

# LEGAL AFFAIRS DIVISION

## MISSION STATEMENT

The Mission of the Legal Affairs Division is to provide professional, cost-effective legal, safety, and risk management services, as well as ensure equal opportunity access and treatment to all stakeholders of the Authority.

## DIVISION OVERVIEW

The Legal Affairs Division is comprised of the Legal, Safety, and Risk Management Departments, and (the Office of Equal Opportunity until second quarter 2020).

The Legal Department provides legal counsel and representation to the Board of Trustees and the Authority. Legal represents the GCRTA on major projects, personal injury, property damage, employment, labor, civil rights, debt collection, and contract matters. It also advises on procurement, general contract, real estate, personnel, liability, and labor matters. The Claims Section properly evaluates all claims, focusing on a thorough and prompt investigation, compassion and fiscal responsibility.

The Office of Equal Opportunity ensures EEO/ADA and workplace harassment policy compliance. (Moved to a direct reporting relationship to the CEO in second quarter 2020.)

The Safety Department uses a Safety Management System to prevent employee injuries, protect passengers, preserve assets and property, and reduce the potential for environmental events. Also administers the Public Transportation Agency Safety Plan while being the delegated authority on behalf of ODOT to conduct accident investigations and safety assurance audits.

The Risk Management Department provides Workers' Compensation, as well as insurance expertise for the Authority and manages the purchases of both liability and property insurance consistent with GCRTA's level of self-insurance.

2021 is a year in transition. As the Authority completes its Strategic Plan update, divisions and departments will move from connection with the previous plan's Mission, Vision, Values, Vital few objectives, and scorecard measurements (as outlined in following pages) to new priorities beginning with the RTArgets (Division level metrics to address RTA identified outcome areas) that are presented for the first time after Division priorities.

## 2020 ACCOMPLISHMENTS

- Provided efficient and cost-effective legal representation in all GCRTA litigation, transactional, and administrative matters.
- Continued legal information program to apprise GCRTA departments of public sector legal issues that affect the Authority.
- Provided and facilitated advice on ethical issues and concerns.
- Supported construction projects and energy management initiatives.
- Continued a proactive approach to reducing bus and rail incidents.
- Continued enhancement of a safety culture within the Authority.
- Managed the Authority's EEO/ADA programs to ensure compliance with Federal, State, and local laws regarding employment practices, facilities, and services.
- Investigated allegations of discrimination or non-compliance with equal opportunity policies and procedures.
- Supported the Authority's Affirmative Action Plan.
- Coordinated the Title VI Audit review conducted by FTA.

- Worked to ensure compliance with all Federal, State, and local legislation and regulations and served as a liaison between the Authority and regulatory agencies.
- Provided Risk Management expertise to Legal, Procurement & Engineering Departments for many significant construction and development projects and procurements, both for GCRTA and other entities such as ODOT.
- Negotiated the best terms and conditions available in the market place and most cost-effective renewal for property/casualty insurance programs for GCRTA.

## 2021 PRIORITIES

- Provide efficient and cost-effective legal representation in all GCRTA litigation, transactional, and administrative matters.
- Provide and facilitate advice on ethical issues and concerns.
- Continue legal information program to apprise GCRTA departments of public sector legal issues that affect the Authority.
- Continue enhancement of a safety culture within the Authority.
- Continue Transportation Safety Institute (TSI) certification and training of Safety Department personnel.
- Continue a proactive approach to reducing bus and rail incidents.
- Continue to ensure compliance with all Federal, State, and local legislation and regulations and serve as a liaison between the Authority and regulatory agencies.
- Continue to negotiate the best terms and conditions available in the marketplace and most cost-effective renewal of GCRTA insurance programs.
- Continue to update and improve our claims handling process.
- Continue to create a positive working environment that emphasizes teamwork and goal setting.
- Provide Risk Management expertise to Legal, Procurement & Engineering Departments for various authority-wide projects, leases, license agreements, and other procurements

## LIST OF DEPARTMENTS

Department Number	Department Name
15	Safety Department
21	Legal Department
22	Risk Management Department

# LEGAL AFFAIRS DIVISION



Success Outcomes	Metric	FY2020 Performance Goals	Objective	Goal Points	Definition	Information System	Owner
Customer Experience	Safety - Perception	25%	↓	5	The % decrease in complaints filed with the City of Cleveland Department of Public Health	Public Records Request	Steve Peganoff
	Safety - Actual	70%	↑	5	The % compliance with safety performance targets	Performance Data	Steve Peganoff
	Internal Net Promoter Score	15	↑	15	The Net Promoter Score of Legal Affairs functions as rated by GCRTA employees	Employee Survey	Sheryl King Benford
	Equal Opportunity Complaint Resolution - Perception	50%	↑	5	The % customer perception of satisfaction with complaint resolution by OEO	Customer Survey	Felicia Brooks-Williams
	Equal Opportunity Complaint Resolution - Actual	75%	↑	5	The % of actual customer complaint resolution by OEO	Performance Data	Felicia Brooks-Williams
	<b>TOTAL POINTS</b>				<b>35</b>		
Community Value	Community Perception of Safety	50%	↑	15	The % of community who agree or strongly agree that GCRTA is safe	Community Survey	Steve Peganoff
	<b>TOTAL POINTS</b>			<b>15</b>			

Success Outcomes	Metric	FY2020 Performance Goals	Objective	Goal Points	Definition	Information System	Owner
Financial Sustainability	Claims Resolution Efficiency (3rd Party) - Actual	\$1.1M	↑	2.5	Total dollar amount of 3rd party claims delivered within budget	Performance Data	Kathryn Porcella
	Claims Resolution Efficiency (3rd Party) - Perception	50%	↑	2.5	The % of employees that agree or strongly agree that they are provided with tools that allow for maximum efficiency in 3rd party claims resolution	Employee Survey	Kathryn Porcella
	Claims Resolution Efficiency (Workers' Compensation) - Actual	\$1.6M	↑	2.5	Total dollar amount of workers' compensation claims delivered within budget	Performance Data	Judy Lincoln
	Claims Resolution Efficiency (Workers' Compensation) - Perception	50%	↑	2.5	The % of employees that agree or strongly agree that they are provided with tools that allow for maximum efficiency in workers' comp claims resolution	Employee Survey	Judy Lincoln
	Insurance Premium Costs	5	–	5	Achieve an average score of 5 by maintaining insurance premium costs at or below industry benchmarks across the three lines of coverage	Financial Data	Judy Lincoln
	Budget Adherence	\$9M	–	5	Division functions delivered within budget	Financial Data	Sheryl King Benford
	<b>TOTAL POINTS</b>				<b>20</b>		
Employee Engagement	Employee Safety - Perception	50%	↑	5	The % of employees that agree or strongly agree that GCRTA provides a safe and secure place to work.	Employee Survey	Steve Peganoff
	Safety - Actual	6%	↓	5	The % decrease in number of employee injuries	Performance Data	Steve Peganoff
	Division Employees Agree - Supervisor Invested in Growth and Success	5%	↑	5	The % of employees that agree or strongly agree that their Supervisor is invested in their growth and success.	Employee Survey	Sheryl King Benford
	Division Employees - Understand Vision and Direction	10%	↑	5	The % of employees that agree or strongly agree that they understand the vision and direction of GCRTA.	Employee Survey	Sheryl King Benford
	Division Employees - Understand How Performance Linked to Organization Success	20%	↑	5	The % of employees that agree or strongly agree that they understand how their performance contributes to organizational success.	Employee Survey	Sheryl King Benford
	Workforce Net Promoter Score	5	↑	5	% Promoters minus % Detractors that recommend the Division as place to work	Employee Survey	Sheryl King Benford
	<b>TOTAL POINTS</b>				<b>30</b>		
<b>OVERALL PERFORMANCE SCORE</b>				<b>100</b>			

# SAFETY DEPARTMENT

## MISSION STATEMENT

The mission of the Safety Department is to prevent collisions and injuries to the GCRTA passengers and employees, and to avoid damage to property. We are committed to providing leadership in promoting safety throughout the organization and to protecting the environment by providing guidance to our facilities about environmental compliance.

## STRATEGIC PLAN CRITICAL ISSUES AND INDICATORS

Continued utilization of our Safety Management System (SMS) composed of the four pillars; Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion. Key performance indicators include the preventable collision rate, the injury rate, and compliance with City, State and Federal regulatory inspections.

## 2020 ACCOMPLISHMENTS

- Implemented the 2020 Public Transportation Agency Safety Plan.
- Supported construction projects and energy management initiatives.
- Continued a proactive approach to reducing bus and rail incidents.
- Continued enhancement of a safety culture within the Authority.
- Worked to ensure compliance with all Federal, State, and local legislation and regulations and served as a liaison between the Authority and regulatory agencies.
- Provided advice regarding pandemic actions for protection of employees and passengers.
- Managed personal protective equipment contract for employee electrical safety.
- Responded to and investigated accidents leading to corrective actions to prevent recurrence.

## 2021 PRIORITIES

- Create and publish the 2021 version of the Public Transportation Agency Safety Plan.
- Support construction projects and energy management initiatives.
- Continue enhancement of a safety culture within the Authority.
- Continue the professional development of the safety staff through completion of FTA required individualized training plans.
- Consult with Environmental Sustainability Managements System teams on compliance issues and help achieve certification.
- Continue a proactive approach to reducing bus and rail incidents.
- Continue to monitor data entry and reporting requirements.

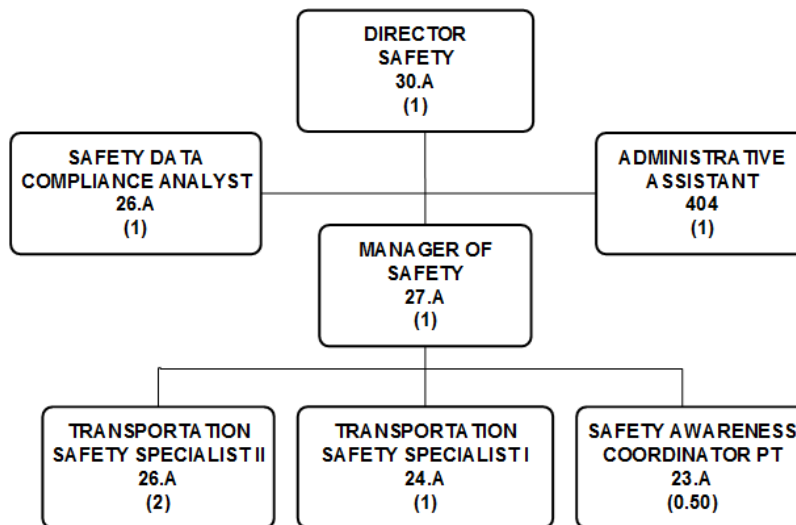
## SAFETY DEPARTMENT BUDGET

Object Class	Description	2019 Actual	2020 Estimate	2021 Budget
501200	Hourly Employees Payroll	16,597	0	0
501300	Labor - Salaried Employees	370,870	411,208	444,025
501310	Overtime - Salaried Employees	3,420	1,291	0
502000	Fringe Benefits	209,489	157,320	167,542
503000	Services	35,137	124,597	65,300
503052	Other Maintenance Contracts	38,045	46,017	190,405
504000	Material & Supplies	7,394	23,445	29,250
509000	Miscellaneous Expenses	8,424	6,754	19,000
509022	Meals & Concessions	397	192	4,900
Total		\$800,836	\$770,823	\$920,422

## SAFETY DEPARTMENT STAFFING

Grade	Job Name	2019	2020	2021
04	0404 Administrative Assistant	1.0	1.0	1.0
23	1151 Safety Awareness Coordinator	0.75	0.75	0.5 <sup>1</sup>
24	1195 Transportation Safety Specialist I	1.0	1.0	1.0
25	1085 Business Analyst	1.0	-	-
26	0738 SMS & Safety Data Compliance Analyst	-	1.0	1.0
26	1196 Transportation Safety Specialist II	2.0	2.0	2.0
27	0782 Manager of Safety	1.0	1.0	1.0
30	1443 Director	1.0	1.0	1.0
Total		7.75	7.75	7.5

## SAFETY DEPARTMENT ORGANIZATION CHART



<sup>1</sup> Near the end of FY20 the position was decreased to 0.5 from 0.75

# LEGAL DEPARTMENT

## MISSION STATEMENT

The mission of the Legal Department is to provide comprehensive, effective legal and claims services to the Authority, as well as, ensuring equal opportunity of access and treatment to all stakeholders of the Authority. The Department represents the Authority in claims, lawsuits, administrative and arbitration hearings, preparing legal opinions and documents, providing advice in labor negotiations and ensuring compliance.

## STRATEGIC PLAN CRITICAL ISSUES AND INDICATORS

Through legal counsel, EEO/ADA services, and claims processing, the Legal Department ensures the Authority can achieve the Vital Few Objective of Learning and Innovation through Improving Employee Development and VFO Fiscal Responsibility through Enhancing Fiscal Responsibility by providing comprehensive and effective services.

## 2020 ACCOMPLISHMENTS

- Provided efficient and cost-effective legal representation in all GCRTA litigation, transactional, and administrative matters.
- Continued legal information program to apprise GCRTA departments of public sector legal issues that affect the Authority.
- Provided and facilitated advice on ethical issues and concerns.
- Managed and supported the Authority's EEO/ADA programs to ensure compliance with Federal, State, and local laws regarding employment practices, facilities, and services.
- Investigated allegations of discrimination or non-compliance with equal opportunity policies and procedures.
- Supported the Authority's Affirmative Action Plan.
- Coordinated the Title VI Audit review conducted by FTA.

## 2021 PRIORITIES

- Provide efficient and cost-effective legal representation in all GCRTA litigation, transactional, and administrative matters.
- Provide and facilitate advice on ethical issues and concerns.
- Continue legal information program to apprise GCRTA departments of public sector legal issues that affect the Authority.
- Support the Authority's EEO/ADA programs to ensure compliance with Federal, State, and local laws regarding employment practices, facilities, and services.
- Support investigations of allegations of discrimination or non-compliance with equal opportunity policies and procedures.
- Continue to ensure compliance with all Federal, State, and local legislation and regulations and serve as a liaison between the Authority and regulatory agencies.
- Continue to update and improve our claims handling process.
- Continue to monitor data entry and reporting requirements.
- Continue to review the claims process and procedures to produce best practices.

## LEGAL DEPARTMENT BUDGET

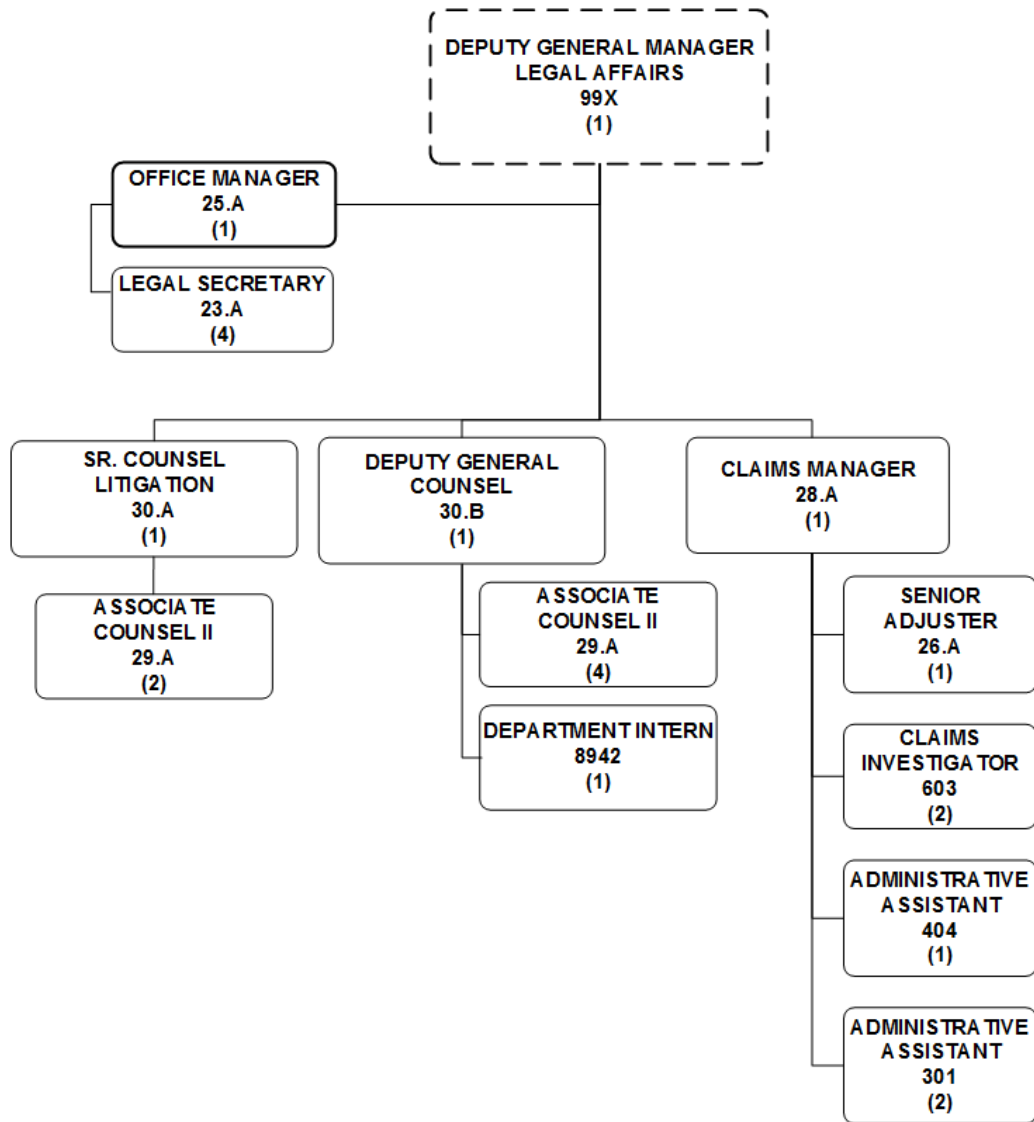
Object Class	Description	2019 Actual	2020 Estimate	2021 Budget
501200	Hourly Employees Payroll	12,559	0	0
501300	Labor - Salaried Employees	1,703,776	1,845,819	1,758,401
501310	Overtime - Salaried Employees	2,331	1,417	1,500
502000	Fringe Benefits	621,421	650,368	573,504
503000	Services	786,185	515,715	656,560
503049	Temporary Help	68,754	11,309	50,000
504000	Material & Supplies	7,678	4,397	8,000
506040	Liabilities & Property Claims	826,787	531,530	1,000,000
509000	Miscellaneous Expenses	20,682	12,637	19,250
509022	Meals & Concessions	144	161	1,000
512000	Leases & Rentals	20,152	30,435	0
<b>Total</b>		<b>\$4,070,470</b>	<b>\$3,603,787</b>	<b>\$4,068,215</b>

## LEGAL DEPARTMENT STAFFING

Grade	Job Name	2019	2020	2021
01	8942 Legal Intern	1.0	1.0	1.0
03	0301 Administrative Assistant	2.0	2.0	2.0
04	0404 Administrative Assistant	1.0	1.0	1.0
06	0603 Claims Investigator	2.0	2.0	2.0
23	0724 Legal Secretary	4.0	4.0	4.0
25	1675 Office Manager	1.0	1.0	1.0
25	1720 OEO & ADA Specialist	1.0	1.0	-
26	0876 Senior Adjuster	1.0	1.0	1.0
28	0773 Manager Claims	1.0	1.0	1.0
29	0880 Senior Manager/Office of Equal Opportunity	1.0	1.0	-
29	1440 Associate Counsel II	6.0	6.0	6.0
30	1446 Senior Counsel – Litigation	-	1.0	1.0
30	1618 Deputy General Counsel – Litigation	1.0	-	-
30	1680 Deputy General Counsel – Administrative, Labor & Transactional Law	1.0	1.0	1.0
99	9951 DGM Legal Affairs/Director of Legal	1.0	1.0	1.0
<b>Total</b>		<b>24.0</b>	<b>24.0</b>	<b>22.0</b>



**LEGAL DEPARTMENT ORGANIZATION CHART**



# RISK MANAGEMENT DEPARTMENT

## MISSION STATEMENT

The mission of the Risk Management Department is to protect the assets of the Authority from catastrophic losses through risk identification and analysis, risk avoidance, mitigation, and risk transfer. The Department is also responsible for managing the Authority's property and casualty insurance and self-insurance programs, and Workers' Compensation.

## STRATEGIC PLAN CRITICAL ISSUES AND INDICATORS

Through risk identification, analysis, mitigation and transfer, the Risk Management Department ensures the fiscal ability of the Authority to continue to function; protecting the Authority's assets even in the event of catastrophic loss; thus contributing to the Vital Few Objective of Enhancing Fiscal Responsibility. The Risk Management Department also has responsibility for a number of areas which allow for achievement of/contribution to another of the Authority's VFOs: Increase Revenue and Reduce Expenses.

## 2020 ACCOMPLISHMENTS

- Finalized property insurance claim for damages sustained on the S-Curve retaining wall resulting in a recovery of \$1,030,880.20.
- Negotiated final settlement of the Customer Service Center Crime claim with carrier for \$600,000 recovery.
- After substantial work with many internal stakeholders submitted Cyber Liability insurance application to casualty insurance broker to obtain quotes for this coverage.
- Completed installation of High-Density Filing System in Risk Management Department.
- Negotiated 3 year maintenance and services contract for the RiskMaster software.
- Provided Risk Management expertise to Legal, Procurement, and Engineering Departments for many significant construction and development projects and procurements, both for GCRTA and other entities such as ODOT.
- Provided superior claims management services for workers' compensation and short term disability claims for GCRTA. Continued improvements in the frequency and cost of workplace injuries and short term disability claims.
- Negotiated the best terms and conditions available in the market place and most cost effective renewal for property/casualty insurance programs for GCRTA in an extremely difficult insurance market.

## 2021 PRIORITIES

- Participate in team appointed to conduct the Railcar Replacement Project; assist with analysis of contract language and necessary insurance and bonding requirements.
- Provide Risk Management expertise to Legal, Procurement, and Engineering Departments for various authority-wide projects, leases, license agreements, and other procurements.
- Coordinate with stakeholders to develop, pilot, and implement electronic event reporting for both workers' compensation and third-party liability claims.
- Complete upgrade to the latest version of the RiskMaster software, including implementation of the system add-on that is the framework for electronic event reporting.
- Continue to provide strong management of workers' compensation claims and litigation, containing the costs to GCRTA, involving the districts as active stakeholders and returning employees to work as soon as possible.
- Negotiate the best terms and conditions available in the market place and most cost effective renewal for property/casualty insurance programs for GCRTA.
- Review Cyber Liability insurance quotes and finalize the acquisition of this coverage.
- Finalize settlement of property insurance claim for Rail Car collision loss.
- Complete conversion to High-Density Filing System in Risk Management Department.

## RISK MANAGEMENT DEPARTMENT BUDGET

Object Class	Description	2019 Actual	2020 Estimate	2021 Budget
<b>501300</b>	Labor - Salaried Employees	505,187	566,370	569,015
<b>501310</b>	Overtime - Salaried Employees	244	93	0
<b>502000</b>	Fringe Benefits	195,764	207,262	201,603
<b>502071</b>	W/C – Injuries & Damages	759,880	825,478	853,420
<b>502082</b>	W/C – Medical Payments	386,202	479,160	544,940
<b>503000</b>	Services	351,021	369,264	310,800
<b>503030</b>	W/C Administration Fee	273,312	301,936	267,568
<b>503049</b>	Temporary Help	12,837	0	0
<b>504000</b>	Material & Supplies	3,183	6,996	4,200
<b>506000</b>	Casualty & Liability Costs	391,021	48,117	583,521
<b>506010</b>	Physical Damage Insurance	1,519,915	80,000 <sup>2</sup>	1,364,200
<b>506200</b>	W/C – Settlement & Lawsuit Expense	22,442	205,890	100,000
<b>509000</b>	Miscellaneous Expenses	1,628	4,040	5,300
<b>Total</b>		<b>\$4,422,635</b>	<b>\$3,898,435</b>	<b>\$4,804,567</b>

## RISK MANAGEMENT DEPARTMENT STAFFING

Grade	Job Name	2019	2020	2021
<b>03</b>	0322 Workers' Comp Clerk	1.0	1.0	1.0
<b>23</b>	0757 Administrative Assistant	1.0	1.0	1.0
<b>25</b>	0885 Risk Analyst I	1.0	1.0	1.0
<b>26</b>	0905 Risk Analyst II	1.0	1.0	1.0
	1165 Workers' Comp/Dis Claim Examiner	3.0	3.0	3.0
<b>30</b>	0771 Director	1.0	1.0	1.0
<b>Total</b>	<b>Total</b>	<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

<sup>2</sup> Due to accounting error, 2020 was paid in FY19 (at the end of 2019). Thus, \$693,985.00 was paid in 2019 and \$825,930 was paid for 2020.

**RISK MANAGEMENT DEPARTMENT ORGANIZATION CHART**

