

Chapter 130

(House Bill 419)

AN ACT concerning

Washington Suburban Sanitary Commission – Office of the Inspector General**PG/MC 101–18**

FOR the purpose of establishing an Office of the Inspector General in the Washington Suburban Sanitary Commission; providing for the appointment, qualifications, and term of the inspector general; providing for the establishment, membership, qualifications, and function of an appointment committee; prohibiting the inspector general from participating in a certain merit system but authorizing the inspector general to participate in a certain employee benefits program under certain terms and conditions; authorizing the Commission to offer a certain supplemental employee benefits program to an inspector general under certain circumstances; authorizing the Commission to remove an inspector general under certain circumstances; prohibiting the inspector general from holding secondary employment during the inspector general's term; authorizing the inspector general to select certain employees as subordinate staff of the Office subject to certain conditions; authorizing the inspector general to dismiss certain subordinate staff for certain causes; authorizing the inspector general, subject to certain conditions, to retain consultants; establishing the duties of the inspector general and of the Office; authorizing the Commission to include a certain audit in another certain audit; authorizing the Office to conduct certain investigations, analyses, audits, and reviews, provide management advisories, and utilize the assistance of certain other persons; requiring the inspector general to comply with generally accepted government auditing standards under certain circumstances; requiring the inspector general to submit certain written reports to the Commission for publication on the Commission's website; prohibiting the inspector general from disclosing certain information that is protected from disclosure; authorizing the inspector general to make certain oral reports under certain circumstances; requiring the inspector general to establish and follow procedures for safeguarding the identity of confidential sources and protecting confidential information; requiring the Commission to publish certain reports on its website; requiring the inspector general to report certain allegations to certain persons under certain circumstances; requiring the Commission to adopt certain regulations on independent operation of the Office; requiring the inspector general to consult with the Commission to develop a certain work plan and establish certain goals and priorities for the Office; requiring the inspector general to make the work plan available to the public, subject to certain laws; requiring the inspector general to coordinate with certain persons for certain purposes under certain circumstances; requiring the Commission to include in its annual budget proposal certain amounts for the Office; requiring the Commission's general counsel to provide certain legal services to the inspector general under certain circumstances; authorizing the inspector general to employ and be

represented by a special legal counsel without the consent of the general counsel under certain circumstances; requiring a Commission employee or official or a vendor of the Commission to promptly provide certain information to the inspector general under certain circumstances; requiring the inspector general to notify certain persons if a Commission employee or official fails to provide certain information; requiring the Commission chair, vice chair, or executive director to take certain action under certain circumstances; requiring the Commission officers to take certain action under certain circumstances; providing that a Commission employee should report any fraud, waste, or abuse to the Office; prohibiting a Commission employee, vendor, or employee of a vendor from being retaliated against, penalized, or threatened with retaliation for certain actions; prohibiting the inspector general from disclosing the identity of a certain person under certain circumstances; authorizing the inspector general or a designated assistant inspector general to administer an oath or affirmation or take an affidavit from any person under certain circumstances; authorizing the Commission to adopt certain regulations; authorizing the inspector general or a staff member authorized by the inspector general to administer oaths and take depositions and other testimony for certain purposes; providing that the Commission Board of Ethics has primary authority over certain investigations; authorizing the Commission Board of Ethics and its counsel to issue subpoenas for certain purposes; authorizing a certain subpoena to be enforced judicially; authorizing the inspector general to subpoena any person or evidence for a certain purpose; authorizing a court of competent jurisdiction to compel compliance with a certain order or subpoena or testimony or the production of evidence; exempting certain employees of the Commission from a certain merit system; transferring the functions, powers, and duties of the Office of Internal Audit of the Commission to the Office of the Inspector General of the Commission on a certain date; providing that certain employees who are transferred to the Office of the Inspector General shall be transferred without any diminution of certain rights; defining certain terms; and generally relating to the Office of the Inspector General in the Washington Suburban Sanitary Commission.

BY repealing and reenacting, without amendments,

Article – Public Utilities

Section 17–101 and 19–101

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY adding to

Article – Public Utilities

Section 17–601 through 17–609 to be under the new subtitle “Subtitle 6. Office of the Inspector General”

Annotated Code of Maryland

(2010 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,

Article – Public Utilities

Section 18-106 ~~and 18-107~~, 18-107, and 19-106
Annotated Code of Maryland
(2010 Replacement Volume and 2017 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Public Utilities

17-101.

- (a) There is a Washington Suburban Sanitary Commission.
- (b) The Commission has jurisdiction over the sanitary district.

SUBTITLE 6. OFFICE OF THE INSPECTOR GENERAL.

17-601.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “ABUSE” MEANS AN EMPLOYEE’S INTENTIONAL MISCONDUCT OR MISUSE OF AUTHORITY OR POSITION:

(I) INVOLVING COMMISSION PROPERTY OR FUNDS THAT IS IMPROPER OR DEFICIENT WHEN COMPARED TO CONDUCT A PRUDENT PERSON WOULD CONSIDER REASONABLE UNDER THE SAME FACTS AND CIRCUMSTANCES; OR

(II) FOR THE PURPOSE OF FURTHERING IMPROPERLY THE PRIVATE INTERESTS OF THE EMPLOYEE, A FAMILY MEMBER, OR A CLOSE PERSONAL OR BUSINESS ASSOCIATE.

(2) “ABUSE” INCLUDES:

(I) THEFT OR MISAPPROPRIATION OF COMMISSION PROPERTY OR FUNDS; AND

(II) DESTRUCTION OR ALTERATION OF OFFICIAL RECORDS.

(C) (1) “FRAUD” MEANS AN INTENTIONAL ACT OR ATTEMPT TO OBTAIN SOMETHING OF VALUE FROM THE COMMISSION OR ANOTHER PERSON THROUGH WILLFUL MISREPRESENTATION.

(2) “FRAUD” INCLUDES A WILLFUL FALSE REPRESENTATION OF A MATERIAL FACT, WHETHER BY WORDS OR BY CONDUCT, BY FALSE OR MISLEADING ALLEGATIONS, OR BY CONCEALMENT OF THAT WHICH SHOULD HAVE BEEN DISCLOSED, THAT CAUSES THE COMMISSION TO ACT, OR FAIL TO ACT, TO THE DETRIMENT OF THE COMMISSION’S INTEREST.

(D) “OFFICE” MEANS THE OFFICE OF THE INSPECTOR GENERAL.

(E) “VENDOR” MEANS A PARTY OBLIGATED BY CONTRACT OR SUBCONTRACT TO PROVIDE GOODS, SERVICES, OR PROPERTY TO THE COMMISSION FOR CONSIDERATION, INCLUDING CONTRACTS AND SUBCONTRACTS FOR CONSTRUCTION AND PROFESSIONAL SERVICES RELATED TO CONSTRUCTION.

(F) (1) “WASTE” MEANS AN INAPPROPRIATE ACT OR OMISSION BY AN EMPLOYEE WITH CONTROL OVER, OR ACCESS TO, COMMISSION PROPERTY OR FUNDS THAT UNREASONABLY DEPRIVES THE COMMISSION OF VALUE.

(2) “WASTE” INCLUDES MISMANAGEMENT OR OTHER UNINTENTIONAL CONDUCT THAT IS DEFICIENT OR IMPROPER WHEN COMPARED TO CONDUCT A PRUDENT PERSON WOULD CONSIDER NECESSARY TO PRESERVE THE VALUE OF COMMISSION PROPERTY OR FUNDS UNDER THE SAME FACTS AND CIRCUMSTANCES.

17-602.

THERE IS AN OFFICE OF THE INSPECTOR GENERAL IN THE COMMISSION.

17-603.

(A) (1) **THE COMMISSION SHALL APPOINT THE INSPECTOR GENERAL.**

(2) (I) **THE COMMISSION SHALL SELECT THE INSPECTOR GENERAL:**

1. **SOLELY ON THE BASIS OF PROFESSIONAL ABILITY AND PERSONAL INTEGRITY; AND**

2. **WITHOUT REGARD TO POLITICAL AFFILIATION.**

(II) **THE INSPECTOR GENERAL SHALL BE QUALIFIED PROFESSIONALLY BY EXPERIENCE OR EDUCATION IN AUDITING, GOVERNMENT OPERATIONS, OR FINANCIAL MANAGEMENT.**

(3) THE COMMISSION SHALL SELECT THE INSPECTOR GENERAL FROM A LIST OF RECOMMENDED CANDIDATES PREPARED BY THE APPOINTMENT COMMITTEE UNDER SUBSECTION (B) OF THIS SECTION BY AN AFFIRMATIVE VOTE OF NOT LESS THAN FOUR COMMISSIONERS.

(B) (1) THE COMMISSION SHALL ESTABLISH AN APPOINTMENT COMMITTEE WHENEVER THE POSITION OF INSPECTOR GENERAL IS VACANT.

(2) THE APPOINTMENT COMMITTEE SHALL REVIEW POTENTIAL CANDIDATES FOR APPOINTMENT AS INSPECTOR GENERAL AND SHALL RECOMMEND CANDIDATES TO THE COMMISSION.

(3) (I) THE APPOINTMENT COMMITTEE CONSISTS OF:

- 1. ONE COMMISSIONER FROM MONTGOMERY COUNTY;**
- 2. ONE COMMISSIONER FROM PRINCE GEORGE'S COUNTY;**
- 3. ONE MEMBER OF THE PUBLIC SELECTED BY THE MONTGOMERY COUNTY COUNCIL; AND**
- 4. ONE MEMBER OF THE PUBLIC SELECTED BY THE PRINCE GEORGE'S COUNTY COUNCIL.**

(II) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A MEMBER OF THE PUBLIC SHALL POSSESS:

- 1. ADVANCED EDUCATION AND EXPERIENCE IN THE MANAGEMENT OF GOVERNMENTAL ENTITIES THAT ARE COMPARABLE TO THE COMMISSION IN SCOPE AND COMPLEXITY;**
- 2. DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN THE APPLICATION OF:**
 - A. GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND**
 - B. INTERNAL CONTROL SYSTEMS; AND**
- 3. AN UNDERSTANDING OF THE APPROPRIATE FUNCTIONS OF AN APPOINTMENT COMMITTEE.**

(III) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A MEMBER OF THE PUBLIC MAY POSSESS DEMONSTRATED KNOWLEDGE AND EXPERIENCE IN THE APPLICATION OF:

- 1. SUSTAINABLE FINANCIAL MANAGEMENT PRACTICES FOR PUBLIC ENTITIES; AND**
- 2. PUBLIC ACCOUNTABILITY.**

(IV) A MEMBER OF THE APPOINTMENT COMMITTEE WHO IS A MEMBER OF THE PUBLIC MAY NOT HAVE ANY OTHER BUSINESS OR CLOSE PERSONAL RELATIONSHIPS WITH THE COMMISSION OR ITS OFFICERS, MANAGERS, OR EMPLOYEES.

(4) (I) THE APPOINTMENT COMMITTEE SHALL INITIALLY PREPARE A LIST OF AT LEAST THREE AND NOT MORE THAN SIX CANDIDATES TO RECOMMEND FOR APPOINTMENT AS INSPECTOR GENERAL AND SUBMIT THE LIST TO THE COMMISSION.

(II) 1. IF THE COMMISSION IS UNABLE TO SELECT AN INSPECTOR GENERAL FROM THE LIST PREPARED BY THE APPOINTMENT COMMITTEE, THE APPOINTMENT COMMITTEE SHALL PREPARE ONE OR MORE ADDITIONAL LISTS OF RECOMMENDED CANDIDATES AS NEEDED UNTIL THE COMMISSION MAKES A FINAL APPOINTMENT OF AN INSPECTOR GENERAL.

2. THE ADDITIONAL LISTS PREPARED UNDER THIS SUBPARAGRAPH MAY CONTAIN ANY NUMBER OF CANDIDATES.

(5) (I) ON COMPLETION OF THE FINAL APPOINTMENT OF AN INSPECTOR GENERAL, THE APPOINTMENT COMMITTEE IS TERMINATED.

(II) THE COMMISSION SHALL ESTABLISH A NEW APPOINTMENT COMMITTEE WHENEVER THERE IS A VACANCY IN THE POSITION OF INSPECTOR GENERAL.

(C) (1) THE TERM OF THE INSPECTOR GENERAL IS 4 5 YEARS BEGINNING ON THE DATE OF APPOINTMENT.

(2) AN INDIVIDUAL MAY NOT SERVE AS INSPECTOR GENERAL FOR MORE THAN THREE TERMS.

(3) THE INSPECTOR GENERAL MAY NOT PARTICIPATE IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE 1 OF THIS ARTICLE, BUT:

(I) THE INSPECTOR GENERAL MAY PARTICIPATE IN ANY EMPLOYEE BENEFITS PROGRAM THE COMMISSION OFFERS ON THE SAME TERMS AND CONDITIONS AS IT IS OFFERED GENERALLY TO AN EMPLOYEE PARTICIPATING IN THE MERIT SYSTEM; AND

(II) THE COMMISSION MAY OFFER TO AN INDIVIDUAL APPOINTED AS INSPECTOR GENERAL ANY SUPPLEMENTAL EMPLOYEE BENEFIT PROGRAMS THE COMMISSION DETERMINES ARE NECESSARY TO RECRUIT AND RETAIN AN EMPLOYEE WHO DOES NOT PARTICIPATE IN THE MERIT SYSTEM.

(4) (I) THE COMMISSION MAY REMOVE THE INSPECTOR GENERAL BY RESOLUTION ADOPTED BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO OF ITS THREE MEMBERS FROM EACH COUNTY FOR NEGLECT OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.

(II) BEFORE THE COMMISSION MAY ADOPT A RESOLUTION OF REMOVAL, THE COMMISSION OR A DESIGNEE OF THE COMMISSION MUST HOLD A PUBLIC HEARING IF THE INSPECTOR GENERAL REQUESTS A HEARING WITHIN 10 DAYS AFTER THE INSPECTOR GENERAL RECEIVES NOTICE OF PROPOSED REMOVAL FROM THE COMMISSION.

(5) THE INSPECTOR GENERAL SHALL DISCHARGE THE DUTIES OF OFFICE ON A FULL-TIME BASIS AND WITH NO SECONDARY EMPLOYMENT OF ANY NATURE DURING THE INSPECTOR GENERAL'S TERM.

(D) (1) SUBJECT TO BUDGET AUTHORIZATION, APPLICABLE LAW, AND THE PERSONNEL REGULATIONS OF THE COMMISSION, THE INSPECTOR GENERAL MAY SELECT AS SUBORDINATE STAFF OF THE OFFICE ONE OR MORE:

(I) TEMPORARY TERM EMPLOYEES WHO DO NOT PARTICIPATE IN THE MERIT SYSTEM ADOPTED BY THE COMMISSION UNDER TITLE 18, SUBTITLE 1 OF THIS ARTICLE; AND

(II) OTHER EMPLOYEES WHO PARTICIPATE IN THE MERIT SYSTEM.

(2) NOTWITHSTANDING ANY PROVISION OF THE PERSONNEL REGULATIONS TO THE CONTRARY, AN AUDITOR, AN ACCOUNTANT, AN INVESTIGATOR, OR A SIMILAR PROFESSIONAL EMPLOYEE APPOINTED AS SUBORDINATE STAFF OF THE OFFICE SHALL BE SUBJECT TO DISMISSAL BY THE

INSPECTOR GENERAL ONLY FOR NEGLECT OF DUTY, MALFEASANCE, CONVICTION OF A FELONY, OR OTHER GOOD CAUSE.

(E) SUBJECT TO BUDGET AUTHORIZATION AND THE APPLICABLE PROCUREMENT REGULATIONS, THE INSPECTOR GENERAL MAY RETAIN CONSULTANTS BY CONTRACT.

17-604.

(A) THE INSPECTOR GENERAL MAY:

(1) INVESTIGATE MISMANAGEMENT, MISCONDUCT, FRAUD, WASTE, AND ABUSE AT THE COMMISSION; AND

(2) CONDUCT AN ANNUAL AUDIT OF THE COMMISSION AS NEEDED.

(B) IF THE INSPECTOR GENERAL CONDUCTS AN AUDIT UNDER SUBSECTION (A)(2) OF THIS SECTION, THE INSPECTOR GENERAL SHALL SUBMIT TO THE COMMISSION AND THE COUNTY EXECUTIVES OF MONTGOMERY COUNTY AND PRINCE GEORGE'S COUNTY A COPY OF THE AUDIT AND A SUMMARY OF THE REPORTS AND INVESTIGATIONS MADE BY THE INSPECTOR GENERAL IN ACCORDANCE WITH THIS SECTION.

(C) THE COMMISSION MAY INCLUDE ANY AUDIT BY THE INSPECTOR GENERAL IN THE AUDIT OF THE COMMISSION PUBLISHED UNDER § 17-401 OF THIS TITLE.

17-605.

(A) THE OFFICE SHALL:

(1) ASSIST THE COMMISSION BY PROVIDING INDEPENDENT EVALUATION AND RECOMMENDATIONS REGARDING OPPORTUNITIES TO:

(I) PRESERVE THE COMMISSION'S REPUTATION; AND

(II) IMPROVE THE EFFECTIVENESS, PRODUCTIVITY, OR EFFICIENCY OF COMMISSION PROGRAMS, POLICIES, PRACTICES, AND OPERATIONS;

(2) ENSURE PUBLIC ACCOUNTABILITY BY PREVENTING, INVESTIGATING, AND REPORTING INSTANCES OF FRAUD, WASTE, AND ABUSE OF COMMISSION PROPERTY OR FUNDS;

(3) EXAMINE, EVALUATE, AND REPORT ON THE ADEQUACY AND EFFECTIVENESS OF THE SYSTEMS OF INTERNAL CONTROLS AND THEIR RELATED ACCOUNTING, FINANCIAL, TECHNOLOGY, AND OPERATIONAL POLICIES; ~~AND~~

(4) REPORT NONCOMPLIANCE WITH AND PROPOSE WAYS TO IMPROVE EMPLOYEE COMPLIANCE WITH APPLICABLE LAW, POLICY, AND ETHICAL STANDARDS OF CONDUCT;

(5) CONDUCT AUDITS AS REQUIRED UNDER § 25-405 OF THIS ARTICLE; AND

(6) CONDUCT OTHER AUDITS RELATED TO THE OPERATION OF THE COMMISSION.

(B) IN DEVELOPING RECOMMENDATIONS, THE OFFICE MAY:

(1) CONDUCT ADMINISTRATIVE INVESTIGATIONS, BUDGETARY ANALYSES, AND FINANCIAL, MANAGEMENT, OR PERFORMANCE AUDITS AND SIMILAR REVIEWS;

(2) PROVIDE MANAGEMENT ADVISORIES; AND

(3) UTILIZE THE ASSISTANCE FROM ANY OTHER GOVERNMENT AGENCY OR PRIVATE PARTY TO COMPLETE A PROJECT INITIATED BY THE OFFICE.

(C) WHEN APPLICABLE, THE INSPECTOR GENERAL SHALL COMPLY WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE INSPECTOR GENERAL SHALL SUBMIT WRITTEN REPORTS TO THE COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEBSITE.

(2) THE INSPECTOR GENERAL:

(I) MAY NOT DISCLOSE ANY RECORD, REPORT, OR RELATED INFORMATION THAT IS PROTECTED FROM DISCLOSURE UNDER THE PUBLIC INFORMATION ACT;

(II) MAY PROVIDE AN ORAL REPORT IF APPROPRIATE UNDER GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS; AND

(III) SHALL ESTABLISH AND FOLLOW PROCEDURES FOR SAFEGUARDING THE IDENTITY OF CONFIDENTIAL SOURCES AND PROTECTING PRIVILEGED AND CONFIDENTIAL INFORMATION.

(3) THE COMMISSION SHALL PUBLISH WITH ANY REPORT SUBMITTED BY THE INSPECTOR GENERAL ANY OFFICIAL WRITTEN COMMENTS OR RESPONSES OFFERED BY THE COMMISSION'S MANAGEMENT.

(4) THE INSPECTOR GENERAL SHALL ALSO SUBMIT TO THE COMMISSION FOR PUBLICATION ON THE COMMISSION'S WEBSITE PERIODIC REPORTS THAT SUMMARIZE THE ACTIVITIES, FINDINGS, RECOMMENDATIONS, AND ACCOMPLISHMENTS OF THE OFFICE.

(E) IF REASONABLE GROUNDS EXIST TO BELIEVE THAT A SERIOUS VIOLATION OF FEDERAL, STATE, OR LOCAL LAW OR COMMISSION REGULATIONS HAS OCCURRED, THE INSPECTOR GENERAL SHALL REPORT THE ALLEGATION TO:

(1) AN APPROPRIATE LAW ENFORCEMENT AGENCY;

(2) THE STATE ETHICS COMMISSION; ~~OR~~

(3) THE COMMISSION BOARD OF ETHICS; OR

(4) ANY OTHER AGENCY WITH JURISDICTION TO ENFORCE THE LAW.

(F) THE COMMISSION SHALL ADOPT REGULATIONS TO ENSURE THAT THE OFFICE OPERATES INDEPENDENTLY FROM THE MANAGEMENT OF THE COMMISSION.

17-606.

(A) (1) THE INSPECTOR GENERAL SHALL CONSULT WITH THE COMMISSION TO DEVELOP A WRITTEN WORK PLAN AND ESTABLISH PERIODIC GOALS AND PRIORITIES FOR THE OFFICE BASED ON AN ASSESSMENT OF RELATIVE RISKS.

(2) IN DEVELOPING THE WORK PLAN, THE INSPECTOR GENERAL SHALL TAKE INTO CONSIDERATION REQUESTS FROM COMMISSIONERS, COMMISSION OFFICERS, MANAGERS, AND EMPLOYEES, ELECTED OFFICIALS, AND MEMBERS OF THE PUBLIC.

(3) THE INSPECTOR GENERAL SHALL MAKE THE WRITTEN WORK PLAN AVAILABLE TO THE PUBLIC, SUBJECT TO THE PUBLIC INFORMATION ACT.

(B) (1) IN PERFORMING THE DUTIES AUTHORIZED UNDER THIS SUBTITLE, THE INSPECTOR GENERAL SHALL COORDINATE WITH LAW ENFORCEMENT AGENCIES, AGENCY PERSONNEL ADMINISTRATORS, THE STATE

ETHICS COMMISSION, THE COMMISSION BOARD OF ETHICS, AND OTHER INTERNAL OFFICIALS OR EXTERNAL ENTITIES AS APPROPRIATE TO AVOID UNNECESSARY DISRUPTION OR DUPLICATION OF EFFORT IN CONDUCTING ANY AUDIT, ANALYSIS, OR ADMINISTRATIVE INVESTIGATION.

(2) THE COMMISSION BOARD OF ETHICS SHALL HAVE PRIMARY AUTHORITY FOR INVESTIGATIONS OF ABUSE RELATED TO ACTIONS SPECIFIED IN § 17-601(B)(1)(II) OF THIS SUBTITLE.

17-607.

(A) THE COMMISSION SHALL INCLUDE IN THE COMMISSION'S ANNUAL OPERATING BUDGET PROPOSAL THE AMOUNTS RECOMMENDED FOR THE OFFICE.

(B) SUBJECT TO BUDGET AUTHORIZATION AND ADEQUATE FUNDS:

(1) THE COMMISSION'S GENERAL COUNSEL SHALL PROVIDE LEGAL SERVICES TO THE INSPECTOR GENERAL AND MAY EMPLOY SPECIAL COUNSEL IF APPROPRIATE OR REQUIRED BY LAW; AND

(2) THE INSPECTOR GENERAL MAY EMPLOY AND BE REPRESENTED BY A SPECIAL LEGAL COUNSEL WITHOUT CONSENT OF THE GENERAL COUNSEL IF THE COMMISSION APPROVES OF A REQUEST AFTER CONSIDERING ANY RECOMMENDATION OR COMMENT OFFERED BY THE GENERAL COUNSEL RELATING TO THE REQUEST.

17-608.

(A) (1) ON REQUEST FROM THE INSPECTOR GENERAL, A COMMISSION EMPLOYEE OR OFFICIAL SHALL PROMPTLY PROVIDE TO THE INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING COMMISSION OPERATIONS, BUDGET, PROGRAMS, OR VENDOR CONTRACTS.

(2) (I) THE INSPECTOR GENERAL SHALL NOTIFY THE COMMISSION CHAIR, VICE CHAIR, AND EXECUTIVE DIRECTOR IF ANY COMMISSION EMPLOYEE OR OFFICIAL FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE PROMPTNESS.

(II) THE COMMISSION CHAIR, VICE CHAIR, OR EXECUTIVE DIRECTOR SHALL TAKE ADMINISTRATIVE ACTION TO PRODUCE COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL AS WARRANTED AND APPROPRIATE.

(B) (1) A VENDOR OF THE COMMISSION SHALL PROVIDE TO THE INSPECTOR GENERAL ANY AVAILABLE DOCUMENT OR OTHER INFORMATION CONCERNING ANY COMMISSION VENDOR CONTRACT, INCLUDING DOCUMENTS RELATED TO THE PROCUREMENT OF THE CONTRACT.

(2) (I) THE INSPECTOR GENERAL SHALL PROMPTLY NOTIFY COMMISSION OFFICERS IF ANY VENDOR FAILS TO PROVIDE ANY INFORMATION OR DOCUMENT REQUESTED UNDER THIS SUBSECTION WITH REASONABLE PROMPTNESS.

(II) THE COMMISSION OFFICERS SHALL TAKE APPROPRIATE ADMINISTRATIVE OR CIVIL ACTION TO PRODUCE VENDOR COMPLIANCE WITH A PENDING REQUEST FOR INFORMATION BY THE INSPECTOR GENERAL.

(C) (1) EACH COMMISSION EMPLOYEE SHOULD REPORT ANY FRAUD, WASTE, OR ABUSE TO THE OFFICE.

(2) A COMMISSION EMPLOYEE, VENDOR, OR EMPLOYEE OF ANY VENDOR MAY NOT BE RETALIATED AGAINST OR PENALIZED, OR THREATENED WITH RETALIATION OR PENALTY, FOR PROVIDING INFORMATION TO, COOPERATING WITH, OR IN ANY WAY ASSISTING THE INSPECTOR GENERAL AND STAFF OF THE OFFICE IN CONNECTION WITH ANY ACTIVITY AUTHORIZED UNDER THIS SUBTITLE.

(3) THE INSPECTOR GENERAL MAY NOT DISCLOSE THE IDENTITY OF A PERSON THAT REPORTS AN ALLEGATION OF FRAUD, WASTE, OR ABUSE UNLESS:

(I) THE REPORTING PERSON CONSENTS TO DISCLOSURE OF THE PERSON'S IDENTITY;

(II) DISCLOSURE IS REASONABLY NECESSARY TO COMPLETE AN AUDIT OR INVESTIGATION; OR

(III) ANOTHER PERSON IS LEGALLY ENTITLED TO DISCLOSURE OF THE IDENTITY OF THE REPORTING PERSON.

(D) THE INSPECTOR GENERAL OR A STAFF MEMBER AUTHORIZED BY THE INSPECTOR GENERAL MAY ADMINISTER AN OATH OR AFFIRMATION OR TAKE AN AFFIDAVIT FROM ANY PERSON IF NECESSARY TO PERFORM THE DUTIES UNDER THIS SUBTITLE.

(E) THE COMMISSION MAY ADOPT REGULATIONS TO CARRY OUT THIS SECTION.

17-609.

(A) THE INSPECTOR GENERAL, OR A STAFF MEMBER AUTHORIZED BY THE INSPECTOR GENERAL, MAY ADMINISTER OATHS AND TAKE DEPOSITIONS AND OTHER TESTIMONY FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE COMMISSION.

(B) THE INSPECTOR GENERAL MAY SUBPOENA ANY PERSON OR EVIDENCE FOR THE PURPOSE OF INVESTIGATING FRAUD, WASTE, OR ABUSE WITHIN THE COMMISSION.

(C) IF A PERSON FAILS TO COMPLY WITH A LAWFUL ORDER OR SUBPOENA ISSUED UNDER THIS SECTION, ON PETITION OF THE INSPECTOR GENERAL, A COURT OF COMPETENT JURISDICTION MAY COMPEL:

(1) COMPLIANCE WITH THE ORDER OR SUBPOENA; OR

(2) TESTIMONY OR THE PRODUCTION OF EVIDENCE.

18-106.

(a) The Commission shall organize its employees in a manner that promotes the efficient disposition of all matters within the Commission's jurisdiction.

(b) To carry out this division, the Commission may:

(1) organize its employees into departments or other divisional organizations;

(2) establish the functions, duties, and responsibilities of the general manager, secretary, treasurer, chief engineer, general counsel, **INSPECTOR GENERAL**, and other employees the Commission considers necessary; and

(3) appoint, discharge, and set the compensation of its employees in accordance with this subtitle.

18-107.

(a) The Commission may establish a merit system that includes all of its employees except:

(1) the general manager, secretary, treasurer, and chief engineer;

(2) the head of a department; **[and]**

(3) (I) THE INSPECTOR GENERAL; AND

(II) ANY TEMPORARY EMPLOYEE OF THE OFFICE OF THE INSPECTOR GENERAL APPOINTED UNDER § 17-603 OF THIS ARTICLE; AND

[(3)] (4) a part time, temporary, or contract employee.

(b) The Commission may:

(1) appoint or promote a merit system employee to the position of general [manager or] **MANAGER**, department head, **OR INSPECTOR GENERAL** or designate a merit system employee as the general [manager or] **MANAGER**, department head, **OR INSPECTOR GENERAL** on an acting basis;

(2) retain the employee in the merit system in the position or grade from which the employee was appointed or promoted; and

(3) continue to exclude the positions of general [manager and] **MANAGER**, department head, **AND INSPECTOR GENERAL** from the merit system.

19-101.

In this title, “Board” means the Board of Ethics established by the Commission under regulations adopted in accordance with Title 5, Subtitle 8, Part IV of the General Provisions Article.

19-106.

(A) The Board AND ITS COUNSEL EACH may:

(1) administer oaths; AND

(2) ISSUE SUBPOENAS FOR THE ATTENDANCE OF WITNESSES TO TESTIFY OR TO PRODUCE OTHER EVIDENCE.

(B) A SUBPOENA ISSUED UNDER THIS SECTION MAY BE ENFORCED JUDICIALLY.

SECTION 2. AND BE IT FURTHER ENACTED, That the functions, powers, and duties of the Office of Internal Audit of the Washington Suburban Sanitary Commission shall be transferred to the Office of the Inspector General of the Commission on the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That all employees who are transferred to the Office of the Inspector General of the Washington Suburban Sanitary

Commission as a result of this Act shall be transferred on the effective date of this Act without any diminution of their rights, including collective bargaining rights, benefits, or employment or retirement status.

SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

Approved by the Governor, April 10, 2018.