certain employees without proactive recruitment to fill the vacant position. MTPD failed to communicate such opportunities for promotional advancement to all eligible employees, creating a lack of transparency in the process. In addition, those promotions did not include a review process by the Office of Equal Employment Opportunity (OEEEO), the Chief Human Capital Officer,



or the GM/CEO for approval as required by WMATA P/I 7.2.2/1. MTPD's GO regarding promotions does authorize the Chief of Police to modify the GO so long as it remains consistent with WMATA P/I 7.2.2/1, which is the overarching policy. Further, MTPD has not updated its GO since November 2011, despite a revision scheduled in November 2012.

During the review, OIG learned of an investigation by OEE0 regarding a complaint of discrimination involving MTPD's promotional practice. OEE0 investigated the complaint and issued its final report in October 2020, without finding any discrimination. However, [REDACTED]

COVID Response

At the request of the WMATA Board of Directors, OIG reviewed WMATA's Coronavirus (COVID-19) response related to its social distancing efforts. In developing this report, OIG conducted interviews with WMATA senior managers and staff; researched Centers for Disease Control and Prevention guidelines as well as federal, state, and local guidance and protocols; gathered information from WMATA, the American Public Transportation Association, and other public sources; and benchmarked other transit agencies.

MANAGEMENT ALERT

OIG issued a Management Alert to elevate concerns regarding the integrity of the procurement process for a federally funded contract, COVID-19 Management Response Support. OIG obtained and verified evidence that multiple vendors who submitted bids for consideration on this contract were provided insider information and internal WMATA solicitation documents before the public release of the solicitation.





HOTLINE ACTIVITY

The OIG Hotline receives information from WMATA employees, customers, vendors, and the general public. It is an important avenue for reporting criminal and other misconduct. OI staff review the Hotline information received to evaluate the need for OIG investigative action or referral to an outside agency or internal WMATA office for appropriate review and action. Tables 1 through 4 below provide an overview of the number of complaints received, dispositions, sources of complaints, and Whistleblower activity throughout this reporting period. Due to reduced ridership from the COVID-19 pandemic, the volume of complaints received during this reporting period are significantly lower than previous reporting periods.

TABLE 1: HOTLINE COMPLAINTS RECEIVED¹

Total Complaints Received	185
Investigations Initiated from Complaints	14
Open	16
Referred to Management or Other Entity	105
Closed No OIG Action	50

¹ As of January 1, 2022.

TABLE 2: PERCENTAGE OF HOTLINE COMPLAINTS BY THEIR SOURCE

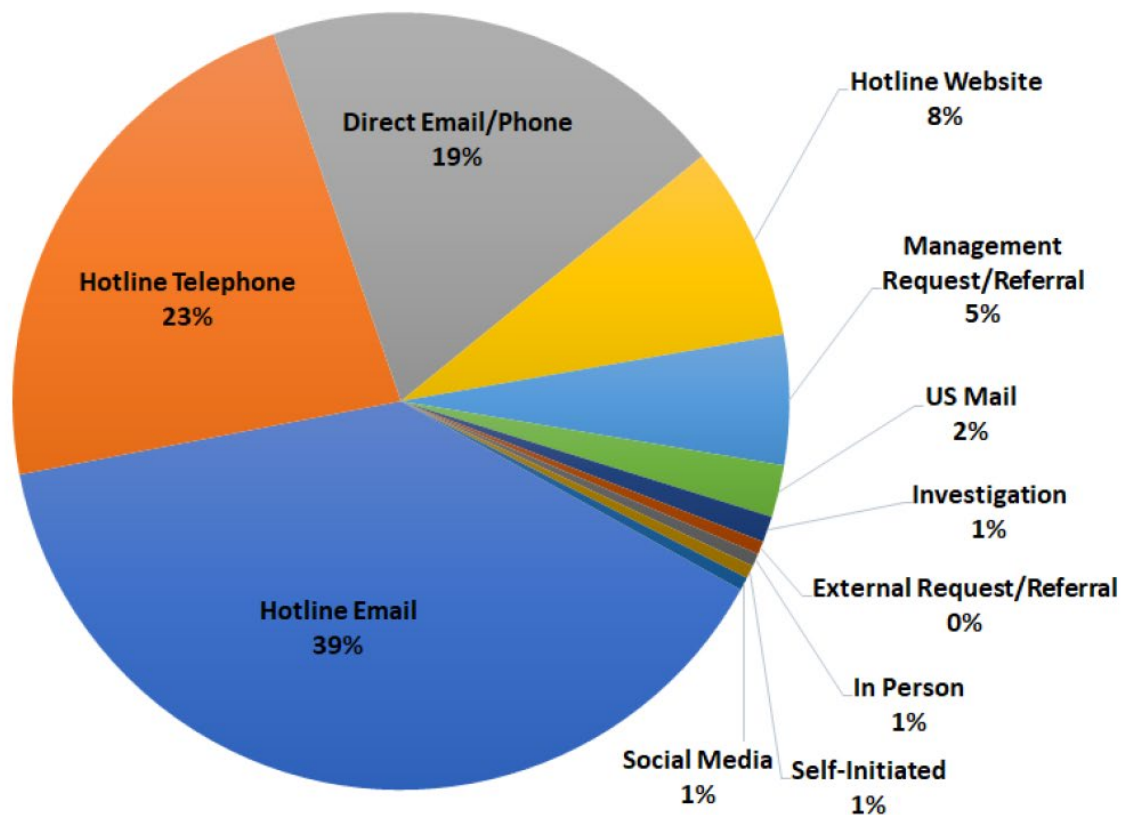


TABLE 3: CATEGORIES OF HOTLINE COMPLAINTS

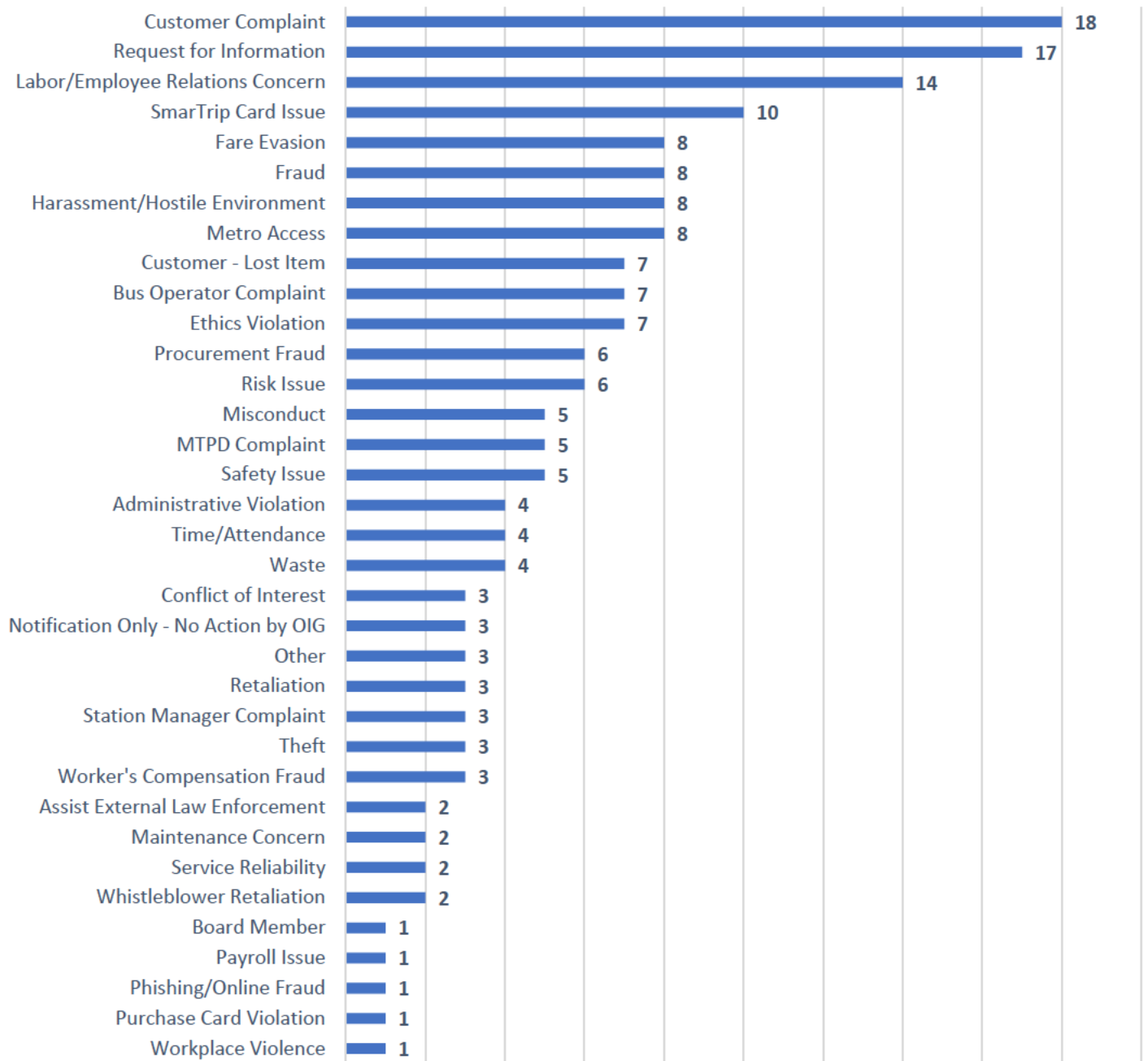


TABLE 4: WHISTLEBLOWER COMPLAINTS RECEIVED

Complaint Status	Total
Complaints Received	1
Investigations Initiated from Complaints	0

AUDITS & EVALUATIONS



23 AUDIT REPORTS
ISSUED

BACKGROUND

Audit work focuses on areas of concern such as financial and IT security and management; contracts; human capital; administrative issues; and high-risk programs that impact the safe operation of the transit system. During this reporting period, OIG issued 23 audit reports. An additional nine performance and financial audits were in progress as of December 31, 2021.



\$13.1 million
IDENTIFIED IN
POSSIBLE SAVINGS

PROCUREMENT & CONTRACT AUDITS

OIG issued 21 contract audits and one Buy America audit that identified \$13.1 million in possible savings. Contract audits are performed within their stated scope and objective(s) as agreed with Management. They can cover a broad range of financial and non-financial subjects, which assist WMATA's procurement department in their contract negotiation process. These audits may uncover fraud, waste, and abuse or other procurement related issues. Because these reports generally involve contractor proprietary information, the reports are not posted on OIG's website and are not publicly distributed.

AUDIT SUMMARIES

Audit of WMATA's Mission Critical Legacy Systems

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

Modern IT infrastructures are core components of many small, medium, and large enterprises. As technology quickly evolves, it is important for enterprises to implement, maintain, and utilize up-to-date systems. However, systems in use often become outdated and fall under the category of legacy systems. Such hardware and software legacy systems are often critical systems needed for an enterprise's core, daily operations. It is necessary to identify existing legacy systems that an enterprise uses, and to determine if, and how, the legacy systems should be upgraded.

The audit determined whether WMATA has developed plans for modernizing or replacing legacy systems and the adequacy of the modernization plans.

Review Results: WMATA had not developed or has incomplete modernization plans for six mission critical systems sampled by OIG. These systems include [REDACTED]

IT management stated this occurred because of unexpected events (e.g., COVID-19 and the Jackson Graham Building fire) coupled with a reactive replacement process and resource challenges. The absence of modernization plans could impact WMATA's ability to operate and meet system and mission requirements effectively and efficiently.

OIG recommended that WMATA develop and implement a comprehensive modernization and replacement program for all mission critical legacy systems with the requisite funding.

AUDITS & REVIEWS IN PROGRESS

Audit of WMATA's Cybersecurity Program

WMATA Strategic Goal: Build and maintain a premier safety culture and system.

According to the FBI, cyber threats have grown exponentially with nation state and cyber criminals increasing the scale, scope, and level of sophistication of their cyber-attacks. The FBI reported that the number of cyber-attack complaints is up to 4,000 per day, which represents a 400 percent increase from pre-pandemic levels. Recent incidents include the SolarWinds hack that compromised hundreds of systems worldwide, and the Colonial Pipeline incident that shut down the nation's largest gas pipeline.

The objective of the audit is to assess the adequacy of WMATA's cybersecurity program.

Audit of WMATA's Cloud Computing Strategy

WMATA Strategic Goal: Meet or exceed customer expectations by consistently delivering quality service.

Cloud computing provides on-demand access to a shared pool of computing resources. The adoption of cloud computing has become mainstream by large enterprises because it provides benefits such as: (1) potential cost savings, (2) improved delivery, (3) ease of scalability and procurement efficiencies, as well as (4) operational efficiencies and security. WMATA has a limited presence in the cloud computing environment.

The objective of the audit is to assess the strategy and plan for migrating applications to the cloud.

Review of WMATA's Electrification of Buses

WMATA Strategic Goal: Meet or exceed customer expectations by consistently delivering quality service.

WMATA operates a fleet of almost 1,600 buses serving neighborhoods and business districts across hundreds of square miles. With nearly 400,000 daily riders (pre-pandemic), Metrobus is crucial to the mobility, prosperity, and livability of citizens in the national capital region.



The objective of the audit is to assess the zero-emission bus fleet modernization program.

Audit of Control and Accountability of Fuel

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

WMATA manages over 1,500 non-revenue vehicles and spends about \$1.2 million on fuel each year. The audit will examine fuel purchases to ensure fuel for WMATA vehicles is being properly used and accounted for. Topics will include the cost of fuel and whether bulk discounts are being provided. Because this is a high value asset susceptible to theft, control and accountability are essential.

The audit objective is to determine whether WMATA has adequate controls and accountability of fuel.

Audit of WMATA's Defined Benefit Pension Plans

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

WMATA has five defined benefit pension plans, three of which are still open to new participants of certain unions. WMATA employees were eligible to join the various closed plans based on their union representation or lack thereof.



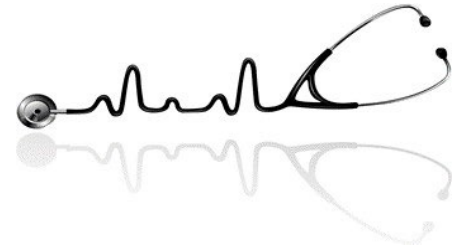
At the end of FY 2019, there were 18,970 participants in these plans. The total pension liability was \$5.1 billion of which \$837 million was unfunded. In FY 2019, \$285 million in benefit payments were made to retirees. These pension plans are governed by their own Boards of Trustees, which are comprised of members designated by WMATA management and Union management or elected by plan participants.

The audit objective is to assess the effectiveness of the pension program oversight.

Audit of Health and Welfare Funds (L689 & L922)

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

The Health and Welfare Funds support plans that offer members of unions L689 and L922 a comprehensive package of benefits including medical, prescription drug, dental, vision, life and accident, and long-term and short-term disability insurance. In FY 2019, WMATA paid \$236.7 million for these benefits to 11,508 employees.



The Health and Welfare Plans are governed by their own Boards of Trustees, which are comprised of members designated by WMATA management and Union management.

The audit will assess the effectiveness of oversight of the funds.

Audit of WMATA's Financial Statements for FY 2021

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

The WMATA Compact, Section 70, states that an audit shall be made of the financial accounts of the Authority, shall be prepared in accordance with generally accepted accounting principles, and shall be filed with the Chair and other officers as the Board shall direct. The Board, through the adoption of Board Resolution 2006-18, established OIG's responsibility for the supervision of WMATA's annual independent audit of financial statements.

The objective of this audit is to:

- Express opinions on the Authority's financial statements,
- Review compliance with applicable laws and regulations,
- Review the controls in WMATA's computer systems that are significant to the financial statements, and
- Assess WMATA's compliance with the Office of Management and Budget's Uniform Guidance.

WMATA's Single Audit for FY 2021

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

The objective of a Single Audit is to ensure a recipient of federal funds is in compliance with the federal program's requirements for how the money can be used. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the Single Audit.

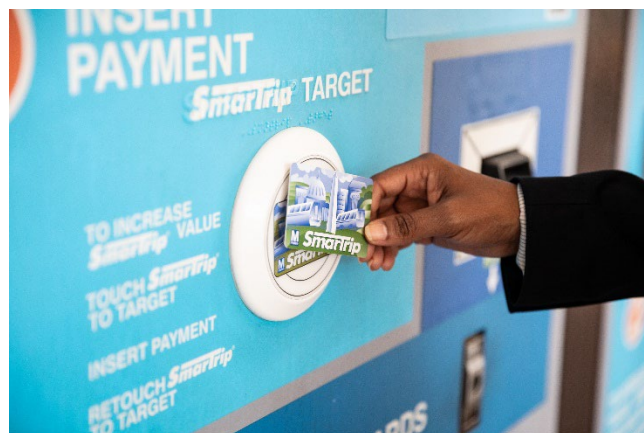


Audit of WMATA's SmarTrip Regional Partner Comparative Billing Statements for FYs 2020 and 2021

WMATA Strategic Goal: Ensure financial stability and invest in our people and assets.

WMATA has a funding agreement with ten local jurisdictions (the Participating Jurisdictions) to provide a seamless regional system for transit fare collections for both the service areas of the Authority and the Maryland Transportation Administration using smart card technology. WMATA and the Participating Jurisdictions have agreed to fund their share of the operating expenses of the SmarTrip system. The agreement defines the regionally shared operating expenses, allocation methods, and funding requirements.

Each year, WMATA is required to prepare SmarTrip Regional Partner Comparative Billing Statements to provide an allocation of the actual operating expenses incurred for the Regional SmarTrip Program for each of the Participating Jurisdictions for the current and prior fiscal years ended June 30. The actual operating expenses incurred and the allocation to each Participating Jurisdiction are audited at the end of each fiscal year.



The objective of this audit is to express an opinion on WMATA's SmarTrip Regional Partner Comparative Billing Statements for FYs 2021 and 2020.

SUMMARY OF CONTRACT AUDITS

From July 1, 2021, through December 31, 2021, OIG issued 21 contract audits that identified \$13.1 million in possible savings and one Buy America Act audit.

Contract and Buy America Act Audit Reports

Report Number	Report Title	Date Issued
CAM 22-001	Independent Review of Pre-Award for Contract FIRPG211121, Station Platform Rehabilitation Contract 4	7/1/2021
CAA 22-001	Independent Review of Pre-Negotiation Proposal for Contract FQ15005A, On-Call Planning Support, Task Order 018 Modification 002 – Zero Emissions Bus Test and Evaluation Program – Battery Electric Bus Phase II	7/08/2021
CAM 22-002	Independent Review of Proposed Rates for Contract FQ18033, General Architectural and Engineering Consultant – Program Management, Construction Management (PMCM) and Engineering Support Services IDIQ	7/28/2021
CAM 22-003	Independent Review of Pre-Award for Contract FDULS211272 – PMCM	8/3/2021
CAM 22-004	Independent Review of Proposed Rates for Contract FQ18033, General Architectural and Engineering Consultant Services – PMCM and Engineering Support Services IDIQ	8/17/2021
CAM 22-005	Independent Review of Proposed Rates for Contract FQ18033, General Architectural and Engineering Consultant Services – PMCM	8/20/2021
CAM 22-006	Independent Review of Pre-Award for Contract FQ19151R, Rehabilitation of WMATA Parking Garages, Category “A” (Addison, Huntington, Wheaton) & Category “B” (Anacostia & New Carrollton)	8/23/2021
CAM 22-007	Independent Review of Pre-Award for Contract FQ19151R, Rehabilitation of WMATA Parking Garages Category B: Anacostia & New Carrollton	8/25/2021
CAM 22-008	Independent Review of Proposed Rates for Contract FQ18033, A&E Consultant Services – PMCM	8/26/2021
CAM 22-009	Independent Review of Proposed Rates for Contract FQ19172, New Design GEC	8/26/2021
CAM 22-010	Independent Review of Proposed Rates for Contract FQ18033, General Architectural and Engineering Consultant On-Call Design Services	9/22/2021
CAM 22-011	Independent Review of Proposed Rates for FQ15190D, Services for Business Case Development	9/30/2021
CAA 22-002	Independent Review of Pre-Negotiation Proposal for Contract CBMNT200220, Bus Fire Suppression System Maintenance	10/7/2021
CAA 22-003	Independent Review of Revised Price Proposal for Contract FDECO211039, ATC Equipment Replacement	10/13/2021
CAM 22-012	Independent Review of Proposed Rates for Contract FQ19172, General Architectural and Engineering Consultant On-Call Design Services	10/26/2021
CAA 22-004	Independent Review of Post-Delivery Buy America Audit for Contract FQ18001, Option 3, 40ft Lower-Floor Clean Diesel (40XD) Heavy-Duty Bus	10/28/2021

CAM 22-013	Independent Review of Proposed Rates for Contract FQ18033, General Architectural and Engineering Consultant Services – PMCM	11/5/2021
CAM 22-014	Independent Review of Proposed Rates for Contract FQ19172, General Architectural and Engineering Consultant On-Call Design Services	11/9/2021
CAM 22-015	Independent Review of Proposed Rates for Contract FQ18033, General Architectural and Engineering Consultant On-Call Design Services	11/15/2021
CAM 22-016	Independent Review of Proposed Rates for Contract FQ18033, General Architectural Engineering Consultant Services – PMCM	12/7/2021
CAM 22-017	Independent Review of Pre-Award for Contract FIRPG211179, Tunnel Water Leak Mitigation	12/13/2021
CAM 22-018	Independent Review of Proposed Rate for Contract FQ18033, A&E Consultant Services, IDIQ	12/16/2021

CORRECTIVE ACTIONS ON AUDIT RECOMMENDATIONS

OIG tracks and documents the status of audit recommendations and WMATA corrective action plans. Positive change results from the process in which management acts to improve operations based on the recommendations in the published audit report. Management actions are monitored until final action is taken on all recommendations. Listed below are recommendations issued that are outstanding. In every case, management's ongoing actions will correct the deficiency identified during the audit.

Recommendations Described in Previous Semiannual Reports on Which
Corrective Action Has Not Been Completed
as of December 31, 2021

Report Number	Report Title	Date Issued	Number of Recommendations		Latest Target Date Per WMATA Corrective Action Plan
			Open	Complete	
OIG 19-10	Audit of WMATA's End-of-Service Life Operating System Software	5/1/2019	3	3	9/1/2022
OIG 19-11	Audit of WMATA's Software Asset Management Program	6/19/2019	1	0	6/30/2022
OIG 21-01	Audit of the Replacement of WMATA's Remote Terminal Units	11/16/2020	2	7	11/30/2022
OIG 21-05	Review of WMATA's Improper Payments	6/28/2021	1	0	6/30/2022
OIG 22-01	Audit of WMATA's Mission Critical Legacy Systems	8/24/2021	3	3	12/31/2022



REPORT FRAUD, WASTE, OR ABUSE AT WMATA

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500 L'Enfant Plaza, S.W., Suite 800
Washington, D.C. 20024



M E M O R A N D U M

SUBJECT: Management Assistance Report
Pension Plan Overpayments
(MAR-22-0001)

DATE: October 28, 2021

FROM: OIG – Geoffrey A. Cherrington



TO: GMGR – Paul J. Wiedefeld

The Office of Inspector General (OIG) initiated a review of Washington Metropolitan Area Transit Authority's (WMATA) five retirement pension plans to determine whether improper payments were continuing after annuitants had died. The five pension plans are funded by payroll contributions from plan participants and by WMATA. OIG conducted interviews, gathered data, and engaged WMATA's Compensation and Benefits Office (CBO). As a result of our review, eight accounts from the Local 689 pension plan were identified as active accounts, when in fact the annuitant was deceased. Those eight active accounts should have been closed. CBO subsequently closed these accounts, and payments were discontinued in 2019.

Since February 2021, Local 689 legal counsel, through correspondence with the surviving family members, has engaged in reclamation efforts for the improper payments to individuals from these accounts in the amount of \$440,219.

The results of the review indicated that WMATA did not have an internal mechanism in place to confirm continued eligibility of annuitants on an annual or recurring basis, or a method to ensure accuracy of the data within the active annuitant records. In addition, CBO does not maintain up to date annuitant records because it relies on an outside source, the annuitant fiduciary institutions (FI), to provide that data to CBO. Currently, CBO only tracks annuitants on Excel spreadsheets and not through an internal centralized electronic database.

The absence of defined roles, responsibilities, and internal controls has contributed to a lack of proper oversight and communication necessary to maintain accurate annuitant data. Another area of concern is the failure of Local 689 officials to provide requested annuitant data to WMATA's Accounting Office which interferes with proper oversight of pension plan funding and creates the potential for overpayments by WMATA. While this review focused

on decedent benefit payments, WMATA should improve its policies and procedures on the overall management of annuitant accounts.

CBO is the primary contact for retirees and communicates annuitant information to the FIs for the five pension plans. There are two FIs – one for Local 689 (Truist Bank - formerly SunTrust Bank), the largest pension plan, and one for Local 2, Local 922, Metro Transit Police Department (MTPD), and Non-represented employees (The Northern Trust Company). These FIs are responsible for facilitating payments to the annuitant either through an Automated ClearingHouse (ACH) deposit or the issuance of a check. The FIs are currently the only sources from which CBO obtains active annuitant account information across all five pension plans.

WMATA's Retirement Planning Manager is the primary contact with the FIs. The FI cannot make changes to the annuitant's account. CBO or the pensioner are the only ones that can update or change the status. In addition, the Transit Employees Health and Welfare Plan (TEHWP) may receive information on annuitant status.

It is important that all the stakeholders have a clear understanding of their responsibilities and that a defined process is in place to ensure timely communication. There needs to be assurance that updates and payments are adjusted or stopped as appropriate upon the death of an annuitant, and that there is a mechanism in place to confirm continued eligibility and accuracy of annuitant payments.

Originally CBO provided OIG with annuitant records for 8,037 "active" retiree accounts in Excel spreadsheet form. When OIG compared these records to Social Security Administration (SSA) death index data, 2,379 were reported as deceased according to SSA. OIG presented the findings of this analysis to CBO who, upon follow-up, advised OIG that they mistakenly had not purged these deceased annuitants (2,379) from the "active" records provided to OIG. Furthermore, CBO advised that the 2,379 retiree accounts were in fact properly closed upon the annuitant's death with no overpayments identified.

As a result of our review, OIG found that eight Local 689 pension plan annuitant accounts continued to make full annuity payments to surviving family members after the retiree died, even though the payments should have been stopped. The improper payments were stopped, and the accounts were closed once OIG identified the payments. The deaths of the eight annuitants occurred in the following years: 2015 (1), 2016 (2), 2017 (3), and 2018 (2). Overpayments to annuitants ranged from \$6,700 to over \$ 95,000. At the conclusion of the review, CBO confirmed overpayments to the eight accounts, which resulted in a loss to the Local 689 pension plan of \$440,219. Based on WMATA's responsibility to contribute three percent annually to the Local 689 pension plan, WMATA's loss is approximately \$13,206. Continued payments would have resulted in annual estimated losses to the pension plan of \$220,990 and approximately \$6,603 to WMATA.

Deceased Annuitant Overpayment / Loss Totals – Stopped April 1, 2019

ANNUITANT	DATE OF DEATH	LOSS
	04/20/2015	\$95,086.66
	06/19/2017	\$29,244.70
	10/02/2016	\$82,842.87
	07/27/2017	\$41,269.57
	09/30/2018	\$6,712.39
	08/30/2018	\$8,769.85

Deceased Annuitant Overpayment / Loss Totals – Stopped August 1, 2019

ANNUITANT	DATE OF DEATH	LOSS
	05/05/2016	\$80,515.94
	08/11/2017	\$95,778.05

TOTAL LOSS*	\$440,219.86
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**Gross Loss due to State or Federal taxes, according to WMATA's Benefits office.*

Amount Saved One Year from Termination of Annuity Payments

ANNUITANT	GROSS FINAL PAYMENT	X 12 MONTHS (SAVINGS)
	\$2,138.41	\$25,660.92
	\$1,499.49	\$17,993.88
	\$3,042.27	\$36,507.24
	\$2,226.33	\$26,715.96
	\$1,306.14	\$15,673.68
	\$1,466.60	\$17,599.2
	\$2,296.49	\$27,557.88
	\$4,440.11	\$53,281.32

TOTAL SAVINGS	\$220,990.08
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OIG identified areas that need improvement to maintain an accurate accounting of eligible annuitants in CBO annuitant records, ensure proper record keeping and payment to annuitants, and develop a defined workflow process among all stakeholders for managing annuitant accounts. WMATA should develop an electronic database similar to PeopleSoft or a subset of PeopleSoft to manage retiree data and annuitants. CBO should maintain an up to date, internal database on active retiree annuitant accounts and not rely on the FIs for this data.

In April 2021, OIG obtained the “current” data on active retirees who were issued Retiree OneBadges (access to bus and rail badges) from the Office of Badging and Credentialing (OBC), which is under the Office of Security and Infrastructure Protection, MTPD. As a

result, OIG received in Excel spreadsheet form a list of 5,901 “active” retirees with a corresponding OneBadge issued to them. However, during a random sampling of the first 100 retirees on this list, seven were identified through open source data as being deceased. When OIG followed up, OBC acknowledged that the spreadsheet was not up to date and advised that there was currently no mechanism in place to regularly check the continued eligibility status of retirees with issued badges.

To better define roles and responsibilities within the process, OIG recommends that WMATA develop consistent standards and processes to ensure: (1) reliable data matching with both internal and external stakeholders; (2) confirmation, on a recurring basis, of the living status of annuitants either through SSA death index data checks or through commercially available data sources; and 3) timely notifications and updates of an annuitant's death to the paying FIs, the pension plan officers, health care providers, TEHWP, and WMATA's Badge and Credentialing Office. CBO should also notify the Office of Accounting when an annuitant dies. This would help ensure that WMATA's contributions to the plans are accurate and mitigate erroneous payments to the plans as well.

OIG is encouraged by the actions being taken by CBO to ensure that future overpayments do not occur, and notifications of an annuitant's death are identified and received timely. In June 2021, CBO advised OIG that steps had been taken to ensure future improper payments do not occur. A “Death Audit Report” will be run through the SSA on a quarterly basis. The FIs will notify CBO when informed of an annuitant's death, and a formal communication agreement has been established between CBO and TEHWP to make monthly reports of annuitant deaths.

However, it is critical that CBO have formal written policies, procedures, and internal controls in place to confirm the eligible status of annuitants. In addition, these internal controls should ensure that payments are stopped or reduced to survivor benefit levels, deceased annuitants are purged from the active records, and that all stakeholders are notified of an annuitant's change in status. By taking these actions, WMATA will ensure that the pension plan funds are being properly administered and protected.

We recommend the General Manager/Chief Executive Officer take the following actions to address the issues identified above and apply these controls to the other pension funds to mitigate erroneous payment contributions made by WMATA for all pension funds:

1. Establish a centralized automated database that will serve as a single source of truth to track retiree data and benefits for all stakeholders that manage aspects of retiree benefits, i.e. CBO, Accounting and MTPD.
2. Establish written policies and procedures for all WMATA stakeholders to enhance collaboration and consistent process in managing the various aspects of retiree benefits including validating WMATA's contribution payments to the union for pensions and validating the badging and credentialing for authorized retirees.

3. Formalize an agreement between WMATA and SSA to obtain SSA quarterly Death Index which allow for quarterly matching to validate WMATA records of retirees.
4. Establish formal sharing agreements with the union pension trustees to obtain retiree data on a regular basis to allow for matching against WMATA, FI, and SSA data as part of an ongoing data validation process.
5. Establish an annual certification process to validate active annuitant records and identify deceased or inactive retiree accounts.
6. Establish a process to certify the accuracy of annuitant data to be used by WMATA's Office of Accounting to mitigate erroneous payment contributions to union pension funds.

In addition to this Management Assistance Report, the Office of Investigations has also issued a Report of Investigation.

M E M O R A N D U M



SUBJECT: Pension Annuitant
Overpayments Reports
(ROI and MAR-22-0001)

DATE: March 14, 2022

FROM: EVP/IBOP – Dianna D. Rosborough

Dianna D. Rosborough
Digitally signed by Dianna

THRU: GM/CEO – Paul J. Wiedefeld

TO: OIG – Rene Febles

Human Capital (HC) has carefully reviewed the Office of Inspector General's (OIG) two related reports on overpayments to pension plan annuitants for the four-year period back from year 2015 to 2018. With regard to the Report of Investigation on Annuitant Overpayments, Human Capital understands that OIG's review identifying eight Local 689 annuitant accounts continuing payment incorrectly post the death of 8 retirees during this period—2015 (1), 2016 (2), 2017 (3), and 2018 (2)—was not the result of criminal intent on behalf of the surviving family members. The Compensation and Benefits Office (CBO) correction actions implemented in 2020 to stop these payments and pending actions to prevent this from happening again are detailed below.

In the HC department, CBO continues to work toward a 100% error free accuracy rate, but management would like to highlight the full scope of risk identified by OIG. The CBO's 2015-2018 error rate was 0.1%, for a total loss to WMATA of \$13,206 during this period, and was very low compared to the overall Social Security Income program overpayment error rate, which ranged from 6.95% in 2015 to 8.23% in 2019. CBO will continue to document processes and implement administrative system changes to maintain the continued effort of accuracy within the department. Regarding the Management Assistance Report on Pension Plan Overpayments (MAR-22-0001), management agrees with OIG's six (6) recommendations and HC plans to complete all the pending corrective actions described below by June 2024.

Please see the response to each recommendation below:

Recommendation 1: Establish a centralized automated database that will serve as a single source of truth to track retiree data and benefits for all stakeholders that manage aspects of retiree benefits, i.e. CBO, Accounting and MTPD.

HC agrees with this recommendation. The current workflow process, which was communicated to OIG during the time of the investigation, is used to mitigate erroneous payments begins with a death notification. The annuitant's benefit payment is stopped and then the retiree is moved to inactive status. Research is

completed to determine if a future benefit is payable. If so, then the beneficiary's benefit is computed according to Plan language and their payments begin.

CBO is in the process of completing a pension administration system assessment because WMATA's existing human resources system (PeopleSoft) does not have the capability to accommodate the complexities of WMATA's pension plans. This project will include the development of a Request for Information (RFI) to conduct a Request for Proposal (RFP) and develop the Scope of Work (SOW) to acquire an administration system to support the retirement process. Pending the implementation of the pension administration system, all records are stored via hard copy file and tracked through an excel spreadsheet. The Office of Procurement has advised it will take 18 to 24 months to fully implement the pension administration system. HC plans to complete this action by June 30, 2024.

CBO is also developing a master database that will replace the Excel spreadsheet to improve record keeping processes that will maintain all retiree data (census information to include beneficiary data). When a retiree dies, the record will be coded as deceased in the database and the beneficiary record will be updated. Annually CBO will match the data by cross referencing/reconciling the data in the database with the custodial banks. HC plans to complete this action by June 30, 2022.

Recommendation 2: Establish written policies and procedures for all WMATA stakeholders to enhance collaboration and consistent process in managing the various aspects of retiree benefits including validating WMATA's contribution payments to the union for pensions and validating the badging and credentialing for authorized retirees.

HC agrees with this recommendation. Standing business practices are established within CBO and these will be captured in written Standard Operating Procedures (SOPs). An SOP will be developed for each of the following four (4) procedures for processing claims: death claims, retirements, refunds, and retirement plan invoices with the assistance of a consultant. The SOPS will identify the roles and responsibilities for:

1. Reliable data matching with both internal and external stakeholders;
2. Confirmation, on a recurring basis, of the living status of annuitants either through SSA death index data checks; and
3. Timely notifications and updates of an annuitant's death to the paying fiduciary institutions, the pension plan officers, health care providers, Transit Employees Health and Welfare Plan, and WMATA's Badge and Credentialing Office.

HC plans to complete this action by June 30, 2022.

Recommendation 3: Formalize an agreement between WMATA and SSA to obtain SSA quarterly Death Index which allow for quarterly matching to validate WMATA records of retirees.

HC agrees with this recommendation and implemented the process to obtain the report in Spring of 2020. CBO worked with the Payroll Office to obtain access to the SSA death index search tool. On a quarterly basis, CBO now completes a full death audit using the SSA death index tool. Deceased annuitants cannot be purged but are moved to an inactive status.

Access is granted to WMATA Retirement Specialists after each specialist registers on the SSA.gov website (<https://www.ssa.gov/bso/bsowelcome.htm>). Once registered, SSA provides a letter confirming registration to WMATA's Payroll Dept with our activation code. CBO notes that this step has been completed for all Retirement Specialists. Therefore, management does not plan to take any additional corrective actions in response to this recommendation at this time.

Recommendation 4: Establish formal sharing agreements with the union pension trustees to obtain retiree data on a regular basis to allow for matching against WMATA, FI, and SSA data as part of an ongoing data validation process.

HC agrees with this recommendation. However, taking any additional actions in response to OIG's recommendations may require the agreement of the plan's trustees and managing unions officials during the next round of collective bargaining negotiations. The negotiations for the plans are scheduled to take place in 2024. As such, HC will provide OIG's report recommendations to WMATA's Labor Relations department for consideration and prioritization during the next round of negotiations by March 31, 2022. HC leadership will also provide the final report to the appropriate trustees and unions for action and consideration by March 31, 2022.

Recommendation 5: Establish an annual certification process to validate active annuitant records and identify deceased or inactive retiree accounts.

HC agrees with the recommendation and the pension plans currently undergo several audits to validate annuitant records. For example, the custodial banks automatically run the death audit report and CBO has a filing system to access the reports with the custodial banks' system and SSA. In addition to the death audit described in the response to recommendation #3, CBO generates a monthly death

audit report directly from the custodial banking systems and submits all annuitants through the SSA death audit process. CBO also obtains information from the medical insurance carriers for all annuitants that maintain WMATA retiree health coverage who are on Medicare. Furthermore, CBO undergoes annual external audits with the auditors for each plan and the auditors of WMATA's financial statements which includes coverage of WMATA's pension plans.

However, based on Plan Trustee directive the retention schedule is indefinite and therefore HC cannot purge the records without the consent of Local 689 officials pursuant to the established agreements for the pension plan. These officials have not wanted these records purged. Therefore, management does not plan to take any additional corrective actions in response to this recommendation at this time.

Recommendation 6: Establish a process to certify the accuracy of annuitant data to be used by WMATA's Office of Accounting to mitigate erroneous payment contributions to union pension funds.

HC agrees with this recommendation. CBO currently participates in WMATA's annual external financial statement audit to validate the annuitant data, based on an agreed-upon materiality threshold. This includes providing the auditor with the annual valuation census files. The auditor then reviews the valuation reports, census data, and personnel files to ensure the accuracy of the annuitant data. As part of this, external auditors use independent actuaries to validate the reasonableness of the data, assumptions and valuation methods used that informed the actuarially required contribution (ARC) and net pension liability included in the actuarial valuation report and reported in the financial statements. These complex calculations are performed by licensed actuaries governed by actuarial standards of practice. WMATA does not have licensed actuaries or the expertise to recalculate and determine the accuracy of the funding contributions to the plan each year. Therefore, and consistent with industry standards, WMATA will continue to rely upon the ARC estimate to determine what to fund to the pension plans each year. No additional validation on annuitant data for this purpose is deemed necessary and therefore management does not plan to take any additional corrective actions in response to this recommendation at this time.

List of Attachments

1. Retirement specialists SSA registrations (3)
2. Example of quarterly death audit report
3. Example of monthly death audit report

ATTACHMENTS INTENTIONALLY OMITTED