



WMATA's Comments on WMSC's Draft ROCC Audit Report:

Submitted August 28, 2020

WMATA Comments
WMSC DRAFT Safety Audit of the Department of Rail Transportation:
Rail Operations Control Center
08/28/2020

WMATA appreciates the opportunity to comment on the DRAFT Audit Report of its Rail Operations Control Center (ROCC).

As we stated in the May 27, 2020 letter from Messrs. Smedberg and Wiedefeld, WMATA acknowledges that many of the gaps in ROCC management, processes and procedures are symptoms of a culture that has not embraced the values of *Safety Trumps Service*. A foundational transformation is needed to turn the ROCC into a model for the transit industry. That is underway with a new master plan and integrated schedule that will make immediate and permanent changes extending well beyond the specific corrective action plans identified by WMSC.

While ensuring the continuity of rail operations for the region during twin public health and economic crises, we are also making important changes in training, processes, and organizational management to overhaul the Control Center. WMATA appreciates the Draft Report's acknowledgment of progress in that direction. In fact, WMATA has established a team that leverages Board member expertise and senior executives with a weekly cadence of meetings at the ROCC; engaged three consultants with proven industry expertise to support new training, culture change, and third rail power restoration process changes; developed a project schedule for the permanent solution to power restoration safety; kicked off a national search for a new ROCC Director with executive recruiter Krauthammer & Associates, Inc.; begun an organization and culture change assessment to drive leadership improvements; strengthened internal communications with shared objectives, staff meetings and reports; and improved monitoring and transparency with internal quality assurance audits of corrective action progress that are reported on WMATA's website.

In addition, General Manager Wiedefeld is also personally leading a review of the WMATA's emergency response and incident command process with appropriate operating, law enforcement, safety, and emergency management teams.

In reviewing the Draft Audit Report, WMATA is deeply concerned about certain assertions regarding threats to personnel and life safety without actionable information communicated to the Authority in real time that would have enabled leadership to take immediate corrective and preventive action. The Executive Summary concludes:

- "Racial and sexual comments, harassment and other unprofessional behavior are a part of the Control Center's environment."

- "...the Control Center's environment includes distractions, fear, threats and conflicting instructions..."
- "ROCC managers have attempted to manipulate safety and event investigations and have baselessly threatened controllers with arrest or termination for no apparent valid reason."

The Draft Report lacks any specific information, further detail, or underlying support for these conclusions, which appear to be attributable to unnamed employee statements made several months ago. While WMATA respects the need for employee privacy, and shares WMSC's concerns about possible retaliation, the only way we can address those matters to protect employees is with actionable information. We request that any information be shared on a confidential basis with our Office of EEO, Office of Safety, General Counsel, or Office of Inspector General for further investigation. (In only one instance does the draft report note that a matter was referred to WMATA's Office of Inspector General for investigation, in response to an employee claim that a lower level manager was intoxicated.)

As WMSC's investigative process does not currently permit participation of WMATA observers, we depend upon WMSC to report to us any findings that require our immediate attention. To that end, we request that WMSC alert senior management through Chief Safety Officer Theresa Impastato of any safety hazards or personnel threats to permit immediate action to be taken -- working in tandem to ensure a safe Metrorail system.

Further, WMATA acknowledges the Draft Audit Report's 21 individual findings and corrective actions, and provides the following comments:

Finding 1: ROCC management contributes to a chaotic environment.

In July 2020, a Director of Change Management (Jayme Johnson) was appointed to design and deliver a culture change plan in the ROCC. Since then, initiatives in five areas have been launched: Improving Leadership and Performance, Redefining Roles and Accountability, establishing a Process Culture, Improving Training, and Improving Talent Management. The foundational principles are putting the ROCC staff and safety at the center of everything ROCC does. In early August, consultant firm WSP began an organizational assessment that will recommend measures to improve decision-making, communication and compliance with procedures in the ROCC; Managers' Skills Workshops were launched to develop core management and leadership skills for all Superintendents and Assistant Superintendents; and a nationwide search for a new permanent Director was launched. Training schedules are under development for all ROCC personnel to receive WMATA's sexual harassment prevention and unconscious bias training. ROCC managers have been directed to stop manipulating controller consoles. All disciplinary actions are currently subject to senior executive review to ensure consistency and compliance with applicable policies.

With respect to allegations of harassment, WMATA's Policy Instruction 7.1.1/2 – *Equal*

Employment Opportunity and Affirmative Action governs how complaints of discrimination and harassment are handled. This policy applies to all employees and applicants and was updated and approved by the Board of Directors on September 27, 2018.

The policy sets out the process by which employees or applicants can file a complaint if they believe they have been subjected to discriminatory or harassing behavior. The process for submitting a claim of discriminatory or harassing behavior is as follows:

1. Employees and applicants can bring a claim to the attention of a manager, supervisor, and/or management including the EEO Officer.
2. Employees and applicants have the option of filing a written complaint with the EEO Officer. It is suggested that the complaint be filed within 30 days of the alleged discriminatory behavior to ensure timely resolution.
3. The EEO Officer determines if a complaint warrants an investigation. If the EEO Officer determines that a complaint does not warrant an investigation, then a determination letter is sent to the employee or applicant. If the EEO Officer determines that a complaint does warrant an investigation, the complaint is assigned to an Office of Equal Employment Opportunity (OEEO) staff member for investigation.
4. At the conclusion of the investigation, a report of findings is written with a "cause" finding if the facts support a violation of the policy or a "no cause" finding if the facts do not support a violation of the policy.
5. If a "cause" finding is issued, the report of findings contains a recommendation for corrective action.
6. The EEO Officer has final approval of the investigative findings and appropriate corrective action and is responsible for ensuring the corrective actions are implemented.
7. At the conclusion of the investigatory process, the complainant and the respondent are provided a written determination letter of the results of the investigation.

Since January 2019, employees from ROCC have contacted the OEEO on 19 occasions. Some of the contacts resulted in referrals to other offices as the allegations did not raise any EEO issues. Three of the contacts resulted in a complaint being filed and investigations conducted by OEEO staff. One investigation resulted in a "cause" finding with a recommendation of corrective action.

Finding 2: ROCC management attempts to manipulate safety event investigations and baselessly threatens controller with arrest and termination.

The Offices of Safety and Quality Assurance, Internal Compliance & Oversight have been granted user access to retrieve Control Center telephone, radio and room recordings following safety-related incidents and/or for routine auditing purposes. (Even without retrieval, the NICE recording system does not enable users to alter or delete recordings.) In all future investigations, WMATA SAFE staff will directly retrieve and provide WMSC with all requested documentation for all safety-related investigations, subject to WMATA policies regarding protection of confidential and identifiable personal and health information, and WMATA's legal privileges.

Finding 3: Metrorail does not record all critical ROCC communications, limiting the lessons that can be learned from safety events.

WMATA's NICE recording system currently records telephones located on all Control Center consoles and all radio recordings that are transmitted and/or received. Ambient audio is recorded throughout the Control Center except for the area where the Fire Liaison's console currently resides. Plans are underway to install the necessary equipment to ensure this section of the room is recorded accordingly. Adaptations are also currently underway to ensure all cordless phones within the Control Center, to include those in use by the Fire Liaisons, are equipped with recording mechanisms.

Finding 4: The communications process for safety-critical information in the Rail Operations Control Center has unacceptable points of failure that are putting lives at risk.

WMATA is working to identify a system or update to a current system that makes real-time information available to all employees in the ROCC by an electronic means. WMATA is requesting that the WMSC provides clarity on meaning of "electronic log", as stated on page 41 in the corrective action section of finding 4.

Finding 5: Some Metrorail procedures lack the required urgency to address life-safety issues.

ROCC will update SOPs 6,7 & 8 to ensure level of urgency communicated through policy and training, as well as to promote use of the Safety Hotline and Close Call programs. Also, the General Manager, Chief Operating Officer, and Chief Safety Officer are reviewing WMATA's emergency response notification and incident management protocols.

Finding 6: A failure to address issues such as loss of speed commands has contributed to a culture where frontline workers no longer see a value in reporting and recording problems.

WMATA recognizes that providing timely and transparent responses to employee safety concerns is paramount to creating an environment where employees feel encouraged and empowered to report safety concerns. In addition, WMATA regularly communicates to employees the status of CAPs to address long term issues such as infrastructure and reliability improvements of obsolesced system assets.

WMATA has been active with the industry to identify successful programs and initiatives that have shown to improve safety reporting. In alignment with industry best practice, WMATA currently maintains multiple avenues for employees to report safety concerns outside of their direct chain of command. These include a "Safety Hotline" and a Confidential Close Call Reporting System. Both options are available to all employees and offer 24/7 opportunities to report concerns. The Confidential Close Call Reporting Program uses a third party to assure confidentiality of reporters and has a formal mechanism for review by peer teams as well as accountability for corrective actions. Metro is working to continuously improve this program and has initiated an internal review of the program.

WMATA submitted and the WMSC accepted the Corrective Action Plan to address findings from WMSC-19-C0017. WMATA believes the items from that Plan also address this finding. WMATA RIME is responsible for developing a "documented process and Maximo data showing resolved/closed tickets that address loss of speed command incidents" per WMSC-19-C0017 Actionable Item 2. The remainder of the corrective action plan regarding repairs to areas where there are Loss of speed commands "repaired as required by WMATA policies to reduce the risk that safety issues slip through the cracks" is satisfied through WMSC-19-C0017 items 2 & 3 which requires "ATCE will provide locations and analysis to resolve issues due to repeated loss of speed commands, and research solutions to address the issues. ATCE will provide the WMSC an interim update on this item when the preferred solution is determined by ATCE" and "REAM will schedule the planned solution."

Finding 7: WMATA does not always follow or clearly define its fatigue risk management procedures for the Rail Operations Control Center, including those limiting the length of controller shifts.

While the Covid-19 pandemic has caused unforeseeable absenteeism in the ROCC, all assigned day work is voluntary and no Rail Traffic Controller has worked more than 12 hours per day. WMATA has a collective bargaining agreement with Local 2 OPEIU. Hours of work, bidding for shifts, and assigned days are clearly defined, and limit Rail Traffic Controllers to twelve- hour shifts. In response to the staffing challenges presented by the COVID-19 Pandemic, WMATA requested that control center staff agree to a revised

schedule of 12-hour shifts which would rotate between the two identified locations of CTF and JGB. This arrangement would have created increased flexibility in scheduling of employees which would permit increased rest periods and limit consecutive days worked. Unfortunately, this proposal was rejected. Due to an Arbitration decision governing WMATA's implementation of its collective bargaining agreement, WMATA is unable to limit the number of consecutive days worked by employees.

Additionally, WMATA is working on completion of CAPs WMSC-19-C0008 a & b regarding the development and implementation of "an effective hours of service policy as part of an overall fatigue management program." The Policy/Instruction was signed and approved on August 28, 2020 and its agency-wide implementation will follow.

Finding 8: Metrorail's ROCC recruitment approach is failing. Some controller trainees have left the ROCC immediately after or shortly after the training course, which is scheduled to last nine months.

Metro's recruitment and sourcing strategy is a multi-faceted approach that includes traditional job postings on job boards, professional associations, and with specific schools that have relevant disciplines, as well as job fairs, military outreach, strategic partner engagement/outreach, internet mining and social media networking. In addition to and prior to the recent award of a Recruitment Process Outsourcing firm, Metro contracted sourcing resources dedicated to passive candidate mining, networking with similar/like organizations and applicant pipeline development along with internal talent acquisition staff. Unique to ROCC, Metro has held *Day in The Life* hiring events since 2014. Such events allow for potential candidates to learn intimate details regarding the role and opportunity, tour the ROCC, meet with ROCC/RAIL management, staff and potential future colleagues as well as receive information specific to the training requirements and hear first hand from a Rail Training Instructor. The program includes:

- Expectations of an RTC
- Expectations of an 'essential employee' (reporting for work even during inclement weather and other emergency occurrences)
- 38-week training program
- The assigning of RTC shifts and vacation (based upon company seniority)
- RTC shifts (weekends, nights, holidays)

Through such efforts, ROCC/RAIL has identified and selected several qualified individuals. While Metro has been able to attract and hire Rail Traffic Controllers for the ROCC, retention of talent has continued to be a challenge. In FY20, Metro's recruitment, vacancy rate and attrition in ROCC was as follows:

ROCC FY20 Hires and Vacancy Rate (Reporting Period: 7/1/19 to 6/30/20)	FY20				
	New Hires	Internal Placements	Total Recruitments	Vacancy Rate - 7/1/19	Vacancy Rate - 6/30/20
ROCC Overall	21	17	<i>38</i>	8%	18%
Rail Traffic Controller	20	1	<i>21</i>	4%	20%

Attrition Rates (Reporting Period: 7/1/19 to 6/30/20)	FY20 Separations	FY20 Average Headcount	FY20 Attrition Rate
<i>ROCC Overall</i>	<i>15</i>	<i>121</i>	<i>12%</i>
Involuntary Attrition Rate	5		4%
Voluntary Attrition Rate	9		7%
Retirements	1		1%
<i>Rail Traffic Controller Position</i>	<i>13</i>	<i>49</i>	<i>27%</i>
Involuntary Attrition Rate	5		10%
Voluntary Attrition Rate	7		14%
Retirements	1		2%

Metro is seeking to benchmark attrition data with peer transit agencies.

In July of 2017, Metro implemented a pilot performance bonus program to improve the attraction and retention of qualified Maintenance Operation Supervisors and Central Control Supervisors (See attachment 1).

To improve recruitment and retention, the master plan for ROCC transformation includes strengthening morale through enhanced training and recognition programs, as well as enhanced leadership and communications.

Finding 9: A high rate of staff turnover in the Rail Control Center contributes to staffing challenges and a lack of positive institutional knowledge that can contribute to safety challenges.

A training session conducted by the Office of Employee Relations occurred on June 25, 2020 with RTRA management staff to establish documented exit interviews where more can be learned from employees about the reasons for separating.

The National Capital Region offers many employment opportunities for transportation professionals. Multiple rail systems, consulting firms, and governmental agencies compete for qualified employees. Not unlike many employers in the transportation industry and the region, WMATA experiences workforce attrition to these opportunities. In fact, during the course of their audit, WMSC hired an ROCC employee.

Finding 10: Controllers still have too many responsibilities and are frequently rushed to complete task by management.

WMATA recognizes that a thorough accounting of Rail Traffic Controller workloads is critical to assure effective task management. In March, WMATA SAFE initiated a Cognitive Task Analysis to review Rail Traffic Controller resource loading. WMATA will share all documentation with WMSC.

Finding 11: WMATA has failed to regularly update the Rail Operations Control Center Procedures Manual.

-AND-

Finding 12: WMATA has not reviewed SOP's or OAP on a regular basis. MOC SOP 100-19 governing work order closeout and completion was due for review in December 2017, a Rail incident management OAP was due for review in September 2019, the MOC OAP for Maintenance Operations was last reviewed in December 2016 and last updated in September 2013, the ROIC radio SOP was last updated in February 2015.

WMATA has retained a consultant who is assessing and making recommendations to revise the training program for ROCC. WMATA recognizes an opportunity to streamline and improve the process for managing updates to system rules and operating practices such as those contained in the MSRPH and associated procedures. As such, a dedicated team to provide oversight of the review, revision and communication of operating practices is being created within the Department of SAFE. WMATA has a task order to assist this effort with consultant support. SAFE is currently developing a project plan as part of the integrated master plan for the ROCC transformation. This will include establishing a series of process controls to assure alignment and conformance of all training curriculum and support materials with the MSRPH

In addition to the above-mentioned task consultant, WMATA is rewriting SOP 1A- Incident Command, SOP 2, and 28 -Power Restoration, with a target completion date of Oct. 28th, 2020.

Finding 13: Field days are not effectively utilized to increase controller knowledge, contributing to a lack of controller understanding of what is happening on the roadway.

-AND-

Finding 14: Controllers are not provided with the full extent of training necessary to do their jobs, including insufficient familiarization with roadway operations and procedures.

In addressing FTA CAP R-1-3 b, now closed, assessments concluded that the time spent in RWP level IV training would be better utilized with the Ride-Along Program. The Rail Traffic Controller would spend one day with a TRST RWIC to ride in a Class II vehicle to the work site, see actual work zone set-up, verification of third rail power outage, work performed, and power restoration. Day 2, Rail Traffic Controllers would accompany ATC RWIC to witness an interlocking inspection and tour Train Control Room. Day 3 would be spent with Traction Power personnel in a Traction Power Substation/Tie-Breaker Station to gain knowledge on equipment and functionality. For a Rail Traffic Controller to maintain RWP level IV qualifications they must perform the job duties of a RWIC. Passing assessments of their performance within a 30-day period to qualify.

Finding 15: Aspects of ROCC training are inconsistent and must be structured. Multiple controllers reported that significant time is wasted during initial training through frequent long breaks.

WMATA awarded a contract on June 8 to a vendor, K & J, with expertise in transit control center operation. The revised curriculum will be designed to ensure the most streamlined combination of classroom and learning experiences that produce graduates with the knowledge and skills to successfully perform the role of a Rail Traffic Controller.

Finding 16: Required on the job training is not carried out in a structured of standardized fashion.

As part of the training curriculum review, the consultant is assessing our current on the job training process and student evaluation forms and will provide recommendations for improvement.

Finding 17: Not all controllers experience quarterly emergency drills. If each ROCC controller does not get this experience, it diminishes the value of the drills.

OEM does not conduct emergency drills quarterly, however when they are conducted ROCC rotates personnel for drill assignments. WMATA is creating a skills drill program, which will be designed to close gaps in knowledge and operational implementation, improve safety, compliance with procedures and build confidence/competence of staff. The first skills drill regarding ventilation fans occurred on August 24, 2020.

Finding 18: The certification process for ROCC instructors, assistant superintendents, superintendents and controllers is inconsistent, not properly documented, and lacks proper controls to ensure the integrity and meaning of certification.

In September 2019, WMATA modified the certification process to require that ROCC management conduct the practical certification with Rail Quality proctoring and the electronic knowledge test administered by Rail Quality. This modification was to ensure neutrality in the certification process since it must be done by someone who is a certified Rail Traffic Controller. All training records are maintained in WMATA's Enterprise Learning Management (ELM) system.

Finding 19: Certification and recertification scenario required of ROCC employees are repeated year after year, diminishing the value of the testing and training process.

No further comment.

Finding 20: WMATA does not have a standardized training program for desk such as the MOC or ROIC. Metrorail could not provide and documentation of MOC training materials, a curriculum or training description. Metrorail provided only a study guide for ROIC.

WMATA commenced development of the MOC training before the pandemic and is currently reviewing a draft curriculum. The ROIC training development is underway and it is scheduled to be completed by December 2020. Once training is finalized and implemented, all records will be maintained in ELM.

Finding 21: WMATA does not have minimum training requirements for the fire liaison position.

WMATA does not have minimum training requirements for the fire liaison position because the ROCC Fire Liaison is a jurisdictional Fire Department position not a WMATA position. The COG Chiefs have developed a **ROCC Fire Liaison Policy Handbook 2019** and a **Rail Operations Control Center (ROCC) Fire Liaison Training Manual 2019** both of which describe the duties of and training for a ROCC Fire Liaison.

Each of the OEM personnel selected to fill the ROCC Fire Liaison role, on a temporary basis, had extensive first responder (Fire/LE/EM) experience. Collectively, the group has 145 years of fire service experience in National Capitol Region Fire Departments, 28 years of law enforcement experience with the Metro Transit Police and 56 years of Emergency Management experience with WMATA. The six (6) OEM members selected to fill that position have a total of 229 years of public safety experience.

In addition, 4 OEM members were career Fire Fighters, 1 OEM member was a Metro Transit Police Officer and 1 OEM member is a Volunteer Fire Fighter.



Attachment 1

Finding 8: Executed ROCC/MOCC Agreement

PILOT PROGRAM FOR MAINTENANCE OPERATION SUPERVISORS AND CENTRAL CONTROL SUPERVISORS

The Washington Metropolitan Area Transit Authority (hereinafter referred to as "WMATA" or the "Authority") and Local 2 of the Office and Professional Employees International Union (hereinafter referred to as the "Union" or "Local 2"), and collectively as the "Parties", hereby enter into a Pilot Program. The Parties in the interest of attracting and retaining qualified employees into the positions of Maintenance Operation Center Supervisors, "MOCC", (currently Job Code: 4640), and Central Control Supervisors, "ROCC" (currently Job Code 6750), agree to the following conditions as a Pilot Program:

1. The term of the Pilot Program is for four years from the date of execution of this agreement.
2. The Parties will assess the Program at the end of each year and provide suggestions to improve the program. Improvements of a non-monetary nature may be implemented at the Parties agreement. Any monetary change must be negotiated and implemented only upon renewal of the program.
3. Either Party may terminate the Program at the last day of the Pilot term, with notice to the other Party, sixty-days prior to the expiration of the expressed term of the Pilot Program.
4. Failure to provide notification during the notice period of the initial four year Program will provide for an automatic one year renewal and continue from year to year until or unless either Party provides notice to terminate sixty-days before the end of the extension year.
5. Incumbent MOCC and ROCC employees shall declare their interest of opting into the conditions of the Pilot Program prior to the commencement of the program. Once an incumbent accepts participation, the incumbent is subject to all conditions and benefits set out in the program.

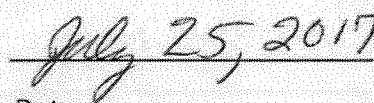
6. An incumbent refusing to participate at the commencement of the Pilot is precluded from participation for the initial four year Pilot Program duration.
7. All certified incumbents with a satisfactory performance review during their last performance period (without a service entry or last chance warning on the service record), will be entitled to a Pilot Program Entry Performance Bonus in the amount of \$7,000. Each year after payment of the Entry Performance Bonus and upon completing one year of satisfactory performance the incumbent MOCC and ROCC with less than twenty days of absence for any reason, excepting Vacation Leave, Court Leave, Funeral Leave, Military Leave, and Administrative Leave with Pay will receive an annual performance bonus in the amount of \$4,000 at the end of year one, two and year three. Long-Term Disability Leave (including Maternity Leave), FMLA, or Worker's Compensation will not be counted toward the twenty days of absence, but will extend the participant's performance year by the amount of leave taken and delay any associated compensation until the employee works the number of days taken on Long-Term Disability, FMLA, or Worker's Comp leave.
8. An incumbent interested in participation who has a last chance warning on the employee's service record must first complete one year of service without further violations from the date of the final warning before entering the Pilot Program.
9. Upon the completion of year three all incumbent employees completing the conditions of the first three years will be promoted to Grade TS-06.
10. Employees hired into the position of MOCC or ROCC on or after the execution date (hereafter "newly hired MOCC or ROCC"), will be eligible and must participate in the Pilot Program under the conditions expressed herein.
11. A newly hired MOCC or ROCC will receive the amount of \$5,000 for the Entry Performance Bonus upon successfully completing all training required to achieve certification in the respective position.

12. The newly hired employee upon receiving the Entry Performance Bonus will be eligible each year thereafter on the employee's anniversary date of one year from the date of the Entry Performance Bonus, for the annual performance bonus, as expressed in item #7 above.
13. A newly hired employee into the MOCC or ROCC classification(s) will be promoted to Grade TS-06 four performance years after certification and successful completion of all the conditions of the program.
14. Incumbent employees agreeing to participate in the Pilot Program are required to serve three years from the date of receiving the Pilot Program Entry Performance Bonus in the MOC or ROCC position(s). A voluntary separation resulting in a failure to complete three years of service will require reimbursement to the Authority of the Entry Performance Bonus.
15. Newly hired employees for the position of MOCC or ROCC must serve three years in the position from the date of certification. A voluntary separation resulting in failure to complete three years of service from the date of certification in the position will require reimbursement to the Authority of the Entry Performance Bonus.
16. Participants in the Program who voluntarily leave the position will repay the Entry Performance Bonus including a deduction from the calculations of final wages. All participants will be required to execute a repayment agreement.
17. MOCC and ROCC classifications that receive overtime compensation at time and one half at Grade 5 will continue to receive overtime at the same time and one half when promoted to Grade TS-06. These two positions are the only Grade TS-06 positions in the bargaining unit eligible for overtime at time and one half. The Union agrees that extending overtime to these two positions as Grade 6 constitutes an exception, and the only exception to the CBA language limiting overtime to Grade 5 or less.

18. Employees in the Pilot program will remain in the Pilot program if they transfer between the MOCC and ROCC positions. All credited service time and bonuses in the old position will continue on the same schedule in the new position.



Eric Starin for the Union



Date



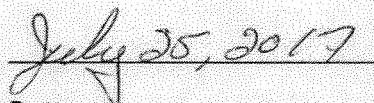
Andrew Off for the Authority



Date



Thomas M. Webb for the Authority



Date