



March 11, 2021

VIA EMAIL

The Honorable Phil Mendelson
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Please find enclosed responses to the questions contained in your letter, dated February 19, 2021, requesting information in preparation for the Committee of the Whole's March 15, 2021, performance oversight hearing for the Washington Metropolitan Area Transit Authority. Please do not hesitate to contact me at (202) 962-1000 should you have any questions or concerns.

Sincerely,

Paul J. Wiedefeld
General Manager and
Chief Executive Officer

Enclosures

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, D.C. 20001
202/962-1234

*By Metrorail:
Judiciary Square-Red Line
Gallery Place-Chinatown
Red, Green and
Yellow Lines*

*A District of Columbia
Maryland and Virginia
Transit Partnership*

Washington Metropolitan Area Transit Authority
Performance Questions and Responses

1. Please provide, as an attachment to your answers, a current organizational chart for your agency with the number of vacant and filled FTEs marked in each box. Include the names of all senior personnel. Also include the effective date on the chart.

Answer:

See Attached File

Q1_FY20-FY21 DC Performance_Org Chart_Vacant-Filled FTEs_Senior Personnel

2. Please provide in table format a list of the Board of Directors as of March 1, 2021. Include vacant seats. List the incumbent, the appointment authority (e.g. Mayor of the District of Columbia) and the date the term expired (or will expire).

Answer:

Board Member		Role	Appointing Authority	Term Expiration
Stephanie Gidigbi-Jenkins	DC	Principal Director	DC Council	June 30, 2021
Vacant	DC	Principal Director	DC Council	n/a
Tom Bulger	DC	Alternate Director	DC Council	None*
Vacant	DC	Alternate Director	DC Council	n/a
Michael Goldman	MD	Principal Director	Washington Suburban Transit Commission	June 30, 2021
Greg Slater	MD	Principal Director	Washington Suburban Transit Commission	n/a
Vacant	MD	Alternate Director	Washington Suburban Transit Commission	n/a
Thomas Graham	MD	Alternate Director	Washington Suburban Transit Commission	June 30, 2023
Paul Smedberg	VA	Principal Director	Northern Virginia Transportation Commission	January 4, 2022
Matt Letourneau	VA	Principal Director	Northern Virginia Transportation Commission	January 3, 2023
Canek Aguirre	VA	Alternate Director	Northern Virginia Transportation Commission	January 7, 2025
Walter Alcorn	VA	Alternate Director	Northern Virginia Transportation Commission	January 4, 2024
Steve McMillin	Fed	Principal Director	USDOT/Secretary of Transportation	July 23, 2021
Vacant	Fed	Principal Director	USDOT/Secretary of Transportation	n/a
Tony Costa	Fed	Alternate Director	USDOT/Secretary of Transportation	May 31, 2018**
Devin Rouse	Fed	Alternate Director	USDOT/Secretary of Transportation	December 18, 2020**

Notes:

* - No term expiration provided; in correspondence with Clerk of the Council, it was confirmed that Mr. Bulger serves at the pleasure of the Council with no set expiration date of his term.

** - Ability to continue serving beyond the expiration of his term until such time as a replacement is appointed is specifically authorized in his appointment letter from the Secretary of Transportation.

3. (a) Please provide a breakdown of the number of WMATA employees by jurisdiction of residence.

Answer:

Employees by Jurisdiction of Residence
As of March 1, 2021

Employee Residence	Count of Employees
DC	1,401
MD	8,680
VA	1,804
Other	235
Total Employees	12,120

Note: Count of employees includes all Metro employees on budgeted and non-budgeted positions, including employees on long term leave.

- (b) How many employees were hired in FY2020 and FY2021, to date (as of March 1)?
(c) How many of these new hires were residents of the District of Columbia when hired?

Answer:

New Hires – DC Residents
As of March 1, 2021

Employee Residence	FY20 New Hires	FY20 New Hires %	FY21 to Date New Hires	FY21 to Date New Hires %
DC Resident	198	20%	55	15%
Other Residents	797	80%	316	85%
Total New Hires	995	100%	371	100%

4. Please list all currently open capital projects for WMATA as of the date of your response, including those projects that are managed or overseen by another agency or entity. Include a brief description of each, the total estimated cost, expenditures to date, the start and completion dates, and the current status of the project. Also, indicate which projects are experiencing delays and which require additional funding.

Answer:

Please see Metro’s proposed FY2022 to FY2027 Capital Improvement Program for a detailed response to this question. This document is available on our website here:

[WMATA DRAFT Proposed Capital Budget FY2022](#)

5. Please provide an update on the Silver Line Phase 2 construction project, including outstanding milestones and the anticipated date that the extension will enter revenue service. Please also provide a detailed of additional funding that will be required by WMATA to begin operation of the extension, broken down by jurisdiction.

Answer:

The Metropolitan Airports Authority announced this past Friday that construction of SVL2 will be substantially completed on Labor Day. This announcement enables Metro to begin

planning and budgeting for the start of service in early (calendar year) 2022. As MWAA achieves substantial completion, Metro can initiate steps to prepare for testing, conducting system safety certification, and recruiting and training employees to initiate passenger service. WMATA management had deferred significant hiring and mobilization expenses pending additional information on the resolution of construction issues. Progress on the Silver Line is reported publicly to the Safety & Operations Committee, approximately bimonthly, to keep all stakeholders apprised of the project's status.

With MWAA's recent date changes, WMATA will prepare for revenue service early CY2022 and adjust the FY2022 budget accordingly. The table below shows the jurisdictional breakdown of additional funding needed for SVL2.

\$ in Millions	SLV2
District of Columbia	\$ 12,047,607
Montgomery County	\$ 6,397,139
Prince George's County	\$ 5,742,004
Maryland Subtotal	\$ 12,139,143
City of Alexandria	\$ 1,701,704
Arlington County	\$ 3,406,748
City of Fairfax	\$ 110,908
Fairfax County	\$ 5,924,354
City of Falls Church	\$ 91,580
Loudoun County	\$ 1,077,958
Virginia Subtotal	\$ 12,313,250
Total Contribution	\$ 36,500,000

6. Please describe WMATA's efforts to leverage the funding provided by each of the three-member jurisdictions to borrow debt to support capital improvements.

Answer:

In June 2020 Metro completed its inaugural bond offering, Series 2020A, issuing \$545 million on its newly created Dedicated Capital Funding Bond Resolution that was approved by the WMATA Board in April 2020. This resolution creates a pledge of the Dedicated capital funding provided by the District of Columbia, the State of Maryland and the Commonwealth of Virginia. WMATA's FY2021 Capital Budget provides for \$551 million funding with debt from dedicated capital bonds. WMATA anticipates using this dedicated capital pledge to issue bonds to meet the debt funding proposed under the six-year CIP.

There is \$896.8 million of outstanding bonds issued under the Gross Revenue Bond Resolution. This resolution creates a pledge of the WMATA's gross revenues including jurisdictional operating subsidy, passenger revenues (excluding parking revenues) and other operating revenues.

Here's a graph of WMATA's debt profile:



7. (a) Please list and describe any investigations, studies, audits, or reports on your agency or any employee of your agency that were completed at any time in fiscal years 2020 or 2021 (as of March 1, 2021).

Answer:

See Attached Excel Spreadsheet

(b) Please list and describe any ongoing investigations, audits, or reports of your agency or any employee of your agency.

Answer:

See Attached Excel Spreadsheet

8. Please list each collective bargaining agreement that is currently in effect for agency employees. Please cite the bargaining unit and the duration of each agreement. Please note whether the agency is currently in bargaining and the anticipates completion timeframe.

Answer:

Labor Contract Summary as of February 2021

	ATU Local 689	AFL/CIO Local 2	Teamsters Local 922	FOP	Teamsters Local 639 (Special Police)
Contract Period	7/1/2020 - 6/30/2024	7/1/2016- 6/30/2021	11/1/2020- 10/31/2024	10/1/2017- 9/30/2024	10/1/2016- 9/30/2021
Term	4 years Parties are continuing to bargain on various work rule modifications to be completed by December 2024	5 years No negotiations are pending at this time. Negotiations are being scheduled to begin by March 31, 2021.	4 years Union has requested to open bargaining on their contract as soon as practicable, to get early start. Target to conclude is December 2024.	7 years No negotiations are pending at this time.	5 years No negotiations are pending at this time. Negotiations are being scheduled to begin by June 30, 2021

9. How many grievances have been filed by employees or labor unions against agency management in fiscal years 2019, 2020, and 2021 (through March 1)? Please list each of them by year. Give a brief description of each grievance, and the outcome as of March 1, 2021. Include on the chronological list any earlier grievance that is still pending in any judicial forum.

Answer:

See Attached File
Q9_DC Oversight_FY19-FY20-FY21 Grievances

10. (a) Please describe the agency's procedures for investigating allegations of sexual harassment committed by or against its employees.

Answer:

This is a Standard Operating Procedure (SOP). See Attached File
Q10A_FY20-FY21 DC Council Response_Investigative Process SOP

- (b) If different, please describe the agency's procedures for investigating allegations of misconduct.

Answer:

Process is not different. See 10A attachment

- (c) List chronologically and describe each allegation of sexual harassment and misconduct received by the agency in FY 2020 and FY 2021 (as of March 1) and the resolution of each as of the date of your answer.

Answer:

FY2020 Sexual Harassment Allegations	Resolution
Harassment being subjected to derogatory and homophobic comments	Cause - Reprimand issued
Inappropriate comments, unwanted touching, rumor-spreading by supervisor	Cause - Resignation in lieu of Termination
Patron alleged harassing behavior by Metro employee	No Cause
Unwelcome personal possibly sexual comments to patron's daughter	No Cause
Comments from Metro employee to patron, attempted to give phone number	Cause -Counseling
Inappropriate comments, use of sexually explicit epithet	Cause-counseling
Inappropriate personal comments; requests for touching and phone calls	No Cause
Unwanted taking of photos	No Cause
Inappropriate conversations about sexual activities and body parts	Cause-counseling
Accusations of sexual activity at work; use of sexual epithets	No Cause
Harassed for rejecting sexual advances	No Cause

FY2021 Sexual Harassment Allegations	Resolution
Subjected to sexually explicit derogatory speech from a supervisor	Cause-demotion & suspension
Lesbian being referred to as sir as harassment	No cause
Negative interactions with another employee due to a sexual liaison with a 3rd employee	Cause - termination
Harassment after employee terminated a sexual liaison with supervisor	Cause - termination
Harassment after employee rejected another employee's advances	No cause
Supervisor engaged in sexually explicit conversations with subordinate employee	Cause-suspension/counseling
Genitalia exposure during a video teleconference meeting	Cause-retirement in lieu of termination
Harassment via inappropriate comments and touching by supervisor	Cause-suspension/counseling
Negative text messages from an employee because of a former sexual liaison	No cause
Taunting comments, cursing from another employee after rejection of advances	No cause
Unwanted touching, failure to properly train, demotion	No cause
Patron parent reported overtures made by employee to a minor	Cause - resignation in lieu of termination
Unacceptable references made by employee	No cause
Rumors about sexual liaisons	Cause-counseling
Comments about being a cougar	Pending
Harassment by a former paramour	Pending
Explicit displays and comments by supervisors	Pending
Sexually explicit displays and comments by employee	Pending

FY 2020-FY2021 Misconduct Allegations (Non-Sexual Harassment)		
Basis	Allegation	Resolution

Religion	Harassment based on religion	No Cause
Race	Disparate treatment based on race; unfair scrutiny based on race; unfair counseling	Cause
Retaliation/Sex/Gender	Retaliatory harassment by supervisors; disparate treatment	No Cause
Sex/Gender	Denial of employment opportunity by supervision because of being female	No Cause
National origin	Failure to promote to positions applied for	No Cause
Race	Disparate treatment based on race; harsher discipline	No Cause
Age/Color/Religion	Removal from position, failure to promote, denial of training	No Cause
Disability/Retaliation	Failure to identify and place in alternative employment job	No Cause
Race	Disparate treatment from white co-workers	No Cause
Race	Failure to promote to position applied for	No Cause
Race/Sex/Gender	Failure to promote to position applied for	No Cause
Race	Inappropriate comment	No Cause
National origin	Demotion and discipline by supervisor because of national origin	No Cause
National origin	Failure to promote because of his name	No Cause
Age	Inappropriate comments as harassment	No Cause
Disability	Failure to accommodate	Administrative closure
Retaliation	Application of the criminal background review for an applicant	No Cause
Disability & Sexual Orientation	Harassment heightened scrutiny of work because of his sexual orientation and disability	No Cause
Disability	Denial of reasonable accommodation and disparate treatment	No Cause
Disability/ Sex/Gender	Discipline issued because of her gender and disability	No Cause
Race/Color/Age/ National Origin	Greater work assignments, bullying, disparate treatment	No Cause
Race/National Origin	Supervisor mandates regarding masks worn	No Cause
Race/Sex/Gender/ Retaliation	Disparate treatment, discipline, failure to promote because of race and sex	No Cause
Race/National Origin/ Retaliation	Disparate treatment, more assignments, heightened scrutiny	No Cause

11. Please describe the procedure used to formulate, review, approve, and publish policies for the Metro Transit Police Department.

Answer:

MTPD develops procedures and policies based on best practices that are developed through evaluating how our law enforcement partners in the National Capital Region (NCR) conduct business. In addition, we consult with our colleagues and evaluate best practices within the transit industry. We also review reports, studies, policies provided through the International Association of Chiefs of Police (IACP); the Police Executive Research Forum (PERF); the Chiefs of Police Committee through MWCOG; the Department of Justice and

other organizations.

12. Please provide as an attachment the Metro Transit Police Department's (MTPD) most recent Five-Year Crime Report.

Answer:

Our five-year crime report is posted on the website, along with our daily crime report. <https://www.wmata.com/about/transit-police/upload/Five-Year-Crime-Report-2016-2020.pdf>

13. Please describe how Use of Force, Stops, and Arrests by the MTPD are tracked, investigated, and reported to the public.

Answer:

MTPD has written policies, (which are posted on our web site) on use of force and stop and frisks. Both policies are attached. MTPD Leadership reviews and tracks officers' use of force, stops/frisks, and arrests. Investigations are conducted when warranted. MTPD does not report to the public the number of Use of Force reports completed or the number of stops/frisks completed; our arrests numbers and enforcement are on our web page.

14. Please list all outstanding Washington Metrorail Safety Commission Corrective Action Plans (CAPs) that WMATA is required to complete, the status of each CAP, and the anticipated date of completion.

Answer:

See Attached Excel Spreadsheet

15. Please list all outstanding audit recommendations from the WMATA Office of the Inspector General, the status of each recommendation, and the anticipated date of completion.

Answer:

WMATA's OIG office will be providing the response directly to Chairman Mendelson.

16. (a) Please list each contract over \$1,000,000 million for goods or services procured in 2020 by WMATA from District businesses including the name of the vendor and contract value.

Answer:

FY18 Contracts \$1M Plus

FY	Vendor Name	Address 1	City	St	Contract Max Amt / PO Amount
2018	Gannett Fleming-Parsons Joint Venture	100 M Street SE	Washington	DC	\$ 20,487,432.29
2018	WSP USA Inc.	1015 Half Street	Washington	DC	\$ 4,811,607.00
2018	Susan Fitzgerald & Associates, Inc.	2238 48th Street NW	Washington	DC	\$ 1,319,920.00
2018	Susan Fitzgerald & Associates, Inc.	2238 48th Street NW	Washington	DC	\$ 1,439,040.00
2018	Jones Day	51 Louisiana Avenue, NW	Washington	DC	\$ 3,400,000.00
2018	Schulte Roth & Zabel LLP	901 15th Street, NW	Washington	DC	\$ 2,714,440.00
2018	Mb Staffing Services LLC	601 New Jersey Avenue NW	Washington	DC	\$ 1,014,014.40
2018	Networking for Future, Inc. (NFF, Inc.)	1331 Pennsylvania Ave NW	Washington	DC	\$ 1,070,960.00
2018	Networking for Future, Inc. (NFF, Inc.)	1331 Pennsylvania Ave NW	Washington	DC	\$ 3,015,763.60
					\$ 39,273,177.29

FY19 Contracts \$1M Plus

FY	Vendor Name	Address 1	City	St	Contract Max Amt / PO Amount
2019	Software Information Resource Corp SIRC	SBA Certified Hubzone Co.	Washington	DC	\$ 1,281,102.10
2019	Gannett Fleming-Parsons Joint Venture	100 M Street SE	Washington	DC	\$ 10,000,000.00
2019	Wholesale Electric Caribe, Inc.	3525A V ST NE	Washington	DC	\$ 1,158,119.38
2019	Wiley Rein LLP	1776 K Street, NW	Washington	DC	\$ 3,000,000.00
2019	Community Bridge Inc.	1 Scott Circle, NW	Washington	DC	\$ 9,125,000.00
2019	Lynch Development Advisors	1400 16th Street, NW	Washington	DC	\$ 2,205,200.00
2019	Fivesquares Construction	at Grosvenor Metro, LLC	Washington	DC	\$ 2,989,354.00
					\$ 29,758,775.48

FY20 Contracts \$1M Plus

FY	Vendor Name	Address 1	City	St	Contract Max Am / PO Amount
2020	Wiley Rein LLP	1776 K Street, NW	Washington	DC	\$ 3,837,500.00
2020	Wiley Rein LLP	1776 K Street, NW	Washington	DC	\$ 2,020,000.00
2020	EastBanc Technologies, LLC	1211 31st Street, NW	Washington	DC	\$ 26,934,636.00
2020	Susan Fitzgerald & Associates, Inc.	2238 48th Street NW	Washington	DC	\$ 80,982,260.39
2020	Compass Solutions LLC	1401 K Street, NW	Washington	DC	\$ 2,920,767.00
2020	Community Bridge Inc.	1 Scott Circle, NW	Washington	DC	\$ 19,219,885.31
2020	Midtown Personnel, Inc.	1130 Connecticut Ave	Washington	DC	\$ 2,834,179.22
2020	Bonner Kiernan Trebach & Crciata, LLP	1233 20th Street, NW	Washington	DC	\$ 4,462,060.00

2020	Schulte Roth & Zabel LLP	901 15th Street, NW	Washington	DC	\$ 1,078,150.00
2020	Deloitte Consulting LLP	555 12th Street NW	Washington	DC	\$ 1,489,504.00
2020	One Kare Enterprise, LLC	10 G Street NE	Washington	DC	\$ 2,157,717.07
2020	The Clearing, Inc	1250 Connecticut Avenue Suite 625	Washington	DC	\$ 8,958,233.02
2020	Gannett Fleming- Parsons Joint Venture II	100 M Street, SE	Washington	DC	\$ 40,000,000.00
2020	Gannett Fleming- Parsons Joint Venture II	100 M Street, SE	Washington	DC	\$100,000,000.00
2020	Akin Gump Strauss Hauer & Feld LLP	2001 K Street, NW	Washington	DC	\$ 2,420,400.00
2020	WSP USA Inc.	1015 Half Street	Washington	DC	\$ 27,290,733.78
2020	Mb Staffing Services LLC	601 New Jersey Avenue NW	Washington	DC	\$ 7,544,869.81
2020	Networking for Future, Inc. (NFF, Inc.)	1331 Pennsylvania Ave NW	Washington	DC	\$ 6,585,909.71
2020	Limbic Systems Inc	2200 Pennsylvania Avenue, NW	Washington	DC	\$ 1,967,659.54
2020	Limbic Systems Inc	2200 Pennsylvania Avenue, NW	Washington	DC	\$ 3,026,135.00
2020	Gannett Fleming- Parsons Joint Venture II	100 M Street, SE	Washington	DC	\$ 7,414,711.00
2020	WSP USA Inc.	1015 Half Street	Washington	DC	\$ 2,400,000.00
2020	Wiley Rein LLP	1776 K Street, NW	Washington	DC	\$ 1,007,500.00
2020	Susan Fitzgerald & Associates, Inc.	2238 48th Street NW	Washington	DC	\$ 1,052,974.08
2020	Bonner Kiernan Trebach & Crciata, LLP	1233 20th Street, NW	Washington	DC	\$ 3,110,000.00
2020	IBS Management & Consultancy Service LLC	1050 17th Street, NW	Washington	DC	\$ 2,164,547.91
2020	CRADLE SYSTEMS, LLC	1875 K Street NW	Washington	DC	\$ 1,861,440.00
2020	Fivesquares Construction	at Grosvenor Metro, LLC	Washington	DC	\$ 24,000,000.00
2020	Networking for Future, Inc. (NFF, Inc.)	1331 Pennsylvania Ave NW	Washington	DC	\$ 1,347,456.00
					\$390,089,228.84

(b) How has this volume increased or decreased since WMATA's fiscal year 2018? Explain reasons for the change.

Answer:

The increased number of contracts awarded those within the District of Columbia is attributed to the aggressive outreach efforts the Office of Procurement and Materials (PRMT), Small Business Programs Office (SBPO) has been engaged in. The PRMT office issues direct solicitations to local vendors and offers training sessions that advise them on how to do business with WMATA.

Two of the top contract awards are general engineering contracts that will support the capital developments over multiple years. Also, of note, is an information technology (IT) staff augmentation contract used to support the authority.

(c) What is WMATA doing to increase the volume (both dollar value and number of vendors) with District businesses?

Answer:

WMATA has established a practice to unbundle large contracts, when possible, to facilitate opportunities for small and minority contractors to be prime contractors. One successful example is the Multiple Awards Task Order Contract (MATOC). During FY2020, WMATA processed 51 task orders with goal settings for DBE participation. The total value of the Task Orders was \$114,122,359.84. DBEs were awarded \$41,670,175.85 or 36.51% of the awards. Of these awards, nine were DBE District of Columbia firms with awards valued at \$6,093,672.00, and twelve were District Prime firms with awards valued at \$29,696,800.19.

WMATA is implementing the Minority Business Enterprise (MBE) program with a race neutral Small Business Program (SBP) component. The purpose of the program is to maximize prime and subcontracting opportunities, increase the pool of certified businesses, and create new contracting relationships between small businesses of similar sizes. The MBE program race/gender specific provisions will model the existing federal DBE and SBE programs. The existing DBE criteria and SBA business size criteria shall be used to determine overall eligibility for the program. All certified MBEs may bid directly to WMATA as a prime contractor and/or be considered for subcontracting when MBE goals are established. The Board of Directors will be provided annual reports of the utilization of the program.

The Disparity Study contract was recently awarded. Its findings will be a major source in finalizing the implementation of the MBE program criteria. The study will help focus on the economic issues impacting minority businesses when competing for WMATA contracts.

The MBE/SBP Program will allow for the following:

- Incorporation of race-neutral component, like the federal SBE program, which will enable objectives to be met quicker and with greater visibility, by allowing more small businesses while under contract to learn the business process and establish relationships and performance.
- Creation of economic stability in the small business community, which is directly related to WMATAs Equity Initiatives.
- Increased number of new small minority-owned businesses in the certification program through the establishment of a custom, set aside program that will result in a measurable increase in job creation, business expansion, tax revenues, etc.
- Compliance with 49 CFR Part 26, the narrowly tailored program requirements.

WMATA is also working on a grassroots way of reaching small and local businesses to educate and inform them on how we do business and invite them to be a part of WMATAs business plan in gaining access on procurement contracts. The following is part of our equity initiatives:

- Developing partnerships with District of Columbia Mayor's Office, Conference of Minority Transportation Officials (COMTO) National office, and Small Business Organizations in the DMV to market contracting opportunities and to educate small businesses on WMATAs Certification, Procurement Processes and Socioeconomic Programs.
- Surveying small businesses after each outreach to obtain feedback and capture areas of improvement. A second survey will be developed for small businesses who are presently working on WMATA contracts to obtain feedback on their experience.

- Increasing the number of certified businesses in WMATA and District of Columbia Certification Program Directory to increase the usage for our contracting needs.
- Developing new outreach strategies to better serve WMATA and small business, such as “Meet the Primes” and “Pitch Your Niche”. These events will be added to already successful educational and informational outreach events that WMATAs Procurement and Small Business Teams present.
- Targeting credit card and simplified purchases to increase the number of opportunities awarded to the local small business community.

17. Please explain any significant impacts on your agency, if any, of any legislation adopted at the federal, state, or local level during FY2020 and FY2021, to date.

Answer:

Virginia – During the Virginia 2020 special session, a provision was passed in the budget to allow the Virginia Commonwealth Transportation Board (CTB) the flexibility to address transportation funding shortfalls if necessary due to the pandemic. The CTB used this flexibility to use unobligated bonds to cover a \$17.6M funding shortfall for Virginia dedicated funding in FY2021 due to the impact of the pandemic. Prior to adjournment on March 1, 2021, the Virginia legislature provided \$22.4M in funding to fill a shortfall in the annual Virginia dedicated funding commitment. Due to the pandemic, the Virginia dedicated funding revenue stream for FY22 is anticipated to have a \$22.4M shortfall largely due to a 50% drop in revenue from the transient occupancy tax (hotel tax) in Northern Virginia. The Department of Rail and Public Transportation led the effort to address the shortfall.

Maryland - Following the 2020 session, with great uncertainty about potential economic fallout from the pandemic, Governor Larry Hogan vetoed numerous bills that passed during the final days of a shortened legislative session. Among those bills, 2020 [HB86](#) - Transportation - Maryland Metro/Transit Funding Act – Alterations, makes some technical changes and more notably makes explicit that payments and obligations resulting from arbitration proceedings as an exclusion from the 3% cap. In February 2021 the Maryland House and Senate overrode the Governor’s veto.

Federal – Federal COVID Relief Funding - In calendar year 2020, two laws were enacted by the federal government that enabled Metro to operate essential bus and rail service throughout the Pandemic. First, on March 27, 2020, the Coronavirus Aid, Relief and Economic Security Act (CARES Act) was signed into law. This bill provided \$1.02B to our region. WMATA received about \$877 million of this funding, and we credited a total of \$109 million from that amount to our local jurisdictions.

Second, enacted on December 27, 2020, the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) provided the region with an additional \$837 million, of which Metro will receive an estimated \$610 million. Experiencing historic decreases in ridership and revenue, Metro would have had to operate severely reduced service in our FY2021 without the federal funding at a time when some residents had no other transportation. Additionally, thousands of Metro employees would have lost their jobs causing personal hardship and further unemployment in the region.

On Wednesday, March 10, Congress passed the American Recovery Plan that provides \$1.4 billion for our region's transit agencies. While we are uncertain of Metro's exact share of this funding, it will allow us to avert service cuts and layoffs that had been proposed in the FY22 budget. We will continue the public comment period - including virtual public hearings -

through March 16, and we expect to vote on a revised FY22 budget in April that takes into consideration this new federal relief. The WMATA Compact requires the Board to adopt a balanced budget for the coming fiscal year by June 30th.

PRIIA funding – Once again, thanks to the leadership of the National Capital regional delegation, WMATA received \$150 million in federal dedicated funding in federal FY2021 to support our safety and preventative maintenance needs. The funding was provided despite the expiration of the authorization for the funding (expired in 2018).

PRIIA reauthorization – In the 116th Congress (2019-2020), legislation to reauthorize Metro’s federal dedicated funding (PRIIA) was introduced in both the House and Senate. Both bills would authorize \$150 million in annual funding - to be matched by funds from DC, MD and VA – and would also provide additional capital funding conditioned on certain actions that need to be addressed by the WMATA board. Both bills also contain provisions to strengthen the independence of the Office of Inspector General. This February, similar bills have been introduced again in the House and Senate for the 117th Congress (2021-2022).

In October 2020, Metro’s Board adopted a new Public Agency Safety Plan to reflect the new Federal Transit Administration (FTA) requirements (under the Public Transportation Agency Safety Plan Final Rule of 2018). Metro’s new Agency Safety Plan is comprised of the four main components of a safety management system: Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion.

18. What are your top five priorities for the agency? Please provide a detailed explanation for how the agency expects to achieve or work toward these priorities in fiscal years 2021 and 2022.

Answer:

WMATA’s top priorities include advancing a mature safety culture, pandemic recovery, capital program delivery, equity framework implementation and FY22 budget adoption in support of customer service.

Safety

The Board adopted Metro’s first System Safety Plan, which will be implemented throughout the Authority, to promote data-driven decision making and prioritize hazard risk management. Additionally, WMATA has undertaken a complete transformation of the Rail Operations Control Center to create a new industry standard for safe operations. Together with a new director and senior managers, a transformation team has completed an organizational assessment, developed an employee hiring and retention plan to address staffing shortages, created new training programs, devised new safety protocols and procedures, and introduced technology improvements to make train movements safer.

Pandemic Recovery

Safety is also at the center of Metro’s pandemic recovery plan, which includes protecting the health of employees and customers. Service plans that keep the region moving, provide reliable service for essential trips, restore bus service to keep ahead of demand, and ensure capacity that permits social distancing are all part of the current service plans for bus and rail customers aligned with regional pandemic recovery phases.

Metro is continuing to provide next level cleaning and disinfection, compliance with a federal mask mandate, distribution of free masks and hand sanitizers, and introducing contactless fare payment for Android phone users. Additional measures for employees include on-site COVID testing, safety kit distribution, and remote telework. Funded in part by a Federal Transit Administration grant, WMATA is also reviewing air filtration systems for buses and trains to determine their effectiveness in reducing virus transmission.

Capital Delivery

Due to pandemic low ridership levels, Metro advanced portions of its capital program. The proposed FY2022 Capital Budget of \$2.6 billion and six-year Capital Improvement Program (CIP) of \$12 billion continues an aggressive investment in addressing a backlog of safety and reliability work. Over the past four years, Metro invested more than \$6 billion through the capital program, and capital delivery has improved, delivering 95 percent of the Capital Budget each year. Priority projects include the next generation of railcars, reconstruction of 20 platforms, rebuilding the Bladensburg and Northern Bus facilities, aerial and bridge replacements, bus purchases, and constructing the new headquarters building in L'Enfant Plaza.

Equity Framework

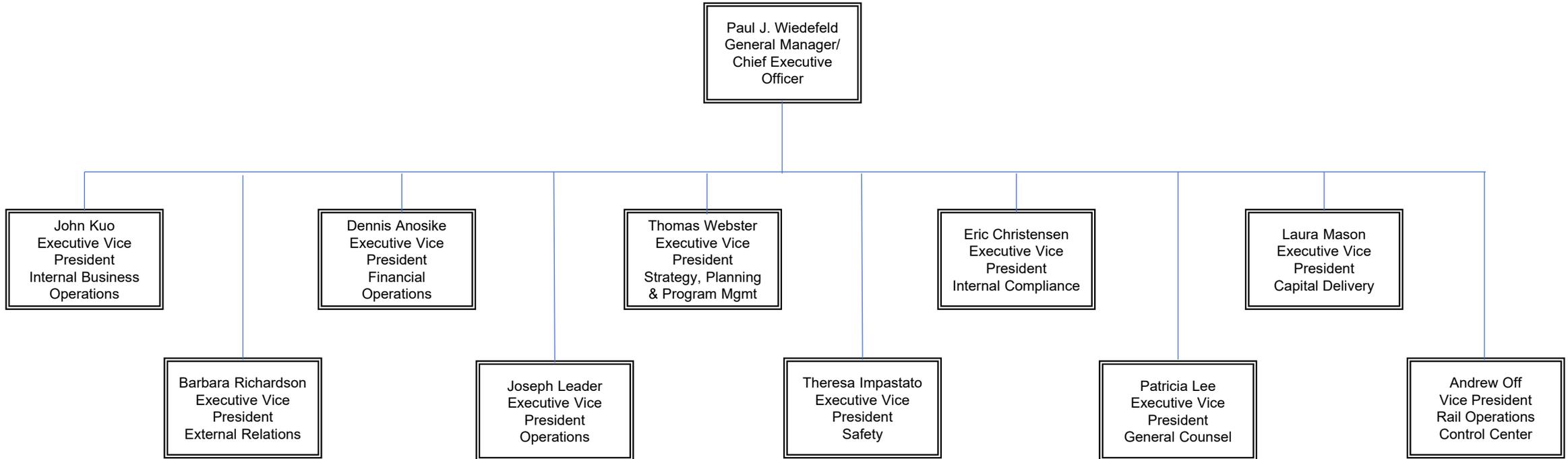
In a joint Board-Management initiative introduced this year, Metro renewed its focus on advancing transit and social equity across the Authority. The organization is expanding its outreach to small and minority owned businesses to ensure more participation in procuring goods and services, growing internal training and discussions on diversity, inclusion and equity, and expanding efforts on sustainability. With civilian representatives from the jurisdictions, the Metro Transit Police Investigations Review Panel established by the Board has started its work. Police reform progress is also being made in updating and revising policies, recruitment, and training, community outreach with schools and youth and communications.

Funding for Customer Service

As the region recovers and Metro welcomes back more customers, the Authority will provide additional service to anticipate and meet bus and rail service demand. As of this writing, additional federal relief is needed to fund service for the second half of FY22 to avoid service cuts and personnel layoffs and to balance the budget, as required by its governing Compact. WMATA is also preparing to take control of and operate the 11.4-mile Silver Line extension later this year.

To plan forward to offer customer service in a post-pandemic economy, Metro's Board is engaged in planning for emerging travel patterns, fare policy considerations, and phased implementation of the region's Bus Transformation Plan, which supports WMATA's goal to provide equitable public transit.

WMATA Org Chart
Effective June 2020



DC Performance Oversight Hearing - For Question #1, Org Chart

Count of Filled and Vacant Positions per Org

and Department-Level for COO

As of: 3/1/21

Notes:

Count includes budgeted positions only. Employees on leave and headcount on overallocated positions are excluded.

OIG and SECT are not included as they do not report to the GM.

Total Budgeted Headcount, excluding OIG and SECT, is 12,690.

Org Level	Filled	Vacant	Total Positions
Capital Program Delivery (CAPD)	337	52	389
Financial Operations (CFO)	195	20	215
Operations (COO)	9,883	1,042	10,925
General Counsel (COUN)	41	3	44
External Relations (EXRL)	106	4	110
General Manager/Chief Executive Office (GMGR)	3		3
Internal Business Operations (IBOP)	542	44	586
Internal Compliance (INCP)	53	12	65
Rail Operations Control Center (ROCC)	125	29	154
Safety (SAFE)	70	13	83
Strategy, Planning, and Program Management (SPPM)	104	12	116
Total	11,459	1,231	12,690

Departments in COO

Dept	Filled	Vacant	Total Positions
Access Services (ACCS)	46	1	47
Administrative Office (ADM)	6		6
Business Process Development (BPDV)	1770	182	1952
Bus Services (BUS)	3583	191	3774
Metro Transit Police (MTPD)	591	115	706
Operations Budget, Performance, and Planning (OBPP)	320	31	351
Rail Services (RAIL)	3567	522	4089
Total	9,883	1,042	10,925

Question 1: Names of all Senior Personnel

VPs, SVPs, and above

As of 3/1/21

Note: OIG and SECT are not included.

Last Name	First Name	Job Title
Albert	Nina	VP REAL ESTATE & PARKING
Alexander	LaRisa	SPECIAL ASST TO THE GM/CEO
Anosike	Dennis	EVP & CHIEF FIN OFFICER
Bowersox	Lynn	SVP CUST SERVICE, COMM & MKT
Burnside	Andrea	VP OPER BUDGET & PERF PLNG
Christensen	Eric	EXECUTIVE VICE PRESIDENT INTER
Cuff	Coree	VP, PROJECT DEVEL & IMPL PLNNG
Davis	Hakim	VP, QUALITY ASSUR, INTER COMPL
DeFrancesco	John	VP &ASST CHIEF SAFETY OFR, OPS
Dickerson	Sherry	SVP & CHIEF HUMAN CAPITAL OFF
Doherty	John	VP & CHIEF MECHANICAL OFFICER
Ellis	Winston	VP & CHIEF LABOR REL OFFICER
Espy-Smith	Amy	CHIEF MEDICAL OFFICER
Gross	Craig	VP & TREASURER
Hardison	Matthew	VICE PRESIDENT, STRATEGIC PROG
Hass	Michael	VP RAIL INFRAS MNTN & ENG
Impastato	Theresa	EVP & CHIEF SAFETY OFFICER
Jones	Leroy	VP BUS TRANSPORTATION
Kannan	Shyam	VP, PLANNING
Kraft	Kathleen	VP & DEPUTY GEN COUN
Kuo	John	EVP INTERNAL BUSINESS OPER
Leader	Joseph	EVP & CHIEF OPER OFFICER
Lee	Patricia	EVP & GENERAL COUNSEL
Mason	Laura	EVP CAPITAL DELIVERY
Michels	David	VICE PRESIDENT BUS MAINTENANCE
Moore	Tonyon	VP & CHIEF PROCUREMENT OFR
Off	Andrew	VP ROCC & STATEGIC TRANSFORMAT
Olumide	Yetunde	VP OFC MGMT BUDGET SVCS
Palmeri	Francesco	VP RELIABILTIY ENGRG & ASSET M
Pavlik	Ronald	VP & CHIEF, MTPD
Potts	Robert	SVP BUS SERVICES
Proctor	Delores	VP BUS TRANSPORTATION
Richardson	Barbara	EVP EXTERNAL AFFAIRS
Rosborough	Dianna	VP ADMINSTRTN & OPS IBOP
Short	Albert	SVP & CHIEF INFORMATION OFR
Spulick	Stephen	VP SUPPLY CHAIN MGMT
Sullivan	Regina	VP GOVERNMENT RELATIONS
Sullivan	Elizabeth	VP & CHIEF RISK AND AUDIT OFR
Sullivan	James	VICE PRESIDENT CAP PRGM MGMT
Thomas	La Toya	VP & COMPTROLLER

Trocki	John	VP & DEPUTY GEN COUN
Webster	Thomas	EVP, CAPITAL PLAN & PROG MGMT
Wiedefeld	Paul	GENERAL MANAGER AND CEO
Wilkinson	Shanita	VP, RAIL TRANSPORTATION
Wojciechowski	James	VP & ASST CHIEF SAFETY OFFICER
Woodruff	Lisa	SVP BUSINESS PROCES DEVELOPMEN

**FY2019 Grievances
Total 402**

Received	Description	Outcome
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Incomplete
FY19	Contract Interpretation	Incomplete
FY19	Contract Interpretation	Incomplete
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Arbitration- granted
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor

**FY2019 Grievances
Total 402**

Received	Description	Outcome
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Arbitration - denied
FY19	Contract Interpretation	Denied - labor
FY19	Contract Interpretation	Denied - labor
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Complete
FY19	Contract Interpretation	Settled - labor

FY2019 Grievances

Total 402

Received	Description	Outcome
FY19	Discharge	Arbitration - settled
FY19	Discharge	Arbitration - settled
FY19	Discharge	Arbitration - settled
FY19	Discharge	Arbitration - settled
FY19	Discharge	Arbitration - denied
FY19	Discharge	Settled - labor
FY19	Discharge	Arbitration - denied
FY19	Discharge	Complete
FY19	Discharge	Settled - labor
FY19	Discharge	Complete
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration- granted
FY19	Discharge	Arbitration - settled
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration - pending
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Settled - labor
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Settled - labor
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Arbitration - denied
FY19	Discharge	Complete
FY19	Discharge	Arbitration- granted
FY19	Discharge	Arbitration - denied
FY19	Discharge	Settled - labor
FY19	Discharge	Arbitration - pending
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration - denied
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Arbitration - pending
FY19	Discharge	Arbitration - withdrawn
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration- granted
FY19	Discharge	Arbitration - pending
FY19	Discharge	Continued - labor
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Complete

FY2019 Grievances**Total 402**

Received	Description	Outcome
FY19	Discharge	Arbitration - denied
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Settled - labor
FY19	Discharge	Arbitration - pending
FY19	Discharge	Complete
FY19	Discharge	Arbitration - pending
FY19	Discharge	Complete
FY19	Discharge	Settled - labor
FY19	Discharge	Settled - labor
FY19	Discharge	Arbitration - pending
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Settled - labor
FY19	Discharge	Complete
FY19	Discharge	Arbitration - denied
FY19	Discharge	Complete
FY19	Discharge	Complete
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration - settled
FY19	Discharge	Complete
FY19	Discharge	Arbitration - denied
FY19	Discharge	Settled - labor
FY19	Discharge	Arbitration - pending
FY19	Discharge	Arbitration - denied
FY19	Discharge	Arbitration - denied
FY19	Discharge	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor

FY2019 Grievances
Total 402

Received	Description	Outcome
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Complete
FY19	Discipline	Complete
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Settled - labor
FY19	Discipline	Complete

FY2020 Grievances**Total 384**

Received	Description	Outcome
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete

FY2020 Grievances

Total 384

Received	Description	Outcome
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Arbitration - denied
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Arbitration - denied

FY2020 Grievances**Total 384**

Received	Description	Outcome
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Arbitration - denied
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Arbitration - denied
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Settled - labor
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Complete
FY20	Contract Interpretation	Incomplete

FY2020 Grievances**Total 384**

Received	Description	Outcome
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration - denied
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration- granted
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Arbitration - denied
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration- granted
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration - denied
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration - denied
FY20	Discipline	Complete
FY20	Discipline	Complete

FY2020 Grievances**Total 384**

Received	Description	Outcome
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Arbitration - denied
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Arbitration- granted
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Complete
FY20	Discipline	Arbitration- granted
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration - denied
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Arbitration- granted
FY20	Discipline	Complete
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor
FY20	Discipline	Settled - labor

FY2021 Grievances**Total 221**

FY Received	Description	Outcome
FY21	Contract Interpretation	Complete
FY21	Contract Interpretation	Incomplete
FY21	Contract Interpretation	Complete
FY21	Contract Interpretation	Complete
FY21	Contract Interpretation	Complete
FY21	Contract Interpretation	Incomplete
FY21	Contract Interpretation	Complete
FY21	Contract Interpretation	Incomplete
FY21	Discharge	Settled - labor
FY21	Discharge	Settled - labor
FY21	Discharge	Complete
FY21	Discharge	Complete
FY21	Discharge	Complete

FY2021 Grievances**Total 221**

FY Received	Description	Outcome
FY21	Discipline	Incomplete
FY21	Discipline	Complete
FY21	Discipline	Incomplete
FY21	Discipline	Settled - labor
FY21	Discipline	Incomplete
FY21	Discipline	Incomplete
FY21	Discipline	Complete
FY21	Discipline	Complete
FY21	Discipline	Incomplete
FY21	Discipline	Incomplete
FY21	Discipline	Complete
FY21	Discipline	Complete
FY21	Medical	Incomplete
FY21	Medical	Incomplete
FY21	Medical	Incomplete

FY2021 Grievances

Total 221

FY Received	Description	Outcome
FY21	Medical	Complete

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

FAIR'S DISCRIMINATION COMPLAINT INVESTIGATIVE PROCESS

WMATA's Office of Fair Practices (OFP) has developed procedures for investigating allegations of sexual harassment and other allegations of discriminatory misconduct. The procedure is the same for both types of allegations and are outlined below.

Initial Contact with OFP

1. Methods of Contact

- a) Telephone calls – Employees may contact OFP by Voicemail messages at 202.962.1082. The EEO Coordinator or OFP staff shall respond to the voicemail message. The voicemail messages are housed in the “Civil Rights” inbox which is accessible to all OPF staff.
- b) Email(s) – Employees may contact OFP by email at the following address: OEEOHotline@wmata.com. The EEO Coordinator and OFP staff have access to emails through the “OEEOHotline” and shall respond to the voicemail.
- c) Walk-In(s) – Employee may walk-in to the Headquarter Office and ask to speak with an OFP staff member through the HR Welcome Center. The HR Receptionist can contact a member of the OFP staff at (202) 962-1082.
 - i. An **initial interview** with the Complainant will be conducted and documented to determine if the matter is covered by the non-discrimination policy.
 - ii. If the matter is not covered by any of the non-discrimination policies, it shall be documented in the PeopleSoft EEO Complaint Tracking Module (CTM) and be referred to the appropriate WMATA Office.
 - iii. If the facts presented are sufficient warrant an inquiry by OFP, the claim will be documented in the PeopleSoft CTM, the allegation shall be reduced to writing, the Complainant shall sign a Complaint of Discrimination form, a file will be created under the complainant's name on the OFP drive, all document will be filed based on the standard record keeping rules.
- d) Management Referral(s) – can be received by anyone in the OFP office via emails, phone calls and/or walk-ins.

Whether you receive a phone call, email, walk-in and/or Management referral, contact information (all phone numbers, personal email, employee ID, etc.) should be secured

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

from the individual sufficient to complete the “Info Required” form to request a docket number.

2. EEO Coordinator Support Activities:

a) **Assignment of Docket Number**

- i. An Information Required form must be completed and forwarded via email to the EEO Coordinator to assign a docket number to a contact.
 1. **Step 1**- Complete an “Information Required for a Docket Number” form with as much intake information as possible. **Note: Important information that’s needed: basis of complaint; respondent’s information, and summary of allegations.**
 2. **Step 2** – Update the “Master All Cases Assigned” Excel spreadsheet located in EEO Case Files > All EEO Cases Tracking.
 3. **Step 3** - Log into PeopleSoft (PS) through WMATA’s homepage to acquire a docket number:
 - a. Click on Tab – Applications
 - b. Scroll down and double click on – PeopleSoft - HCM
- ii. **PeopleSoft** - Once logged into PeopleSoft you will be able to retrieve any missing information that you’ll need on the Complainant and the Respondent:

- b) EEO Coordinator creates the electronic case files. Documents or other electronic media are saved in the case file.

INTAKE INTERVIEW BY EEO OFFICERS

1. The purpose of intake is to provide these services: 1. Provide information to the complainant. 2. Collect enough information to frame the claim(s) and basis(es). 3. Gather information and affording the aggrieved person an opportunity to achieve an informal and mutually acceptable resolution of the complaint. 4. Conduct a limited inquiry for the purpose of jurisdictional questions. 5. Seek resolution of disputes at the lowest possible level. 6. Educate and explain the benefits of the ADR process. 7. Advise aggrieved individuals of other forums where they can

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

pursue their concerns if the matter is non EEO related, i.e., referral to Employee Relations, back to management, the negotiated grievance process, etc. 8. Prepare case files and documents for every complaint. Intake interviews and all contact with employees and actions should be documented on the Investigation Activity Log and all documentation MUST be saved in the appropriate case folder on the Shared Drive.

2. Scheduling: OFP staff will strive to contact the complainant within 24 hours to schedule an in-person, telephonic or virtual intake interview appointment. If the complainant is represented by legal counsel or union representative, they may attend the interview as a silent witness. If counsel attends the interview, counsel may advise the complainant, but the complainant is required to answer all questions asked by the OFP EEO officer directly.
3. During the intake interview, the assigned EEO Officer will explain the mission and general functions of OFP, discrimination laws enforced by OFP, protected categories, and inform the complainant of the complaint process. If employees choose to file a formal complaint of discrimination after they have conducted an intake session, they must do so on an OFP formal complaint form. All formal complaints alleging discrimination MUST contain the information outlined below.
 - a. Full name, address, work, home and cellular telephone numbers, personal email address and other contact information of the complainant;
 - b. Full name, job title, work, home and cellular telephone numbers, person email address and other contact information of the respondent;
 - c. A statement explaining the alleged discrimination with description of who, what, when, and how the alleged discrimination occurred;
 - d. The date(s) of the alleged discrimination. If the allegation is more than 30 days old OFP has the discretion to determine the allegations are untimely;
 - e. If the alleged discrimination is continuing in nature, range of dates when alleged discrimination took place;
 - f. A statement as to what the Complainant is seeking for recourse to their concerns; and
 - g. Complainant's signature on the formal complaint of discrimination.

Once the complaint has been completed and signed, the OFP staff notifies the EEO Coordinator of any changes for updates in PeopleSoft and to OFP assignment sheets.

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

Informal Process:

1. Contacts made with the OEEO are considered official allegations and the OEEO will review the facts to determine whether an investigation must be conducted. In most instances, if OEEO determines that an investigation is necessary, the complainant will be asked to complete and sign a complaint form. In cases where appropriate, alternative dispute resolution (ADR), such as mediation, may be pursued. If the complainant does not wish to file a complaint and has clearly articulated a basis upon which a complaint could be filed, OEEO staff determine whether counseling the respondent is appropriate to address the concerns raised. In such instances, the EEO Officer will go over the allegation(s) and draft an Employee Counseling Form. The EEO Officer or the Manager - Civil Rights Compliance will meet with the respondent and go over the allegations and the policy(ies) that may have been violated. The respondent signs and dates the Counseling Form which will be saved in the Shared Drive. The Information Required Sheet is updated and sent to the EEO Coordinator for closing the case in PeopleSoft.

There may be instances where the complainant does not want to proceed with a complaint but has provided enough information to OFP that it will be necessary for OFP to conduct a formal investigation.

Formal Process:

1. There are two ways in which the complainant can file a complaint. After an intake interview, the EEO officer will prepare the formal complaint based on the information provided by the complainant. The formal complaint must be signed and dated before it can be filed with OFP. The date of the signed/dated formal complaint will be used as the OFP's acceptance and filing date of the complaint. The second way to file a complaint is for the complainant to complete OFP's fillable pdf complaint form, sign and date it and send it to the OEEOHotline@wmata.com.
2. After the complaint has been filed with OFP, the EEO Coordinator updates the PeopleSoft entry with signature date and any other relevant information. The Manager, Civil Rights Compliance assigns the complaint to an EEO Officer for investigation.
3. The EEO officer assigned to the complaint is responsible for investigating accepted claims of prohibited employment discrimination including:

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

- a) Interviewing complainant, respondent and all relevant witnesses and documenting the interview with interview notes to the complaint file on the Shared Drive.
- b) Gathering pertinent documents and records, and conducting whatever inquiry is necessary.
- c) Collecting various data and information sources to obtain, analyze, and present facts.
- d) Resolving discrepancies by conducting additional fact-finding, securing additional witness testimony, and reviewing additional documents.
- e) Compiling an investigative file and preparing an investigative report, summarizing all relevant facts to decide the likelihood whether violation of Metro's anti-discrimination policies did or did not occur as alleged - Cause or No Cause finding.
- f) If there is a cause finding the EEO officer in collaboration with the OFP management will make a recommendation regarding corrective action. The investigation need not be exhaustive but adequate and thorough to make a determination.

4. Interviewing

- a) Interview each witness separately by telephone, video conference or in-person in an office or room where the discussion will not be overheard by other witnesses, the alleged harasser, or any other unauthorized persons.
- b) Before beginning the interview, explain the purpose of the interview by referring generally to recent complaints about the relationship between the Complainant and the Respondent.
- c) Emphasize that WMATA takes these charges very seriously and is investigating these charges by interviewing all potential witnesses in compliance with WMATA policy.
- d) Explain that upon completion of the investigation, OFP will attempt to determine what occurred, and will recommend appropriate action based on its determination.
- e) Both the potential complainant and the alleged discriminating individual should be advised that each will be apprised of the results of the investigation and any referrals for appropriate corrective action. Both

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

parties should also be advised the complaint process is confidential and should not be discussed in the workplace or among co-workers.

- f) Instruct any witnesses interviewed not to discuss the matters covered during the interview with any co-employee or the Complainant or the Respondent. Explain to the witness that confidentiality is necessary to protect the integrity of the investigation and to ensure that WMATA receives trustworthy information in an atmosphere free from coercion. OFP will maintain each person's confidentiality throughout the investigation to the best of its ability.
- g) Explain to all witnesses that retaliation will not be tolerated by anyone. If someone attempts to retaliate against them for participating in this investigation, advise the witness to contact OFP immediately to report such.
- h) Other interview issues: Document the interviews on the Interview Notes Form and reflect the date and method of interview. Ensure to ask open ended, non-judgmental questions. Avoid asking leading questions or those with a simple "yes" or "no" answer, except related to allegations witnessed by the individual. Use investigation interview forms where appropriate. Avoid the appearance of impropriety or favoritism in conducting interviews. Observe and record all physical and verbal reactions of the witnesses during the interviews. DO NOT record conclusions or opinions regarding credibility about witnesses.
- i) Credibility: Consider credibility determinations, if applicable. Factors include: the results of the investigation. memory - perception - truthfulness - corroboration or lack thereof - bias of witnesses - consistency of accounts - prior misconduct or lack thereof, and implications of such conduct - plausibility of accounts and non-verbal communication.

Documents & documentation

1. Insofar as OFP is committed to maintaining its records electronically, EEO Officers are required to ensure investigative documents, including interview notes, statements taken, documents received and reports of investigation, are maintained in the appropriate complaint file folders on the Shared Drive. When an EEO Officer begins drafting a report of investigation, that document should be titled draft and saved as the EEO Officer develops the completed document.
2. Report of Investigation

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

- a) Upon completion of any investigation, each EEO Officer shall complete a report of investigation. There is a template of this document maintained on the Shared Drive.
- b) Sections of the ROI

Background should begin stating the date the complaining party filed the complaint. The Background section should state a summary of the complaint. In some instances, the complaint may be sufficiently simple to be fully included in the background. The first reference to the complaining party and the alleged discriminating individual (Respondent) should include in parentheses the identifier(s) of the protected category/categories incorporated in the complaint. For example, in a complaint alleging race, the race of the complaining and responding party should be incorporated in parentheses immediately after the first reference. The Background should also include what the complaining party alleged occurred or was said that the complaining party believes/feels/perceives or alleges was discriminatory and what Policy/Instruction is implicated.

Scope of Review is a summary of what was investigated in the investigation as well as identification of the assigned EEO Officer.

Interviews of Complainants, Respondents, & Witnesses – These sections should be completed based on information secured during interviews conducted but may also include information provided in other ways. Interview notes should be written in the 3rd person except where direct quotes are used. Information regarding when and how the interview was conducted should be in the first paragraph. Information provided in interviews during the investigation upon which the complaint determination relies or is based needs to be included in the summary of the statement of the person providing that information.

Analysis – this section should start with statements regarding the applicable or implicated Policy/Instruction(s) citing specific provisions used in reaching the complaint determination. The analysis should reflect a summary of facts or evidence reviewed or considered in reaching a decision as to whether the allegations are substantiated. It is the responsibility of the EEO Officer to determine the finding for the complaint: a finding of **Cause**, where the allegation(s) of a violation of the implicated policy/instruction was/were substantiated; a finding of **No Cause**, where the allegation(s) was/were not substantiated.

Recommendation – Where the decision on the complaint is **Cause**, the EEO Officer, in consultation with Labor/Employee Relations and OFF

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

management, will incorporate recommendations to ensure that the violative behavior substantiated by evidence/information will not reoccur. Recommended corrective actions may include a) counseling; b) disciplinary suspension; c) demotion; d) training; or e) termination. OFP will strive to recommend corrective actions consistently based on the type of violative behavior identified through investigation. Factors in determining appropriate remedial action to take include: - credibility of alleged respondents, complainants and witnesses - prior conduct, if any (positive or negative) - prior discipline of alleged harasser - level of harassment, including type and frequency of conduct - alleged harasser's knowledge of WMATA's rules of conduct - prior disciplinary "precedent" for identical, similar or analogous misconduct - public and employee relations issues.

3. Memoranda to File

- a) There will be circumstances where investigative activities are undertaken but fall short of a full investigation. Such instances will be determined by the Director of OFP. In such instances the assigned EEO Officer will document all interviews conducted or evidence gathered and reviewed as noted above.
- b) To conclude the truncated process, EEO Officer will prepare a memorandum to file outlining actions taken, information/evidence gathered and reviewed, analysis of the allegations and evidence/information supporting or negating the allegations and a determination.

Timeframes

Upon receipt of a signed complaint of discrimination, The EEO Officer will begin the investigative process. The investigative process should be concluded in 90 business days. If the investigative process cannot be concluded in the 90-business day timeframe, the EEO Officer must provide a written justification for the delay to the SVP of IBOP and document the complaint file as to the reason(s) for the delay.

If the respondent is a represented employee, then the investigative process must be concluded within 60 calendar days in accordance with the collective bargaining agreements.

Closing a Complaint

- 1. Communication of Findings and Finalization of Investigation – After approval of the Report of Investigation and upon a “No Cause” finding, EEO Officers prepare closing letter determination for the complaining and the responding party. The

Office of Fair Practices
Discrimination Complaint Investigative Process
Standard Operating Procedure

Manager, Civil Rights Compliance reviews and approves the closing letter determinations. Once the closing letter determinations are approved, they are sent to the complainant and respondent(s). The OFP complaint investigative process is completed and the complaint investigation is closed as of the date the respondent's closing letter.

If the Report of Investigation results in a "Cause" finding, the EEO Officer prepares a determination memorandum, approved by the Manager, Civil Rights Compliance and/or the Director of OFP for the respondent's executive level management personnel. The EEO Officer prepares closing letter determinations for the complainant and respondent(s) as outlined above. The complaint investigative process and complaint is closed as of the date of the complainant's closing letter. The complaint file will remain open until OFP receives documentation of the implementation of the corrective action.

2. To close out the complaint, the EEO Officer updates the Information Required document with the closing date. This document is sent to the EEO Coordinator to close the complaint in PeopleSoft.
3. If OFP recommends corrective action, OFP will notify and consult with Employee Relations (for non-represented employees) and Labor Relations (for represented employees) about the recommended corrective action and request documentation of the corrective action once it is completed.

GENERAL ORDER

Metro Transit Police

Subject: Use of Force	Number: 130
Next Review Date: 01/19/2013	Effective: 01/19/2012

I. Purpose

This order establishes the parameters of force available to members and provides a review procedure for use of force incidents.

II. Policy

Members will use only the amount of force necessary to affect an arrest, overcome resistance, or protect themselves and/or others from harm. Use of force must be justified. Unnecessary force is prohibited.

III. Definitions

Less-Lethal Force - force that is unlikely to cause death or serious injury, but the possibility of a fatality, however remote, does exist.

Lethal Force - force likely to kill or cause serious injury.

Reasonable Belief - The facts or circumstances the member knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Physical Injury - an injury that creates a substantial risk of death, causes serious permanent disfigurement or results in long term loss or impairment of the functioning of any part of the body.

Use of Force - The amount of effort required by the police to compel compliance of an unwilling subject.

IV. Procedures

A. Use of Force - The diagram below represents options that members may use when confronted with a use of force situation. The decision to use force of any degree must be based upon information known by the member at the time of the encounter. Members will determine the amount of force that is reasonably necessary to overcome the resistance they encounter.



B. Weaponless Physical Force:

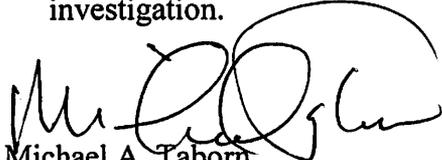
1. Active counter measures include pushing, punching and kicking.
2. Control holds, applied to an individual's neck, that are intended to compress either the trachea or carotid arteries are prohibited.

C. Less-Lethal Force Instruments:

1. Sworn members are authorized to carry Department issued less-lethal force instruments on or off duty, only after the member has been qualified by the Training Division to carry the instrument, instructed in the proper use of force guidelines, and issued copies of General Orders relating to that topic.
2. Handcuffs/Flex-cuffs - Restraining devices that may be applied when a member considers it necessary to protect themselves, citizens, or a subject under police control from harm, while reducing the risk of escape.
3. Issued Oleoresin Capsicum (OC) Agent:
 - a. OC is an alternative to hands-on countermeasures and may be used when less severe options would be clearly ineffective.
 - b. Unless otherwise directed by an official, on-duty, uniformed and casual clothes members below the rank of Lieutenant will carry the issued OC.
 - c. OC canisters will be inspected monthly by supervisors for damage/leakage, etc.
 - d. Members who improperly use OC will be subject to disciplinary action.
 - e. Members will notify their supervisor, without delay, of damage, discharge or malfunction of their issued OC canister.
 - f. The Commander, Training Division, is responsible for the issuance and replacement of OC canisters.
4. Impact Weapons:
 - a. Impact weapons authorized by the Department include the issued straight police baton, ASP and any other impact weapons approved by the Chief. Slapjacks and blackjacks are not approved. This includes previously approved slapjacks and blackjacks.
 - b. On-duty, uniformed and casual clothes members below the rank of Lieutenant will carry an issued impact weapon unless otherwise directed by an official.
5. Less-Lethal Equipment:
 - a. Other less-lethal equipment (i.e., other OC disbursing devices, Ortho-Chlorobenzal Malononitrile (CS) agents, smoke devices, bean bag rounds, stinger grenades, and distraction devices) may be used by members trained in their operation when authorized by the Watch Commander.
 - b. The pepper ball launcher is an OC or kinetic impact alternative when approach to a subject would be inappropriate or ineffective. The pepper ball launcher will be stored in a carrier case with the air bottle firmly attached, the charging handle to the rear, the chamber open and the safety on. The carrying of a pepper ball launcher without pointing at a person does not constitute use of force.

- c. Bean bag rounds are used with a dedicated 12-gauge shotgun or in the 37/40 mm launcher. The dedicated 12-gauge shotgun will be stored in the case with the chamber empty, action open and bean bag rounds stored on the outer carrier. Prior to loading the gun, the rounds will be inspected to ensure that they are bean bags.
- D. Lethal Force:
 - a. A member may use lethal force only when they reasonably believe that the action is in defense of human life, including the member's own life, or in defense of any person in imminent danger of serious physical injury.
 - b. A member may use lethal force for the destruction of an animal with authorization from the Watch Commander.
- E. Reporting and Investigation:
 - 1. A member will notify their supervisor without delay each time force is used. A comprehensive Use of Force Report (Attachment #1) will be completed as soon as possible.
 - a. Supervisors will ensure that each involved member completes a separate Use of Force Report.
 - b. The Use of Force Report will be completed prior to the member checking off unless the member is physically not capable at the time of check off.
 - c. Supervisors will ensure that a member completes a Use of Force report when handcuffs are used in conjunction with a Stop and Frisk.
 - d. This reporting requirement does not apply to the following types of force, unless the action resulted in the death of another person or injury requiring medical treatment:
 - 1) Officer presence or verbal commands.
 - 2) Hand control techniques that have little or no chance of causing injuries when controlling or subduing non-compliant or resisting persons. These techniques include touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-a-long, control holds, or other custodial procedures.
 - 3) Handcuffs when used in conjunction with an arrest or transportation of a prisoner from the processing center to the local jail/central cell block.
 - 4) Physical removal of demonstrators, i.e. passive resisters.
 - 5) Firearm at tactical readiness, but not pointed at anyone.
 - 6) Presence of a police dog.
 - 2. Supervisors will review all incidents involving the use of force and ensure that an investigation is initiated when the use of force is not in conformance with Metro Transit Police Department General Orders or procedures or results in serious injury or death.
 - 3. Upon initiating an investigation for incidents involving use of force when not in conformance with MTPD General Orders or procedures will be forwarded OPRI for investigation.

4. The Use of Force Report will be forwarded to the District/Division Commander for review, then to the Records Division where they will be retained separate from other records. A copy of the Use of Force Report will be forwarded to the Commander, Training Division, by the Manager, Records Division.
5. The Commander, Training Division, will prepare an annual review of the use of force incidents to determine patterns which may indicate training needs, equipment upgrades, and/or policy modifications.
6. A member whose use of force results in serious injury or death will be removed from full-duty and placed on administrative duty pending the completion of an investigation.



Michael A. Taborn
Chief

GENERAL ORDER

Metro Transit Police

Subject: Contacts, Stops and Frisks	Number: 325
	Effective: 06/01/01

I. Purpose

This Order reviews the authority of members to conduct contacts, stops and frisks and establishes procedures for documenting these encounters.

II. Policy

Members will ensure that contacts, stops and frisks are conducted in a lawful manner and properly documented.

III. Definitions

Contact - a face-to-face communication with an individual who is free to leave. Members may initiate a contact with a person in any place where the member has a lawful right to be.

Frisk - a quick pat down of an individual's outer clothing to detect whether a concealed weapon or other dangerous instrument is being carried.

Probable cause - an apparent set of facts that would lead a reasonably intelligent and prudent person to believe that a crime has been, is being or is about to be committed and that the accused is involved.

Reasonable suspicion - knowledge, based on specific and articulable facts and rational inferences drawn from those facts, that justifies the stopping of an individual. It is more than a hunch but less than probable cause.

Stop - the restraint of an individual's freedom to leave by show of authority or physical force, permissible when said individual is reasonably suspected of being involved in past, present or pending criminal activity.

IV. Procedures & Responsibilities

A. Contacts

1. Initiating a contact does not require probable cause, reasonable suspicion or any other specific indication of criminal activity.

2. Force will not be used to initiate or maintain a contact. Persons contacted will not be detained against their will, frisked or required to answer questions.
3. Documenting information obtained through a contact is not required unless directed by a supervisor. A Stop/Contact Report (MTP Form 207) will be used when necessary.

B. Stops

1. General

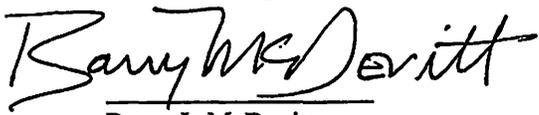
- a. A stop occurs when a member uses lawful authority to compel an individual to halt, remain in a certain place, or perform a certain act (i.e., walking to a nearby location). The person stopped must reasonably assume that he or she is not free to leave the member's presence.
- b. The purpose of a stop is to determine if sufficient probable cause exists to make an arrest.
- c. Members will identify themselves as law enforcement officers as soon as practicable after making a stop.
- d. Members will use the least coercive means available to effect the stop.
- e. A person stopped may be detained at or near the location of the stop for a reasonable period of time.
- f. The person stopped will be provided with an explanation for his or her detention.

2. Basis for a Stop

- a. The justification for conducting a stop closely parallels the U.S. Supreme Court decision in **Terry v. Ohio**.
- b. Members will be aware of the criteria required for initiating a stop and will ensure that all stops are

- conducted in conformance with applicable Federal, State and local standards.
3. Use of Physical Force
 - a. Lethal force will not be used to effect and/or maintain a stop.
 - b. Handcuffs may be used to forcibly detain a stopped subject when necessary.
 4. Documenting a Stop
 - a. When an individual is stopped without the use of physical force, pertinent details of the incident, to include factors justifying the stop, will be recorded on a Stop/Contact Report.
 - b. If physical force is utilized to stop a person, an Event Report will be prepared. This report will be completed regardless of whether an arrest resulted from the stop, and will include factors justifying the stop and pertinent details of the incident.
- C. Frisks
1. General
 - a. A frisk is justified when a member reasonably suspects that a stopped individual is armed.
 - b. A frisk will be limited to a "patting down" of the outside of a subject's clothing, solely to determine if a weapon is being carried. Outer clothing (i.e., overcoats and jackets) inhibiting a sufficient initial frisk may be opened to permit a closer frisk of concealed layers of clothing.
 - c. Items carried by a person frisked (i.e., purse, briefcase) may be removed to a safe distance for the duration of the stop.
 - d. If a member reasonably suspects the possibility of harm if an unsearched item is returned to an individual, the contents of same may be briefly inspected.
 - e. A member, reasonably knowing the location of a weapon, may immediately reach inside a person's clothing and remove same.
 - f. Should a frisk reveal a lawfully possessed weapon, the member will secure same out of the subject's reach for the duration of the stop. When necessary to ensure the member's safety, ammunition may be separated from a firearm prior to its return.
 2. Documenting a Frisk
 - a. When a frisk is conducted in the District of Columbia or the Commonwealth of Virginia, an Event Report will be completed and will contain pertinent details of the incident to include factors justifying the frisk.
 - b. A frisk conducted in the State of Maryland will be documented on a Maryland State Police Firearms Report (MSP Form 97). This form will be completed in lieu of the Event Report and will contain the same information as required in the Event Report.
- D. Miranda Warnings
1. Miranda warnings are not required prior to general questioning during most stops, stop and frisks, and vehicle stops.
 2. Extended questioning of a suspect during a stop in a "coercive" atmosphere is likely to be interpreted as a custodial interrogation. Therefore, members will carefully assess the need to advise a subject of his or her Miranda rights prior to or during questioning under these conditions.
- E. Photographing of Suspects
1. Members stopping suspects for the purpose of photography will ensure the stop is in compliance with this Order. Photographs will not be arbitrarily obtained; there will be an articulable, definitive justification for detaining an individual for this purpose.
 2. Suspects will not be detained longer than fifteen minutes for the purpose of photography without the authorization of an official.
- F. Stop/Contact Reports will be maintained in corresponding files (adult/juvenile) located

in the Crime Analysis Division. These reports will be destroyed no later than five years from the date of the original event.

A handwritten signature in cursive script that reads "Barry J. McDevitt". The signature is written in black ink and is positioned above a horizontal line.

Barry J. McDevitt
Chief

FIREARMS REPORT

STOP & FRISK REPORT () FIREARMS INCIDENTAL TO ARREST REPORT () TRACE REPORT ()

INFORMATION REQUESTED VIA: (circle one) PHONE MAIL MILES VERBAL OTHER

(1) DRIVER LIC. ID NUM. SOC-SEC NUM.

(2) LAST NAME (MAIDEN) FIRST NAME MIDDLE NAME

(3) D.O.B. HT. WT. SEX RACE

(4) ADDRESS STREET CITY COUNTY STATE ZIP CODE

(5) DATE TIME LOCATION OF SEARCH COUNTY

(6) TYPE OF WEAPON MAKE MODEL CAL. SERIAL NUMBER

FINISH BARREL LENGTH COUNTRY OF ORIGIN

(7) HANDGUN PERMIT NUMBER ARRESTED YES NO

(8) ARREST REPORT NUMBER/S/ (9) RELATED REPORT NUMBER/S/

(10) DESCRIBE THE CIRCUMSTANCES RELATING TO SEARCH/SEIZURE/TRACE:

(11) INVESTIGATING OFFICER: NAME, RANK, I.D. (12) INVESTIGATING OFFICER'S SUPERVISOR

(13) AGENCY OR M.S.P. INSTALLATION (14) REQUESTER'S PHONE NUMBER (15) DATE (16) TIME

BELOW THIS LINE FOR LICENSING DIVISION USE ONLY

(1A) OWNER'S LAST NAME (MAIDEN) FIRST NAME MIDDLE NAME

(2A) D.O.B. HEIGHT WEIGHT SOCIAL SECURITY NUMBER

(3A) ADDRESS STREET CITY COUNTY STATE ZIP CODE

(4A) TYPE OF WEAPON MAKE MODEL CAL. SERIAL NUMBER

FINISH BARREL LENGTH COUNTRY OF ORIGIN

(5A) INFORMATION RELEASED TO: (NAME, RANK, AGENCY)

(6A) INFORMATION RETURNED VIA: (circle one) (6B) COMPLETED REPORT RETURN DATE

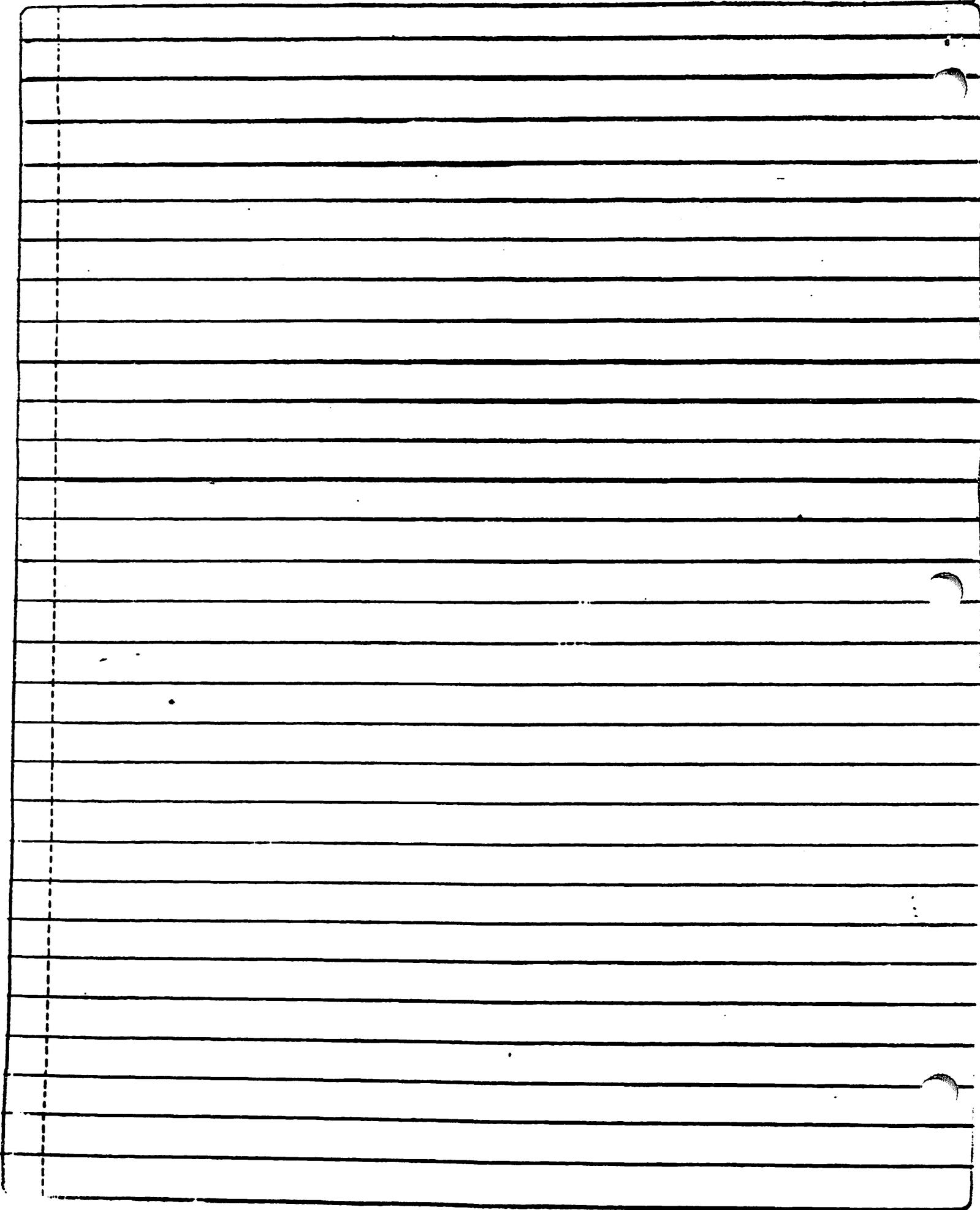
PHONE MAIL MILES VERBAL OTHER

(7A) DATE (8A) TIME (9A) TRACING OFFICIALS NAME

(10A) REMARKS:

GENERAL ORDER #325 ATTACHMENT #1

437-438



MARC Internal Audit : Audit and Review Activities

#	Title	Objective/Description
FY2020		
1	Badging Process Audit	Review the policies, procedures, and operations applicable to the Identification (ID) Badging Process for WMATA employees and contractors with respect to issuance, physical access approval, replacements, deactivation, retrieval and disposal, as well as general management oversight of the ID Badging Process.
2	Overtime Work Performed and Associated Costs Incurred Internal Assessment	Reviewed overtime performance and compensation for top 100 earners during the period of August 1, 2018 through September 30, 2018 for approval, accuracy and appropriateness, as well as to identify opportunities for process improvement.
3	CY2018 – CY2019 Financial Management Control Review	Evaluation of the design and operating effectiveness of key financial management controls within significant processes.
4	Office of Marketing & Advertising Financial Controls and Program Compliance Audit	Evaluate the design and effectiveness of financial management controls within Marketing operations and compliance with program rules and requirements.
5	IT Help Desk Contract Review	Assess contract performance and compliance for Help Desk Contract CQ18047, including compliance with Service Level Agreement (SLA) requirements and accuracy of vendor invoices.
6	FTA Compliance Readiness Review - Transit Asset Management	Evaluate whether WMATA's Transit Asset Management program conforms with the FTA Comprehensive Review Guide for Triennial and State Management Reviews, in advance of FTA Triennial Review.
7	Strategic Sourcing and Procurement Workflow Assessment Gaps	To assess potential opportunities for implementing strategic sourcing methodologies, analyzing the cost-savings and efficiencies that an implementation may bring to the Authority; reviewing Office of Procurement practices to better align to a strategic sourcing model and defining gaps between the current state and a strategic sourcing procurement approach.
8	FTA Compliance Readiness Review - Drug and Alcohol Program	Evaluate whether WMATA's Drug and Alcohol program conforms with the key compliance indicators in the FTA Comprehensive Review Guide for Triennial and State Management Reviews.
9	Supply Chain Vendor Managed Inventory (VMI) Risk Assessment	To assess the risk of the Vendor Managed Inventory (VMI) strategic sourcing initiative, the overall risk associated with the transformation of supply chain with new parts vendors and systems, and to provide recommendations on risk mitigation.
10	Compliance Readiness Review of WMATA's Drug and Alcohol Program	Evaluate whether WMATA's Drug and Alcohol program conforms with the FTA Comprehensive Review Guide for Triennial and State Management Reviews, in advance of FTA Triennial Review.
11	Compliance Readiness Review of Dedicated Funding Requirements	The objective of the Dedicated Funding Special Purpose Review was to identify the current status of the Authority's progress and ability to meet the Dedicated Funding requirements as outlined by the jurisdictions; to identify gaps in processes being established for annual recurring requirements and provide recommendations on future best practices to ensure an efficient and effective process every year.
FY2021 (Completed)		
1	Review of the Current Bus Operator Recruitment and Retention Practices	Evaluate the effectiveness of current bus operator recruitment practices to determine if optimal to support service delivery expectations.
2	Purchase Card Oversight Program	Targeted and ongoing analysis of P-Card transactions to identify instances of non-compliance with Metro's Purchase Card Policy. Purchase Card Oversight Program Reports are issued on a semi-annual basis.
3	Vendor Background Compliance Review	Evaluate vendor compliance with WMATA's quarterly contractor background certification requirement.
4	COVID-19 Cleaning and Disinfecting Response Cleaning – BMNT	Evaluate cleaning activities to determine compliance with required safety and precautionary guidelines and the balance between health/safety benefits and related cost.
5	COVID-19 Cleaning and Disinfecting Response Cleaning – CMNT	Evaluate cleaning activities to determine compliance with required safety and precautionary guidelines and the balance between health/safety benefits and related cost.
6	COVID-19 Cleaning and Disinfecting Response Cleaning – Escort and Disposal	Evaluate cleaning activities to determine compliance with required safety and precautionary guidelines and the balance between health/safety benefits and related cost.
7	COVID-19 Cleaning and Disinfecting Response Cleaning – Facilities	Evaluate cleaning activities to determine compliance with required safety and precautionary guidelines and the balance between health/safety benefits and related cost.
8	COVID-19 Cleaning and Disinfecting Response Cleaning - MetroAccess	Evaluate cleaning activities to determine compliance with required safety and precautionary guidelines and the balance between health/safety benefits and related cost.
9	Project Management Cost Certification Process	Perform an independent assessment of the Project Management Cost Certification Process to evaluate compliance with applicable written policies and procedures, including any related commitments made to the Federal Transit Administration (FTA).
FY2021 (Ongoing)		
1	CARES Act – Grant Administration Review	Evaluate compliance with grant administration requirements and related policies and procedures.
2	CARES Act Grant – Jurisdictional Billings	Evaluate adequacy of internal controls over CARES grant funding, jurisdictional billings and operating subsidy procedures.
3	CARES Act Grant – Draw Requests	Determine the effectiveness of management's oversight of the CARES Act Grant draw requests to ensure that requests are adequately approved, processed and documented.
4	Evaluation of the Usage and Monitoring of COVID-19 Related Labor and Absence Codes	The overall purpose of this Covid-19 Spot Audit is to evaluate the sufficiency of internal controls and compliance with policy, procedures and processes relative to eligibility; submission, review and approval of requests; any related payments; and overall monitoring of employees' usage of WMATA's ICV19 Time Reporting Code (TRC), the absence codes for Emergency Paid Sick Leave (EPLS), and the Emergency Family and Medical Leave Act (EFMLA).
5	Remote Work Strategy and Best Practices Assessment	Assess common practices and strategies employed by WMATA Management to create structure, maintain productivity, and promote team connectivity in a remote environment while also working to ensure that departmental goals and objectives are sufficiently met.
6	Spare Parts Inventory Expense and Reconciliation Review	Evaluate the sufficiency of internal controls within the process of capturing, recording and reconciling spare parts inventory expense within PeopleSoft Financials.
7	Evaluation of Internal Control Components - Financial Management Controls - CY2020 through FY2021	Evaluation of the design and operating effectiveness of key financial management controls within significant processes.
8	Title VI Equity Analysis Review	Determine the sufficiency of internal controls related to the equity analysis process and reporting for compliance with Title VI.
9	Headquarters Construction - D. C. Building CIP0335: PID #10009 & PID #10677	An evaluation of WMATA project and construction practices as compared to applicable industry best practices for project and construction management.
10	Metro Office Construction - Maryland Building CIP0338: PID #10681 & PID #10885	An evaluation of WMATA project and construction practices as compared to applicable industry best practices for project and construction management.
11	Metro Office Construction - Virginia Building CIP0337: PID #10678 & PID #10886	An evaluation of WMATA project and construction practices as compared to applicable industry best practices for project and construction management.
12	FTA Triennial Review Compliance Readiness Assessment - FY 2020 extended FY 2021	Assess management readiness and evaluate compliance with FTA requirements within 21 review areas of focus in preparation for the scheduled Triennial Review.

QICO Internal Reviews and Assessments