

Tri-State Oversight Committee



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DRPT

Three-Year Safety and Security Review of the Washington Metropolitan Area Transit Authority

Fitness for Duty Programs

Review Conducted: January 11-12 and February 1-4, 2016

Final Report: April 21, 2016

Introduction

Representatives from the Maryland Department of Transportation (MDOT), the District of Columbia Department of Transportation (DDOT), and the Virginia Department of Rail and Public Transportation (DRPT) comprise the Tri-State Oversight Committee (TOC), which provides regular oversight of the Washington Metropolitan Area Transit Authority (WMATA) Metrorail system. To comply with State Safety Oversight Final Rule 49 Code of Federal Regulations Part 659 (Part 659), the Federal Transit Administration (FTA) requires states to designate a State Safety Oversight (SSO) agency to administer safety and security programs for rail transit and fixed guideway systems within their jurisdictions. Specifically, 49 CFR Part 659 requires TOC to conduct an on-site safety review of each element of the WMATA System Safety Program Plan (SSPP) at least once every three years. These reviews must assess WMATA's implementation with all 21 elements of its SSPP and seven elements of its Security and Emergency Preparedness Plan (SEPP), along with related plans and procedures. Beginning in 2013, the TOC has split its Three-Year Safety and Security Review topic areas into separately occurring reviews spread out during a three-year period.

The following report documents the observations and Findings of the TOC's review of WMATA's Fitness for Duty Programs. This includes a) drug and alcohol testing, b) medical testing, and c) hours of service (HOS)/fatigue management. Generally, this review focused on whether WMATA's practices comply with its own written plans as well as industry standards and best practices. With respect to the drug and alcohol program, this review is not intended to be an exhaustive audit of all of the provisions of 40 CFR Parts 40 and 655 – FTA conducts its own in-depth audits of drug and alcohol program compliance. Rather, the purpose of this review is to evaluate whether the drug and alcohol program is being administered appropriately with respect to the safe operation of the rail system. These topics are primarily the responsibility of the Medical Services and Compliance Branch (MSBR), within the WMATA Office of Human Resources as well as the Department of Safety & Environmental Management (SAFE). The relevant SSPP elements for this review were:

- WMATA 2015 SSPP, Element 5 – SSPP Implementation
- WMATA 2015 SSPP, Element 20 – Drug and Alcohol Abuse

Methodology

In advance of the audit, the TOC requested and reviewed relevant WMATA plans, procedures, records, and reports. The on-site portions of the audit occurred January 10-11 and February 2-4, 2016. TOC interviewed MSBR personnel on implementation of WMATA's drug and alcohol testing and medical evaluation programs. TOC interviewed SAFE representatives regarding fatigue awareness training, scheduling, and implementing and tracking compliance with the WMATA's fitness for duty program requirements. TOC also interviewed an Office of Management and Budget Services (OMBS) representative on budgeting, and manpower to facilitate the HOS policy. TOC interviewed Labor Relations and Procurement (LREL) regarding contractual issues in

meeting hours of service requirements. TOC interviewed MSBR management regarding medical evaluations for sleep disorders and related tie-in to fatigue management. Further, TOC interviewed Office of Rail Transportation (RTRA), Rail Operations Control Center (ROCC), Department of Transit Infrastructure and Engineering Services (TIES), and Metro Transit Police Department (MTPD) management as well as location-specific RTRA, Communications Branch within Office of Systems Maintenance (COMM), Automatic Train Control Branch (ATC), and Office of Rail Car Maintenance (CMNT), supervision regarding HOS policy implementation. In addition to overall program documentation listed at the end of this report, TOC audited hours of service records from RTRA, COMM, ATC, and CMNT (described later) as well as drug and alcohol testing records held by MSBR. As the review progressed, TOC representatives discussed preliminary Findings and addressed questions from WMATA personnel. This report identifies conditions evident during the review period, regardless of the current progress of potential remediation activities.

A Finding may refer to an instance of WMATA operating out of compliance with an applicable internal or external written requirement, plan, policy, rule, standard, or procedure. Findings may also refer to instances whereby WMATA may technically be conducting business in compliance with existing WMATA, TOC, or FTA procedures and requirements; however, there may be no relevant written plan, policy, or procedure in place, or the existing plan, policy, or procedure is not in accordance with industry best practices. Findings may be safety- or security-critical in nature regardless of whether the issue identified is “non-compliant”.

After publication of the Final Report, TOC will transfer the report to FTA for further action. FTA will then determine the appropriate mechanism by which the findings documented in this report will be addressed by WMATA.

The TOC would like to thank WMATA personnel for their time, cooperation, and forthrightness throughout the review process.

Current Conditions

Drug and Alcohol Testing Program

WMATA’s drug and alcohol testing program is led by the Manager of the Medical Services and Compliance Branch. Employee drug and alcohol testing records are kept in the Medical Services office, located at 616 H St. NW in Washington. All drug and alcohol testing of employees is conducted in a 24/7-hour facility located in the Jackson Graham Building (JGB), 600 5th St. NW. MSBR maintains statistics on medical testing, screenings, and other health initiatives, which are reported to the General Manager.

The WMATA drug and alcohol program is guided by the WMATA Drug & Alcohol Policy and Testing Program (P/I 7.7.3/4, May 2015). At the time of the review, WMATA was working on a draft of a revised policy in response to a recent FTA audit. It was explained to TOC that in order for the policy to be distributed authority-wide, it must first be approved by the WMATA Board of Directors. Once approved, the policy is distributed to the

Executive Leadership Team, whose members pass the document down through the divisions for further distribution. Each employee must acknowledge receipt of the policy, memorialized by signature. However, the policy approval process and distribution has not been documented.

MSBR uses Assistant –which is a software program- to store and randomize the names of safety sensitive employees. From that point, MSBR administrators generate a list of random names once a month and forward those to division supervisors and division superintendents, who then inform those employees to report for testing. Employees are not given prior notice of testing, and are to report without delay to a testing facility when notified. Allotted travel time to get to the test site is documented and based on how far the employee must travel in order to get to the testing site, which is in JGB. MSBR keeps records of the times when an employee is notified to report to testing, and when they arrive to the test site.

WMATA also works to ensure that Train Operators are fit for duty upon reporting for work by having the clerks at each of the Rail Transportation Divisions conduct a “fit for duty” check of each employee. As of the TOC’s last Fitness for Duty audit, clerks were not receiving specialized training in reasonable suspicion, and TOC had suggested that WMATA consider providing reasonable suspicion training to its clerks. At the time of this audit, the MSBR Manager verified that clerks were now receiving specialized reasonable suspicion training.

The Procurement (PRMT) office has language in its Procurement Procedures Manual and in safety-sensitive contract templates to require contractors to have their own compliant drug and alcohol testing programs. Interviews with MSBR, however, revealed that Supervisors are not given clear instructions on sending contractors for post-accident drug and alcohol testing. TOC determined that there are no written procedures for instances where WMATA Supervisors, who are directly overseeing contractors, need to send contractors for drug and alcohol testing or advise the contractor’s supervisor that post-accident testing must occur. In subsequent interviews with PRMT, TOC learned that WMATA is currently drafting language to be added to contracts that allows WMATA to continuously monitor (and audit) its contractors’ testing programs.

TOC reviewed employee post-incident (non-DOT and DOT) testing and pre-employment previous employer checks from August 2015, and reasonable suspicion and random testing records from December 2015 for all of Metrorail. In addition to testing required by the FTA, WMATA also tests under its own post-incident criteria. After careful examination, the drug and alcohol, and employee medical records reviewed appeared to be complete, and fully randomized. TOC review verified that testing was fully randomized throughout the month, and time of day (including beginning, middle and ends of shifts). While the post-incident testing forms were completely filled out, TOC noted some deficiencies with the substance of the forms. The post-accident testing decision forms only contain DOT testing criteria, and not WMATA’s non-DOT criteria (see Finding 4 below).

Medical Testing Program

WMATA requires all new safety-sensitive employees to receive a physical examination when initially hired. MSBR performs the medical examinations and issues medical cards, which allows the divisions to track in individual employee files who has an upcoming physical examination and when it is due. All employees subject to medical testing are also subject to the DOT and non-DOT medical testing. The TOC reviewed various employee medical records including, but not limited to, a random sampling of DOT medical examinations for about 30 Train Operators. While Train Operators are not required to hold a CDL, they are subject to CDL medical testing. All current Operators appeared to be compliant; those whose medical cards expired were reportedly disqualified and are not currently operating. If an employee's health falls below what's required by WMATA Substance Abuse and Employee Assistance Program Policy/Instruction (P/I) 7.7.2, then Medical Services will prevent that employee from returning to duty.

MSBR conducts sleep disorder evaluations as part of medical examinations. MSBR personnel report that due to manpower constraints, however, full sleep disorder evaluations are not part of all medical examinations. Additionally, again reportedly due to manpower constraints, there is sometimes no follow-up on identified sleep problems such as potential sleep apnea until personnel return for their two-year examinations. At this point, the only method MSBR has to compel personnel to complete an evaluation is to only issue 3-month DOT medical cards rather than 2-year cards (see Finding 4 below). MSBR is aware of the staffing shortage, and has prepared a modified staffing plan in order to address the need for additional manpower; TOC recommends that WMATA execute this staffing plan to ensure the integrity of the medical testing program and prevention of fatigue or incapacitation during operation.

Fatigue Management and Hours of Service

In 2011, TOC and WMATA conducted a joint Fatigue Risk Management Study consisting of interviews, extensive records reviews, and related research to determine the impact of existing conditions on Metrorail safety. WMATA subsequently worked on a comprehensive fatigue management program, approved by the WMATA General Manager in 2013 with the backing of the WMATA Board of Directors. This is the first State Safety Oversight audit that measures progress toward implementation of and compliance with the new program, which has been effective since June 2014.

The foundational policies of the program are WMATA Fatigue Risk Management Policy P/I 10.6, which explains the program's general purpose, principles, organizational responsibility, and practices for the future. WMATA P/I 10.7/1, Hours of Service Limitations for Prevention of Fatigue, presents specific limitations on shift duration and time between shifts for defined safety-sensitive personnel in each affected department.

SAFE has created a new Fatigue Risk Safety Manager position. At the time of this audit, the new Manager was less than a year into his position. He leads daily activity toward progressive program implementation as well as the two interdepartmental committees –

the Fatigue Risk Management System (FRMS) Operational Committee and FRMS Executive Committee. The committees' responsibilities are defined in the P/Is, though membership and meeting frequency are not.

All personnel receive, during new employee orientation, training from a Safety Officer that includes brief, general education on fatigue management. SAFE is working together with Medical on a series of six computer-based training modules regarding fatigue management. These will be beneficial and innovative additions to the program. However, specific and targeted training for schedulers, Supervisors, and upper-level managers is needed to improve compliance with hours restrictions. See Findings below regarding the need for training due to current HOS violations and information found during this audit.

WMATA is still working on its methods to gather, analyze, and report metrics regarding HOS compliance from the various affected departments. There are departmental reports and an in-progress executive leadership dashboard to compile compliance numbers. While the SAFE Fatigue Risk Safety Manager is currently reviewing data based on existing constraints to information technology and departmental practices, the accuracy of this information is not clear (see Finding 6 below regarding how departments vary in tracking time, sometimes incorrectly). RTRA uses the scheduling software program Trapeze, and most other departments use a combination of PeopleSoft –personnel management software- and printed paper schedules that get scribbled out and modified over time.

There are several proactive and inventive practices under consideration, and as proposed in WMATA P/I 10.6, such as constructing napping stations. This has been implemented for Metrobus as a pilot, with the potential for transitioning successful strategies to Metrorail. There are some practices suggested in P/I 10.6, however, that are also needed under American Public Transportation Association (APTA) standards but are not yet implemented (see Findings 10 and 11 below for details).

The FRMS policy distributes fatigue prevention responsibility across the organization. The Chief Financial Officer's role in FRMS occurs through the budgeting process. The WMATA annual budgeting process is built on a granular level, with the personnel budget comprising 70% of the total operating budget. The budgeting process begins in September with the base cost, which is the employee data at that time. Requests for personnel expenses are usually accompanied by a staffing plan. Staffing plans are formulated on the forecasted amount of man-hours necessary to meet HOS limitations in upcoming and existing projects. Departments submit their staffing plans to the Office of Management and Budget Services (OMBS) for consideration in the budgeting process.

In Fiscal Year (FY) 2014, there were 69 new positions budgeted to reduce overtime that infringed on hours of service policies – including for Train Operators and Track Repairers, according to the OMBS. In FY 2015, 25 positions were added in bus services, specifically bus operators. In FY 2016, WMATA added 18 positions to TRST and 4 to ELES. Departments such as MTPD, PLNT and SMNT, have reportedly not received new

positions dedicated to meeting fatigue management initiatives and may not have completed staffing plans (see Finding 8 below).

TOC reviewed a random sample of employee schedules and timesheets across various shifts in several departments. The ROCC sample size included work calendars for all 30 employees over the months of July and December 2015, and January 2016, for all three shifts. There were at least nine instances where an employee did not get 12 hours off between shifts, per WMATA policy for Controllers. In addition, specific times for special assignments such as training or field work are not always listed on the schedule; also, when overtime occurs, it is not always clear what time the employee reported for duty and was released for the day. As a result, it is possible for Supervisors not to realize that employees will be reporting for duty while not having the required 12 hours off between scheduled duty tours. It should also be noted that this occasionally was a trend across the other reviewed departments, and that departments used various timekeeping methods (see Finding 6 below).

For CMNT, TOC reviewed all Mechanic and Car Cleaner records from September 2015 and January 2016 at New Carrollton and Shady Grove. TOC found numerous instances of personnel with duty tours exceeding 14 hours and less than 10 hours off between shifts during and immediately after the major Winter Storm Jonas on Jan. 22-25, when the policy and service was under emergency suspension. However, several instances of excess hours of service continued through Jan. 28, nearly a week after the storm. While the violations fell under WMATA's emergency situation exception (P/I 10.7/1 Section 7.01(c)), the policy does not limit the "recovery" period of the emergency exception. The lack of a defined "recovery" period has led to a grey area subject to interpretation (see Finding 7 below for more detail). Earlier in January, there were also five instances of duty tours exceeding the maximum 14 hours at New Carrollton and four instances in September at Shady Grove. There were also two instances where mechanics received only 9 hours off between shifts and one streak of more than nine consecutive days of service in September at Shady Grove.

TOC reviewed records of 15 Train Operators and 15 Stations Managers each from both the New Carrollton and Glenmont divisions for September 2015 and January 2016. At both locations, there were also numerous violations during and after the emergency policy suspension in January. Outside of violations from Jan. 22-31, at Glenmont there were at least 15 instances of personnel whose duty tours exceeded 14 hours, 10 instances of less than 10 hours off between shifts, and three cases where personnel worked more consecutive days than allowed (up to 15 consecutive days). TOC's reviewed of Train Operator records for September at New Carrollton and found at least one instance of an operator working nine consecutive days, and one operator having a duty tour exceeding the 14 hours.

TOC examined records of all ATC technicians for September 2015 and January 2016 at the Glenmont and Shady Grove field offices and found no violations outside of the Jan. 22-25 timeframe.

TOC examined records of all COMM technicians for February and August 2015 at the Mt. Vernon Field Office and found no violations.

Findings

Finding 1: There is no formal policy or procedure in place whereby MSBR is notified of newly promoted Supervisors.

WMATA Supervisors and/or Superintendents are responsible for notifying employees that they have to report to the testing facility for drug or alcohol testing. MSBR is not notified about new promotions to Supervisor or Superintendent positions. MSBR sometimes learns about new promotions through conversation with existing Supervisors. Even though DOT-required reasonable suspicion training is offered every month, the lack of a formalized notification procedure results in a lapse of reasonable suspicion training for some newly promoted Supervisors and Superintendents. Divisions should begin providing a list of newly promoted Supervisors and Superintendents to MSBR in order for them to receive reasonable suspicion training. MSBR should strive to ensure that these newly promoted Supervisors and Superintendents promptly receive reasonable suspicion training.

Finding 2: Supervisors are not given direction that they are required to send contractors under their purview to drug and alcohol testing following an incident.

WMATA should provide definitive guidance to WMATA Supervisors monitoring contractors' work regarding who must send the contractors for drug and alcohol testing and in what cases. This guidance to Supervisors should be included in a training curriculum. While it is presently unclear if the contractors that are working on WMATA's property are ever sent to drug and alcohol testing if they are involved in an incident, WMATA states that it intends to have MSBR address this topic when supervisors receive post-incident and reasonable suspicion training.

Finding 3: It is unclear who is responsible for assessing whether contractors with safety-sensitive responsibilities have compliant drug and alcohol testing policies.

PRMT's current Procedures Manual and contract boilerplate language require contractors to self-certify that they meet DOT testing requirements. While PRMT considers it a best practice to notify MSBR of any potential contracts with safety-sensitive work prior to the award of the contract, this practice must be consistently executed and should be documented in a policy or procedure. Currently, MSBR is not aware of all applicable contractors and can monitor/audit contractors' drug and alcohol testing policies only for contracts they become aware of. Most of the time MSBR finds about new contracts by chance. MSBR has conducted audits of some contractor programs as it learns of their existence. PRMT reported that it is drafting language, for insertion into its Procedures Manual and contract language, regarding requirements for WMATA monitoring of contractor drug and alcohol testing programs. PRMT also should include in the PRMT Procedures Manual that MSBR should be notified about contracts with safety-sensitive

work as soon as they awarded. TOC encourages PRMT to also make it clear whether PRMT will be overseeing spot auditing or compliance checks of contractor drug and alcohol testing programs or it should be done by MSBR.

Finding 4: WMATA’s non-DOT post-incident testing criteria is overly broad and not included on Supervisor decision forms, which results in WMATA conducting potentially inappropriate tests.

WMATA’s non-DOT authority post-incident testing is described in P/I 7.7.2 and it is stated to be for 1) injuries that do not require medical treatment and 2) accidents that do not require vehicle towing. For non-represented employees, it allows testing after “[a]ny observations or incidents that give the supervisor reasonable cause to believe that the non-represented employee has consumed alcohol or used drugs; the non-represented employee’s performance creates a safety hazard; or the non-represented employee’s performance is impaired.” This poses a risk for abuse by Supervisors, whereby an employee can be sent for post-incident testing for seemingly any reason. In the relatively small sample of post-accident test records examined (from August 2015), TOC observed instances of personnel tested for refusing to sign an investigation form (Aug. 31) and for verbally threatening a customer (Aug. 29). Additionally, the post-accident testing decision forms used contain only DOT testing criteria, and not WMATA’s non-DOT post-accident criteria. This results in fully filled out post-incident decision forms appearing as if a person was sent for testing with no apparent reason since he/she did not violate DOT testing criteria. This is a more of an issue regarding operations and maintenance supervisor decisions rather than actions by collectors. WMATA should revise the post-incident testing criteria and the post-incident decision form to make them more specific and prevent abuse of testing authority. WMATA should also list non-DOT testing criteria on its decision forms and ensure that it correlates with all revised policies. WMATA stated that it has already updated its protocol for Bus Transportation and plans to apply it to Metrorail.

Finding 5: Based on interviews in several departments, there appears to be systemic misinterpretation of the HOS policy and a lack of specific training.

Some WMATA Supervisors, schedulers, and upper-level managers interviewed by TOC were not fully aware of requirements described in WMATA P/I 7.7.2, Hours of Service Limitations for Prevention of Fatigue. TOC, for instance, found that one Supervisor believed that the seven consecutive work day prohibition only applied to the current work week, and not back to back work weeks. A Superintendent and fellow managers in a different department were unclear regarding the meaning of a “duty tour,” which is described in P/I 7.7.2, and how it impacts the maximum shift duration inclusive of break time. Targeted training for Supervisors, upper management, and schedulers is necessary to allow those defining schedules to understand the policy properly. Additionally, since it is possible that an employee may be sent to training after completing his/her regular shift, thus preventing them from obtaining the required time off between shifts, this training

should also include awareness on how previously scheduled training requirements for employees factor into normal work schedules.

WMATA has not yet implemented authority-wide FRMS training specific to how the HOS policy affects each job. This lack of training has impacted compliance as noted in other Findings of this report. There is a fatigue education component of new employee orientation, however, it is a short presentation that does not explain detailed requirements of the HOS policy. Also, SAFE can be commended for conducting targeted training toward specific people in a couple of departments, but this is a relatively small percentage of the population that needs this education. A rollout of detailed training should have occurred before or simultaneous with policy implementation for affected personnel. This training should include definitions of new terminology, requirements, and how the procedures specifically affect practices in each person's work (including scheduling). This training must also be integrated into existing training programs for new employees.

Finding 6: Departments use varying methods for recording employee hours to monitor HOS, and some of these methods are inaccurate and make full determination of compliance with the HOS policy impossible.

Methods of capturing employees' actual work hours vary among WMATA departments. For example, in some instances the current calendar system ROCC uses to track employee hours, and ensure that they're not in violation of the HOS policy, fails to capture information critical to when employees either come on or off duty. As a result, it is possible for employees to work consecutive days while not having the required 12 hours off between scheduled duty tours.

As another example, ATC supervision records hours worked on multiple printed sheets, such as existing schedules that get corrected as events dictate. However, TOC was informed that some apparent violations in the records did not actually occur, as the records did not reflect actual work hours. It does not appear that accurate time in/time out information and resulting violations can be reported up through WMATA management and SAFE accurately under the existing timekeeping methods.

For these reasons, WMATA should institute standards for timekeeping methods across departments in order to capture and report information necessary for maintaining compliance with hours of service requirements. WMATA should ensure that this information reflects that employees' time spent in training is accounted for as work hours when calculating compliance with the HOS policy. Such information also can be used for trend analysis. TOC acknowledges that WMATA is planning a two-step approach to address this issue. Specifically, WMATA states that it is developing a pilot for timekeeping that would allow every department to accurately record employee hours, thus allowing the FRMS program to make a full determination of compliance with the HOS policy. WMATA reports that it also intends to develop an interim report that will allow tracking of one HOS metric, shift service violations, for those employees who do not utilize Trapeze.

Finding 7: Emergencies that cause hours of service limitations to be suspended have no definitive end period, resulting in HOS violations beyond the initiating event.

TOC identified numerous HOS violations during and after Winter Storm Jonas in January 2015 for nearly all departments audited. While some violations fell under WMATA's emergency situation exception (P/I 10.7/1 Section 7.01(c)), violations continued after the emergency situation was suspended. TOC was not able to determine if some violations occurred during the "recovery period" or after the "recovery" since the policy does not have time limit for the recovery period after emergency is lifted. The recent winter storm emergency during which WMATA rail system operation was suspended began on January 22 and ended on January 24, but violations attributed to the storm continued in great number after revenue service resumed and continued in small number through February 1. This undefined "recovery" period could lead to an abuse of the exception, resulting in many more instances of HOS violations. TOC agrees that the P/I is sufficient. However, at the conclusion of an emergency suspension, WMATA management should clearly communicate to all departments when they must return to complying with HOS requirements. Additionally, continued violations during the recovery period while revenue service has resumed can also be detrimental to safety, and WMATA should consider eliminating the recovery period from the exception.

Further, WMATA should determine how to mitigate hazards posed by suspending the policy. For instance, WMATA should consider how previously scheduled training requirements for employees factor into these situations and whether these training requirements can be briefly suspended beyond the emergency and recovery period. TOC understands the disruption which emergencies cause to operations, reducing the ability of employees to travel to and from home, and increasing the need for fluidity in order to bring the system back to full service. However, fatigue is still a concern in emergency situations, and should arguably be subject to more scrutiny during emergencies due to the more chaotic and unusual state of operations.

Finding 8: Some departments have apparently not conducted manpower assessments to determine the necessary staffing levels needed to meet HOS limitations.

WMATA's Office of Management and Budget Services reported that some departments (TRST, RTRA, and ELES) received new positions specifically earmarked to meet fatigue management requirements over the past three years. These departments submitted calculations to explain and justify the gap between pre-existing staffing levels and the number of personnel needed to cover what was previously overtime work. Remaining departments, such as MTPD, PLNT, and SMNT, have reportedly not received new positions dedicated to hours of service and may not have completed staffing analyses. According to P/I 10.7/1 Section 7.05, "Managers in departments with covered employees will review and report staffing needs related to compliance with this P/I at the beginning of each annual budget cycle." The Chief Financial Officer is then required to consider excess hours of service for staffing levels during budget development. The manpower

assessments should consider HOS limitations in addition to levels of capital project work and other changes in the previous year(s).

Finding 9: SAFE is not yet conducting annual HOS audits on all safety sensitive functions/departments.

Section 4.06 of P/I 10.7/1 states that SAFE will conduct this audit to verify compliance with HOS limits and accuracy of reported metrics. SAFE has conducted automated bi-weekly audits for RTRA based on data from time sheet software, but it is unclear whether this provides an accurate depiction of conditions. For example, most WMATA timekeeping and payroll methods used for HOS metrics only report accumulated paid time rather than duty tour time (time in through time out, including swing shift release time). WMATA reported that it intends to pilot the CHRONOS time management system, beginning with the MTPD this summer. According to WMATA, the new system will allow the FRMS program to capture HOS metrics for all covered employees. Furthermore, WMATA reports planning to take interim steps by collecting shift service violations, which will allow the FRMS program to track at least one HOS metric from all safety-critical employees.

Finding 10: There is no policy which addresses self-reported fatigue, and what supervisors and depot clerks are supposed to do in response to employees self-reporting incidents.

The APTA Standard for Fitness for Duty Program Requirements (APTA RT-OP-S-018-12), Section 3.4, states that each rail transit agency's fitness for duty program policy shall describe a "[p]rocess for self-reporting fatigue or other issues that may distract an employee." Accordingly, Section 5.07 of WMATA P/I 10.6 states that "Metro will evaluate the need for, and feasibility of, additional fatigue risk management measures, such as ... policies for no-fault mark-offs under controlled conditions when employees report extreme fatigue due to unexpected life events... ." While WMATA has some mechanisms in place to self-report safety issues, such as a Safety Hotline and the Confidential Close Call Reporting System, these methods do not prevent the immediate hazard of a fatigued employee remaining on duty. Furthermore, due to the lack of a formal policy which addresses self-reporting, employees are subject to an individual manager's approach in the disposition of the employee's self-report. One way to implement a self-reporting policy while preventing abuse is to require a WMATA medical evaluation of the employee upon report of a fatigue issue.

Although the APTA standards are voluntary, they indicate that agencies deviating from a particular standard must document sufficient justification that shall "identify the specific APTA rail transit safety standard requirements that cannot be met; state why each of these requirements cannot be met; describe the alternate methods used; and describe and substantiate how the alternate methods do not compromise safety and provide a level of safety equivalent to the practices in the APTA safety standard (operating histories or hazard analysis findings may be used to substantiate this claim)." These justifications must be cited in the SSPP, or a document referenced in the SSPP.

Finding 11: There is no policy which addresses secondary employment, and how that affects scheduling and fatigue awareness at WMATA.

Section 5.03 of WMATA P/I 10.6 states that “[e]mployees of Metro and its contractors assigned to safety-sensitive and safety-critical positions will be subject to appropriate restrictions on work hours and conflicting outside employment as needed to support meaningful opportunities for sleep, taking into consideration the normal requirements of the individual’s private life.” There does not yet appear to be any rule or contractual requirement to prevent secondary employment that would interfere with safe operation of the Metrorail system that would make WMATA compliant with Section 5.03 of WMATA P/I 10.6, an important factor in preventing fatigue-related hazards.

Finding 12: FRMS Executive and Operating Committee meeting departmental membership and frequency of meetings are not documented.

Documenting membership, and how frequently the committee meets is important in order to ensure buy-in, and accountability from stakeholders. TOC acknowledges that the FRMS program has changed substantially since the initial publication of P/I 10.6 in 2013. WMATA reported that it intends to update P/I 10.6 to reflect the current needs and operations of the FRMS program.

Persons Interviewed

- [REDACTED] Office of Human Resources.
- [REDACTED] Medical Services & Compliance Branch (MSBR), Office of Human Resources Operations Services.
- [REDACTED] Office of Rail Transportation (RTRA)
- [REDACTED] Procurement (PRMT)
- [REDACTED] (RTRA)
- [REDACTED] Department of Safety and Environmental Management (SAFE)
- [REDACTED] Office of Labor Relations, Department of Deputy General Manager-Operations (LREL/DMGO)
- [REDACTED] Office of Transit Infrastructure & Maintenance Services (TIMS/TIES)
- [REDACTED] Department of Safety and Environmental Management (SAFE)
- [REDACTED] Office of Human Resources.
- [REDACTED] Department of Rail Car Maintenance (CMNT)
- [REDACTED] Medical Services & Compliance Branch (MSBR)
- [REDACTED] [REDACTED] [REDACTED] [REDACTED] Office of Systems Maintenance, Department of Transit Infrastructure & Engineering Services (TIES)

- [REDACTED] Department of Transit Infrastructure & Engineering Services (TIES)
- [REDACTED] Office of Management and Budget Services (OMBS)
- [REDACTED] Metro Transit Police Department (MTPD)
- [REDACTED] Rail Operations Control Center (ROCC)
- [REDACTED] Office of the Chief Metro Transit Police
- [REDACTED] Office of Labor Relations

Documents Reviewed

- WMATA Policy/Instruction 7.7.3/4 – Drug and Alcohol Policy and Testing Program (Approved 5/28/2015)
- WMATA Policy/Instruction 7.7.1/1 – Drug-Free Workplace (Approved 5/28/2015)
- WMATA Policy/Instruction 7.7.2 – Substance Abuse and Employee Assistance Program (Approved 11/12/1996)
- WMATA Policy/Instruction 7.7.2-A – Substance Abuse and Employee Assistance Program Appendix A (Disciplinary Rules) (Approved 11/12/1996)
- WMATA SOP 54600-20 Employee DOT Safety Sensitive Medical Examination and Sleep Disorder Process (Revised 05/14/2015)
- WMATA SOP 54600-21 - Applicant DOT Safety Sensitive Medical Examination and Sleep Disorder Process (Revised 05/14/2015)
- WMATA SOP 54600-71 - Return to Duty Process for Employees with Drug or Alcohol Violations (Revised 05/08/2015)
- WMATA SOP 54600-30 – Random Drug and Alcohol Testing (Revised 05/11/2015)
- WMATA SOP 54600-31 – Post-Accident/Incident Testing Process (Revised 05/08/2015)
- WMATA SOP 54600-32 – Drug and Alcohol Results Reporting, Records Retention and Confidentiality (Revised 08/24/2015)
- WMATA SOP 54600-33 – Reasonable Suspicion Testing (Revised 05/08/2015)
- WMATA SOP 54600-34 – Follow Up Testing Process (Revised 05/08/2015)
- DOT Certified Professional Collector Training Course Curriculum (No date)
- WMATA Drug and Alcohol Reasonable Suspicion Training Sign-In Sheet (11/24/2015)
- FTA Reasonable Suspicion Referral Form
- DOT/FTA Drug and/or Alcohol Referral Form: Random and/or Follow-Up Testing
- Non-DOT Drug and/or Alcohol Referral Form
- WMATA Post-Accident Drug and Alcohol Testing Decision Maker Form
- Sample of Employee Drug and Alcohol Testing Records from December, and August 2015.

- WMATA Policy/Instruction 10.6 - Fatigue Risk Management (Approved 11/14/2013)
- WMATA Policy/Instruction 10.7/1 – Hours of Service Limitations for Prevention of Fatigue (12/7/2015)
- WMATA Policy/Instruction 10.7/1-A – Hours of Service Limitations for Prevention of Fatigue Appendix A Schedule of Safety-Critical Occupations (12/7/2015)
- WMATA MIS Compliance Report (2013)
- WMATA MIS Compliance Report (2014)
- FTA Drug and Alcohol Compliance Auditing Program, Final Audit Report – (11/20/2015)
- WMATA Revisions to Metro’s Drug and Alcohol Policy & Testing Program and Drug-Free Workplace Policy Staff Notice #2015-020 (06/17/2015)
- WMATA TOP 54600-47 - Joint Labor Management Committee (JLMC) Referral
- WMATA TOP 54600-49 – Substance Abuse Professional (SAP) Process (Revised 12/9/2015)
- WMATA TOP 54600-51 – New Case Intake Interview, Assessment and Treatment Referral – Substance Abuse (Revised 12/9/2015)
- WMATA TOP 54600-52 – Prescription Violation (Revised 12/15/2001)
- WMATA TOP 54600-55 – Follow-Up Procedure for Category I and II Employees (Revised 12/9/2015)
- WMATA TOP 54600-59 – Follow-Up Procedure for Voluntary – Other Issues (Revised 12/09/2015)
- Random Sampling of Employee Timesheets and Schedules for CMNT, ACT, COMM, RTRA, and ROCC, August, and September 2015, as well as January 2016
- Random Sampling of Employee post-incident (non-DOT, DOT, and FTA) Drug & Alcohol testing records, reasonable suspicion, and a sample of train operator medical records from August, and December 2015.
- WMATA MSBR Statistics for June, and July 2015.
- WMATA Board Action/Information Summary, FY2016 Operating and Capital Budget Adoption (No date).
- WMATA FY2014 RTRA Fatigue Initiative Justification (No Date).
- WMATA FY2014 TRST Fatigue Initiative Justifications (No Date).
- WMATA CQAL Sleep Apnea Audit, December 2014.
- WMATA Business Justification for Relocation of MSBR within SAFE (No Date).
- WMATA PRMT Draft Contract Provisions (No Date).
- WMATA Safety Sensitive Screenings Project Plan, revised March 2015.