



WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY POLICY/INSTRUCTION

Subject	Classification	Lead	Date Approved	P/I Number
<i>Office of Inspector General</i>	<i>Audits and Investigations</i>	<i>OIG</i>	<i>6/10/08</i>	<i>13.4/0</i>

1.00 **POLICY**

- 1.01 It is the policy of the Washington Metropolitan Area Transit Authority (Metro) to support the Office of Inspector General (OIG) in carrying out its responsibilities under Board Resolution 2006-18 to promote economy, efficiency and effectiveness and to prevent and detect fraud and abuse in Metro's activities.
- 1.02 It is the policy of Metro, consistent with the directive of Board Resolution 2006-18 that the OIG shall have access to all Metro records. It is further Metro's policy that all Authority officials, employees, consultants and contractors cooperate fully with the OIG and report to the OIG information about fraud, waste, abuse, misconduct and wrongdoing in Metro activities.

2.00 **PURPOSE**

- 2.01 To implement the Board's directive in Resolution 2006-18 that Metro officials, employees, consultants and contractors fully cooperate with the OIG; to encourage the reporting of malfeasance and waste to the OIG; and to protect from reprisal "whistleblowers" and others who cooperate with the OIG.

3.00 **SCOPE**

- 3.01 This policy instruction applies to all Metro officials, employees, consultants and contractors.

4.00 **DEFINITIONS**

- 4.01 The terms "document" or "record" mean 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 including, but not limited to all correspondence, memoranda, electronic mail ("email"), video cams, security tapes, digital photographs, memoranda, handwritten notes, drafts, or transcriptions by mechanical device or by other means, computer discs, interoffice communications, microfilm, lists, bulletins, calendars, circulars, desk pads, ledgers, minutes, journals, diaries, invoices, balance sheets, maintenance schedules and other records, profit and loss statements, pamphlets, studies, notices, summaries, reports, analyses, worksheets and all other graphic materials, writings and instruments however produced or reproduced. Electronic documents wherever stored or archived are included.
- 4.02 The term "cooperate" or "cooperation" means respond in an accurate, complete and timely manner to requests from the OIG, and includes but is not limited to, making

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oneself available for telephone or personal interview, giving truthful statements, and producing documents and records.

- 4.03 The term “criminal violation” means conduct that is prohibited by federal, state or local criminal law or ordinance and includes, but is not limited to, theft, conversion of property, fraud, bribery, solicitation of bribes, possession or distribution of child pornography, illegal drug use or distribution, or conspiring to commit the foregoing.
- 4.04 The terms “management issues” and “administrative offenses” include matters that generally fall outside the purview of the OIG under Board Resolution 2006-18 or may be technically within the purview of OIG but are ordinarily handled by supervisors. Examples of such matters include but are not limited to:
 - (a) matters for which there are other established procedures for seeking redress, such as civil rights complaints, violence in the workplace and challenges to personnel or disciplinary actions (other than as addressed herein taken in reprisal for dealings with the OIG);
 - (b) general complaints about employee or office morale;
 - (c) individual attendance issues, such as tardiness, misuse of leave or absence without leave (but not including misrepresenting or falsifying leave and attendance records);
 - (d) insubordination; and
 - (e) unauthorized use of alcohol or drugs, or reporting for duty in an intoxicated or impaired state.

5.00 RESPONSIBILITY

5.01 The OIG’s responsibility is summarized in its Mission Statement:

OIG supervises and conducts independent and objective audits, investigations, and other reviews relating to Metro’s programs and operations to promote economy, efficiency and effectiveness and detect and prevent fraud, waste and abuse. OIG provides advice to the Board and the General Manager to assist in achieving the highest levels of program and operational performance in Metro.

5.02 All Metro employees, consultants and contractors shall 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. All Metro managers shall ensure

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that all subordinate employees do so. It is the responsibility of all contracting officers and their agents (e.g., Contracting Officer's Technical Representatives) to ensure that all consultants and contractors over whom/which they have oversight do so.

5.03 Reporting to the OIG

- (a) Metro employees, consultants or contractors having information indicating a potential criminal violation, fraud, waste, abuse, wrongdoing or misconduct in connection with Metro activities shall report the information to the OIG at the earliest possible opportunity.
- (b) Metro employees, consultants and contractors shall not report to the OIG any information or allegation that they know to be false or with willful or reckless disregard for the truth or falsity of the information or allegation.
- (c) Generally, management issues and administrative offenses are the responsibility of Metro supervisors and managers to address and resolve, and not that of the OIG. Accordingly, Metro employees should report information about management issues and administrative offenses to supervisors and managers. Metro employees may report such matters to the OIG either in addition to reporting them to management or without reporting them to management where:
 - (i) the employee fears reprisal;
 - (ii) the employee has reported the matter to a supervisor or manager but believes that the matter has not been adequately resolved or addressed;
 - (iii) the employee has a reasonable basis to believe that the procedure used to address the matter is flawed or inadequate; or
 - (iv) the employee has another reasonable basis to do so.
- (d) The OIG may exercise its discretion to refer management issues and administrative offenses to the appropriate supervisor or manager.

5.04 Metro managers and supervisors shall ensure that no Metro employee is subjected to or threatened with being subjected to any form of retribution, reprisal, or retaliation as a result of (a) reporting or providing, or stating an intention to report or provide, information to the OIG; (b) cooperating with the OIG; or (c) complying with an OIG request for information, documents or records.

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- 5.05 Notwithstanding paragraph 5.04, after consultation with the OIG and the Office of General Counsel, Metro managers and supervisors may initiate appropriate disciplinary action against an employee who reports or states an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information or allegation.
- 5.06 The Office of Procurement has the responsibility to ensure that appropriate steps are taken to require consultants and contractors to comply with this policy. Contracting officers shall be responsible for ensuring that the appropriate requirements of this P/I are in Metro contracts.

6.00 PROCEDURES

6.01 Cooperation with the OIG

- (a) Metro shall 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 (up to and including termination). The OIG will bring to the attention of the employee's supervisor and any other appropriate Metro official facts reflecting a failure to cooperate and may make recommendations to supervisors and management officials to consider appropriate disciplinary action.
- (b) Representatives of the OIG may solicit from employees both voluntary statements and statements required to be given. When an OIG representative informs an employee that the interview is voluntary, a refusal to provide a statement or answer questions shall not be considered a failure to cooperate with the OIG or grounds for discipline. All responses given by any Metro employee to the OIG may be used in any administrative or disciplinary proceeding against the employee.

6.02 Whistleblower Protection and Prohibition Against Reprisal

- (a) In addition to protections afforded "whistleblowers" by other Metro policies, Metro employees may raise as a defense to any disciplinary action or administrative proceeding against them the claim that such action or proceeding was based upon or 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 policy. Metro employees may also challenge other administrative action by Metro on the same grounds.
- (b) Metro shall consider it to be grounds for disciplinary action (up to and including termination) for a Metro employee:

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- (i) to 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
- (ii) to threaten another employee with, or subject such employee to, any form of retribution, reprisal, or retaliation as a result of reporting or providing, or stating an intention to report or provide, information to the OIG; cooperating with the OIG; or complying with an OIG request for information, documents or records.

6.03 Metro employees, consultants or contractors may report information and allegations to the OIG in person, in writing through the internal Metro mail system or external United States mail, through the OIG Hotline (by telephone 202-962-2400 or email hotline.oig@wmata.com) or in any other reasonable fashion.

6.04 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, upon request by the reporting person, the person's identity will be held confidential. Persons making reports to the OIG should understand and consider that OIG is far better able to investigate effectively if it knows the identity of the person making the report so that OIG investigators can obtain necessary additional information from the complainant.

7.00 EXCEPTIONS

7.01 None.

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