



POLICY/INSTRUCTION: 13.4/2	OFFICE OF INSPECTOR GENERAL
SUPERSEDES: 13.4/1	APPLICABLE TO: All Metro Officials, Employees, Consultants and Contractors

1.00 PURPOSE

- 1.01 This Policy/Instruction (P/I) supports the Office of Inspector General (OIG) in carrying out its responsibilities under Board Resolution 2006-18 to conduct and supervise audits, program evaluations and investigations; promote economy, efficiency and effectiveness; and to prevent and detect fraud, waste and abuse in Metro's activities.
- 1.02 This P/I also ensures implementation of the Board's directive in Resolution 2006-18 that Metro officials, employees, consultants and contractors cooperate fully with the OIG, and give OIG access to all Metro records.

2.00 SCOPE

This P/I applies to all Metro officials, employees, consultants and contractors.

3.00 DEFINITIONS

- 3.01 **Attestation** – Audit engagements requested by contracting officers to determine if contractor price and billing information is current, accurate, and complete. Because these reports generally involve contractor proprietary information, the reports are not posted on the OIG website and are not publicly distributed.
- 3.02 **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 personal interviews, giving truthful statements and producing documents and records.
- 3.03 **Criminal Violation** – Conduct that is prohibited by federal, state or local criminal law or ordinances (e.g., theft, fraud, bribery and conspiring to commit a crime).
- 3.04 **Document or Record** – 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.
- 3.05 **Management Issues and Administrative Offenses** – 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. 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 as addressed here that are taken in reprisal for dealings with the OIG));

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- (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) Insubordination; and
- (e) Unauthorized use of alcohol or drugs, or reporting for duty in an intoxicated or impaired state.

4.00 RESPONSIBILITY

4.01 The OIG is an independent and objective unit that:

- (a) Reviews, evaluates, or audits any organization that reports directly to the Board.
- (b) Supervises and conducts independent and objective evaluations, investigations, audits and other reviews relating to Metro’s programs and operations to promote economy, efficiency and effectiveness and detect and prevent fraud, waste and abuse;
 - i. Audits examine the performance of Metro programs and contractors in carrying out their respective responsibilities and are intended to provide independent assessments of Metro’s programs and operations.
 - ii. Investigations address criminal, civil, and administrative instances of fraud, waste, and abuse related to Metro programs and operations. These investigations can lead to criminal prosecution, civil penalties, disciplinary action, and/or administrative action.
- (c) Performs audits with OIG resources or oversees audit work done by outside audit firms
- (d) Investigates complaints or refers complaints to management, the OIG Audit component for audit considerations, or another agency as appropriate.
- (e) Performs attestations, either through contract or with own staff
- (f) Maintains oversight of the mandatory financial statements audits
- (g) Keeps the Board fully and currently informed about deficiencies in Metro’s activities as well as the necessity for and progress of corrective action.
- (h) Provides advice to the Board and the General Manager/Chief Executive Officer to assist in achieving the highest levels of program and operational performance in Metro.

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4.02 All Metro employees, consultants and contractors:

- (a) Must 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) Must ensure that all consultants and contractors over whom they have oversight also cooperate fully with the OIG (All contracting officers and their agents (e.g., contracting officer’s technical representatives));
- (c) Who have information indicating a potential violation of fraud, waste, abuse, wrongdoing or misconduct in connection with Metro activities must report the information to the OIG at the earliest possible opportunity either in person, via the OIG hotline;
- (d) Will not report any information or allegation they know to be false or with willful/reckless disregard for the truth or falsity of the information/allegation to the OIG;
- (e) Should report information about management issues and administrative offenses 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:
 - (i) The employee fears reprisal;
 - (ii) The employee has reported the matter to a supervisor or manager but believes the matter has not been adequately resolved or addressed;
 - (iii) The employee has a reasonable basis to believe the procedure used to address the matter is flawed or inadequate; or
 - (iv) The employee has another reasonable basis to do so;
- (f) The OIG may exercise its discretion to refer management issues and administrative offenses to the appropriate supervisor or manager.

4.03 The Office of Procurement/Contracting Officers:

- (a) Must ensure the appropriate requirements of this P/I are in Metro contracts (applies to contracting officers).
- (b) The Office of Procurement has the responsibility to ensure appropriate steps are taken to require consultants and contractors to comply with this policy.

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4.04 Metro managers and supervisors:

Generally, management issues and administrative offenses are the responsibility of Metro supervisors and managers to address and resolve, and not that of the OIG. Managers and supervisors:

- (a) Must ensure no Metro employee is subjected to or threatened with being subjected to any form of retribution, reprisal, or retaliation as a result of:
 - (i) Reporting or providing, or stating an intention to report or provide, information to the OIG;
 - (ii) Cooperating with the OIG; or
 - (iii) Complying with an OIG request for information, documents or records.
- (b) Must ensure that all subordinate employees 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; and

4.05 Criminal Violations:

Except in cases of fraud, corruption or other similar matters, if an OIG investigation finds evidence of criminal misconduct, OIG shall notify MTPD and OIG and MTPD may work cooperatively during the investigation.

5.00 POLICIES AND PROCEDURES

5.01 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 (up to, and including, termination). The OIG will bring facts reflecting a 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.
- (b) Representatives of the OIG may solicit both voluntary statements and required statements from employees. When an OIG representative informs an employee that the interview is voluntary, a refusal to provide a statement or answer questions will 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. Any required statement by an employee will be limited in used for administrative, civil or labor purposes and for internal discipline.

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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. Additionally, all Metro officials, employees, consultants and contractors must cooperate fully with the OIG and report information about fraud, waste, abuse, misconduct and wrongdoing in Metro activities to the OIG. In the event of a dispute over the release of any document to the OIG, the Office of General Counsel shall be consulted.

5.02 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 policy. Metro employees may also challenge other administrative action by Metro on the same grounds.
- (b) Metro will consider it to be grounds for disciplinary action (up to and including termination) for a Metro employee:
 - 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, providing, or stating an intention to report or provide information to the OIG.

5.03 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 United States Postal Service), through the OIG Hotline or in any other reasonable fashion.

5.04 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 the person's identity will be held confidential upon request by the reporting person. 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, so that OIG investigators can obtain necessary additional information from the complainant.

6.00 ENFORCEMENT

The OIG is responsible for enforcing this P/I. The OIG works with WMATA management to carry out OIG's role and responsibilities as outlined in Board Resolution 2006-18. Failure of WMATA employees to adhere to this P/I could result in penalties up to and including involuntary separation.

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7.00 EXCEPTIONS

None

8.00 RELATED POLICIES, REGULATIONS & RESOLUTIONS

- 8.01 P/I 7.8.1 Whistleblower Rights & Responsibilities
- 8.02 P/I 15.3 Electronic Access Usage Policy
- 8.03 P/I 15.4 Network Infrastructure Policy
- 8.04 P/I 15.7 Payment Card Industry Data Security Standard (PCI-DSS) Compliance Policy
- 8.05 P/I 15.21 Vulnerability Management Policy

9.00 LIST OF APPENDICES, ATTACHMENTS OR FORMS

- 9.01 Appendix A – Board Resolution 2006-18

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