

2011 Department Budgets

Legal Affairs Division

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DIVISION SUMMARY

Legal Affairs

Sheryl King Benford, Deputy General Manager

Mission Statement

The mission of the Legal Affairs Division is to provide professional, cost-effective legal, safety, and risk management services as well as ensuring equal opportunity, access, and treatment to all stakeholders of the Greater Cleveland Regional Transit Authority.

General Description

The Legal Division is comprised of the Legal, Safety and Risk Management Departments and the Office of Equal Opportunity. The Legal Department provides legal counsel and representation to the Board of Trustees and the Authority. Legal represents the GCRTA on major projects, in personal injury, property damage, employment, labor, civil rights, debt collection and contract lawsuits and provides expertise on procurement, general contract and real estate law, personnel policies, liability, and labor negotiations. The Office of Equal Opportunity enforces EEO/ADA compliance and the workplace harassment policy. The Safety Department provides accident prevention, bus system safety, industrial safety, facilities and rail system safety programs. The Risk Management Department provides workers' compensation and insurance expertise for the Authority and protects the Authority against future and catastrophic losses. Risk Management investigates and purchases liability and property insurance consistent with GCRTA's level of self-insurance.

2010 Achievements

- Supported ARRA Projects and Close Out Activities for ECTP.

- Provided efficient and cost-effective legal representation in all GCRTA litigation, transactional and administrative matters.
- Conducted labor relations, diversity training and other legal information programs on public sector legal issues that affect the Authority.
- Managed the Authority's ADA/EEO Programs to ensure compliance with federal, state and local laws regarding employment practices, facilities and services.
- Assisted in the development and monitoring of the Authority's Affirmative Action Plan.
- Continued a proactive approach to reducing collisions and incidents.
- Continued adherence with Environmental regulations.
- Enhanced safety culture through discussion points at the Quarterly Management Meetings and other sessions.
- Successfully represented GCRTA in fact finding with the ATU.
- Quarterly presentations made at TransitStat on Workers' Compensation/On The Job Injuries; results presented October 2010.
- Set up electronic account structure regarding Medicare Section 111 reporting requirements; analyzed options for Registered Reporting Agents and retained ISO as most cost effective.

DIVISION SUMMARY

Legal Affairs

Sheryl King Benford, Deputy General Manager

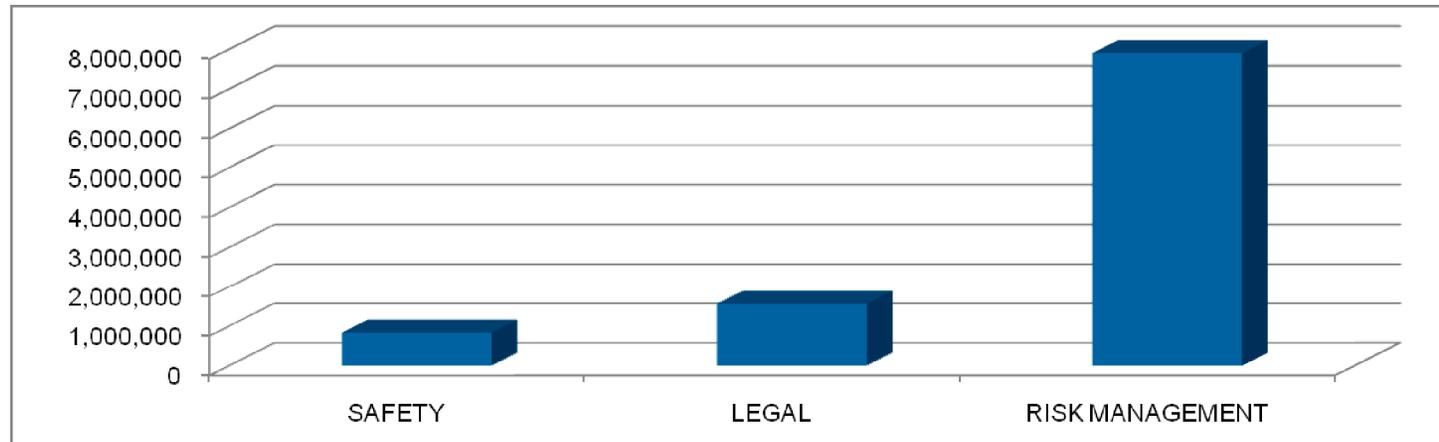
2011 Priorities

- Provide efficient and cost-effective legal representation in all GCRTA litigation, transactional and administrative matters.
- Continue legal information program to apprise GCRTA departments of public sector legal issues that affect the Authority.
- Support construction projects including the Mayfield and University/Cedar Rapid Stations.
- Continue closeout activities for remaining ARRA projects.
- Support energy management initiatives.
- Develop safety performance measures for managers and supervisors. Continue with implementation of observation programs.
- Review APTA standards and update standard operating procedures.
- Continue a proactive approach to reducing bus and rail incidents.
- Continue the management of the Authority's ADA Program to ensure compliance with federal, state and local laws regarding employment practices, facilities and services.
- Continue to investigate allegations of discrimination or non-compliance with the equal opportunity policies and procedures, or state and federal laws.
- Continue to develop and monitor the Authority's Affirmative Action Plan.
- Ensure compliance with all federal, state and local legislation and regulations, and serve as a liaison between the Authority and regulatory agencies.
- Continue the implementation of the Workers' Compensation Action Plan with a focus on strengthening and expanding the Return to Work Program.
- Adhere to deadlines and requirements of Mandatory Medicare Reporting.
- Continue to negotiate the best terms and conditions available in the marketplace and most cost-effective renewal of GCRTA insurance programs.
- Continue with the Workers Compensation Action Plan.
- Continue to monitor data entry and reporting requirements.

2011 OPERATING BUDGET SUMMARY

Division 4 – Legal Affairs

Total Budgets by Departments



DIV: 4 - LEGAL AFFAIRS							
DEPT #	DESCRIPTION	2008 Actual	2009 Actual	2010 Estimate	2011 Budget	2012 Budget	2013 Budget
15	SAFETY	728,281.41	794,059.59	673,463.41	830,669.00	841,202.35	846,294.37
21	LEGAL	1,483,289.25	1,336,796.79	1,484,849.92	1,564,192.00	1,571,132.96	1,584,434.29
22	RISK MANAGEMENT	7,456,843.99	7,508,627.84	7,554,096.33	7,897,522.00	7,617,237.99	7,623,790.57
DIVISION TOTALS		9,668,414.65	9,639,484.22	9,712,409.66	10,292,383.00	10,029,573.29	10,054,519.23

Total Staffing by Departments

	2008	2009	2010	2011	Variance 2011 - 2010
LEGAL AFFAIRS					
SAFETY	6	6	6	6	0
LEGAL	15	15	15	14	(1)
RISK MANAGEMENT	19	18	17	16	(1)
TOTALS	40	39	38	36	(2)

2011 OPERATING BUDGET SUMMARY

Department 15 – Safety

PAMELA MCCOMBE, DIRECTOR

The mission of the Safety Department is to provide a proactive approach towards the prevention of collisions and injuries, and the enhancement of employee and passenger safety. In addition, the Safety Department is committed to protecting the environment.

OBJECT					
CLASS	DESCRIPTION	2008 Actual	2009 Actual	2010 Actual	2011 Budget
501300	LABOR - SALARIED EMPLOYEES	345,030.98	348,122.13	334,809.59	358,000.00
501310	OVERTIME - SALARIED EMPLOYEES	4,695.41	2,722.30	3,606.90	2,000.00
502000	FRINGE BENEFITS	112,164.94	125,145.64	59,184.81	148,669.00
503111	SERVICES	226,133.20	242,992.21	239,949.45	282,000.00
504111	MATERIAL & SUPPLIES	7,372.23	15,332.54	7,867.59	14,500.00
509111	MISCELLANEOUS EXPENSES	32,884.65	59,744.77	28,045.07	25,500.00
	DEPT TOTAL	728,281.41	794,059.59	673,463.41	830,669.00

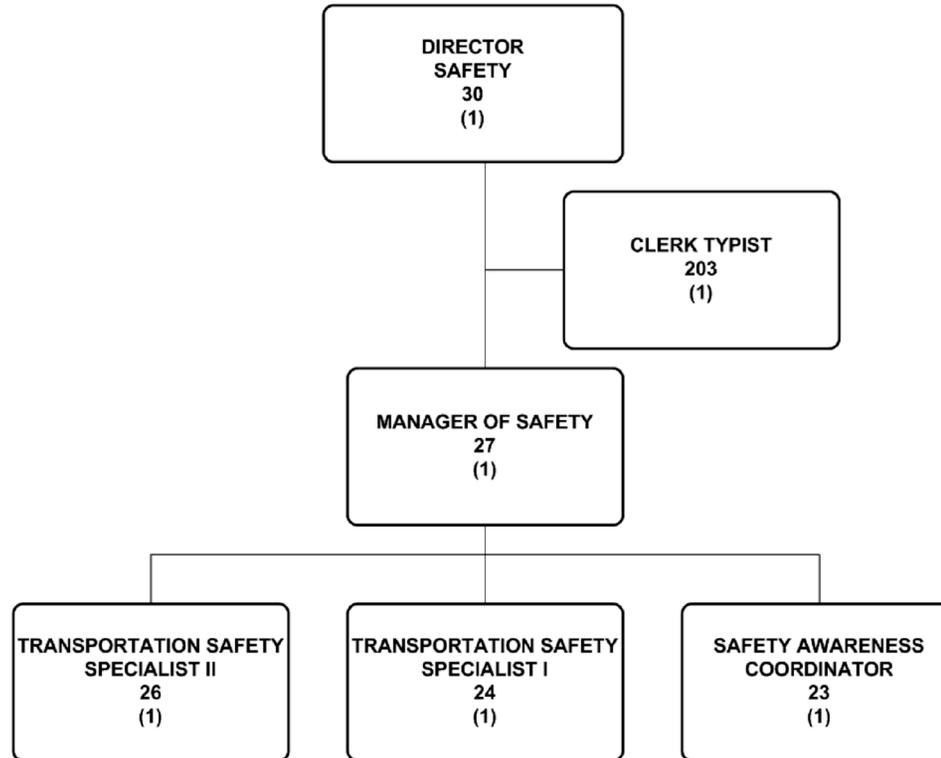
2011 BUDGET IMPLEMENTATION

Department 15 – Safety

- Continue a proactive approach to reducing bus and rail incidents.
- Review APTA standards and update standard operating procedures.
- Develop safety performance measures for managers and supervisors. Continue with implementation of observation programs.
- Work with Operations to install an enhanced safety culture.

	2008 Actual	2009 Actual	2010 Estimate	2011 Budget
Total Collisions	3.20	3.00	3.09	3.18
Total Preventable Collisions	1.0	0.95	0.93	0.93
Internal Rail Audits	9	8	6	6
Bus/Rail Car Safety Inspections	30	25	120	115
Facility Inspections	65	70	77	70
Radar Audits	21	35	23	25
Ride Checks	55	100	56	40
Fire Drills/Train Evacuation	40	40	39	45
BMV Checks				
-Authoritywide	2 runs	2 runs	2 runs	2 runs
-CDLs	12 runs	12 runs	12 runs	12 runs
Environmental Waste Disposal (lbs)	114,224	110,000	100,000	100,000
Material Safety Data				
Sheet Evaluation	32	48	57	40
Bus Incident Investigations	33	30	23	25
Rail Incident Investigations	41	30	35	30
Total Investigations	74	60	58	55
Grade Crossings	-	-	150	150
Work Zones	-	-	37	40

STAFFING LEVEL COMPARISONS



DEPARTMENT: 15 - SAFETY		APPROVED	APPROVED	APPROVED	Budgeted
JOB CLASS	JOB TITLE	2008	2009	2010	2011
203	CLERK / TYPIST	1	1	1	1
23	SAFETY AWARENESS COORDINATOR	1	1	1	1
24	TRANSPORTATION SAFETY SPECIALIST I	1	1	1	1
26	TRANSPORTATION SAFETY SPECIALIST II	1	1	1	1
27	MANAGER - SAFETY	1	1	1	1
30	DIRECTOR - SAFETY	1	1	1	1
DEPARTMENT TOTALS		6	6	6	6

2011 OPERATING BUDGET SUMMARY

Department 21 – Legal

SHERYL KING BENFORD
DEPUTY GENERAL MANAGER, LEGAL AFFAIRS

The mission of the Legal Department is to provide comprehensive and effective legal services to the Authority including representing the Authority in lawsuits, administrative and grievance hearings, preparing legal opinions and documents, and providing advice in all labor negotiations.

OBJECT					
CLASS	DESCRIPTION	2008 Actual	2009 Actual	2010 Actual	2011 Budget
501200	HOURLY EMPLOYEES PAYROLL	13,252.80	0.00	0.00	
501210	OVERTIME - HOURLY EMPLOYEES	0.00	0.00	0.00	0.00
501300	LABOR - SALARIED EMPLOYEES	902,521.39	898,807.52	907,121.80	940,000.00
501310	OVERTIME - SALARIED EMPLOYEES	897.27	287.16	12.28	0.00
502000	FRINGE BENEFITS	296,506.66	321,854.26	364,896.00	388,192.00
503111	SERVICES	220,617.05	89,192.14	182,967.85	195,000.00
503049	TEMPORARY HELP	29,700.00	7,607.40	(2,783.14)	0.00
504111	MATERIAL & SUPPLIES	2,953.85	436.02	1,145.95	5,000.00
509111	MISCELLANEOUS EXPENSES	6,840.23	5,612.29	16,821.71	21,000.00
512111	LEASES & RENTALS	10,000.00	13,000.00	14,667.47	15,000.00
	DEPT TOTAL	1,483,289.25	1,336,796.79	1,484,849.92	1,564,192.00

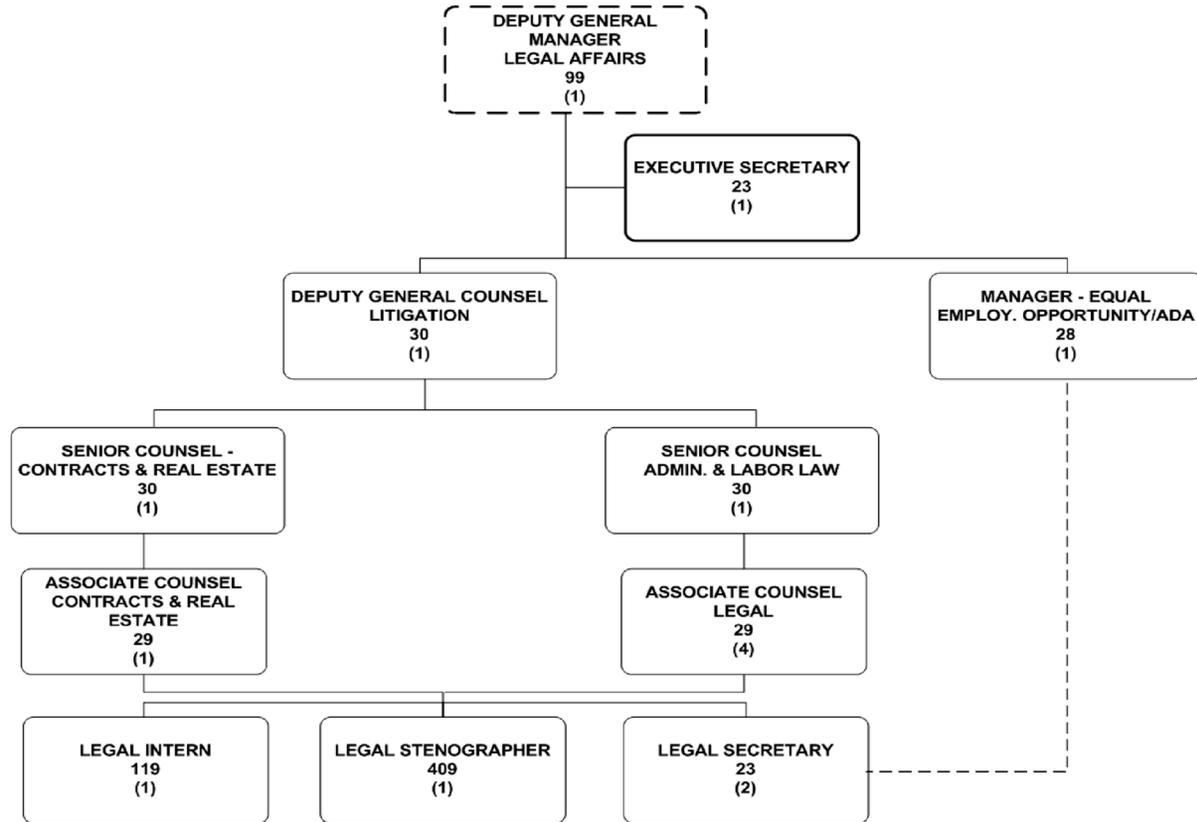
2011 BUDGET IMPLEMENTATION

Department 21 - Legal

- Provide legal service to the Authority including representing the Authority in tort claims, contract claims, workersqcompensation cases and associated lawsuits; federal, state and local administrative proceedings/hearings; grievance hearings; and labor negotiations.
- Conduct training sessions on significant legal topics affecting the Authority.
- Prepare legal opinions and responses to Board of Trustee inquiries, provide client consultation and participate on Procurement, Engineering and Project Management, Human Resource, System Security, Americans with Disability Act, and Labor Relations panels and committees.
- Conduct investigations on all EEO and ADA allegations.
- Provide legal support for all phases of development projects, land use and acquisition.
- Provide legal support for fiscal responsibility including damage claims, subrogation, location and pursuit of unclaimed funds, management and cost control of outside counsel, and contract, environmental and other risk and insurance evaluations.
- Provide legal support for the development, drafting and revision of policies and procedures, including those for Procurement, and drafting and revision of contract forms and personnel forms.
- Conduct harassment and ADA training.

	2008 Actual	2009 Actual	2010 Estimate	2011 Budget
Depositions Scheduled	100	140	137	125
Court Hearings	160	241	223	220
Court Arbitration Cases	8	3	2	5
Scheduled Trials	28	22	4	3
Bureau Of WorkersqCompensation Hearings	647	600	550	599
Labor Arbitration Cases	23	27	34	28
Bureau of Employment Service Hearings	8	9	23	13
Public Records Requests	120	140	104	121
Contract Reviews & Property Issues	223	269	138	140
Contracts Negotiated and Drafted	107	96	195	190
Legal Opinions	60	70	35	68
Subpoenas Processed	1505	676	1092	1091
Resolutions Reviewed	186	107	100	100
New Lawsuits Filed	98	120	128	115
ADA Paratransit Appeals	87	105	56	83
Number of Lawsuits Closed	115	122	132	120
ADA/OEO Complaints Received	56	45	32	44
Appellate Cases	-	6	5	3

STAFFING LEVEL COMPARISONS



DEPARTMENT: 21 - LEGAL				APPROVED	APPROVED	APPROVED	Budgeted
JOB CLASS	JOB TITLE	APPROVED	APPROVED	APPROVED			
		2008	2009	2010			
9944	LEGAL INTERN	1	1	1	1		
409	LEGAL STENOGRAPHER	1	1	1	1		
509	LEGAL STENOGRAPHER	1	1	1	0		
23	LEGAL SECRETARY	1	1	1	2		
23	EXECUTIVE SECRETARY	1	1	1	1		
28	MANAGER - EQUAL EMPLOYMENT OPPORTUNITY & ADA	1	1	1	1		
29	ASSOCIATE COUNSEL - CONTRACTS & REAL ESTATE	2	2	0	1		
29	ASSOCIATE COUNSEL - LEGAL	4	4	6	4		
30	SENIOR COUNSEL - ADMINISTRATION & LABOR LAW	1	1	1	1		
30	SENIOR COUNSEL - CONTRACTS & REAL ESTATE	1	1	1	1		
30	DEPUTY GENERAL COUNSEL/LITIGATION	1	1	1	1		
DEPARTMENT TOTALS		15	15	15	14		

2011 OPERATING BUDGET SUMMARY

Department 22 – Risk Management

JUDY LINCOLN, DIRECTOR

The mission of the Risk Management Department is to protect the assets of the Authority from catastrophic loss 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, Liability Claims, and Workers Compensation section of the Department.

OBJECT					
CLASS	DESCRIPTION	2008 Actual	2009 Actual	2010 Actual	2011 Budget
501300	LABOR - SALARIED EMPLOYEES	946,606.11	913,870.63	860,219.15	922,000.00
501310	OVERTIME - SALARIED EMPLOYEES	2,375.00	3,793.98	2,744.48	3,000.00
502000	FRINGE BENEFITS	324,336.33	330,914.94	347,019.00	381,997.00
502071	W. C. - INJURIES & DAMAGES	1,628,549.19	1,573,647.91	1,568,035.68	1,624,575.00
502082	W. C. - MEDICAL PAYMENTS	1,142,936.94	998,930.54	987,010.22	1,247,336.00
503111	SERVICES	333,204.51	115,543.95	230,260.47	297,000.00
503030	WORKERS COMP ADMINISTRATION FEE	436,950.36	461,066.74	541,057.81	532,135.00
503049	TEMPORARY HELP	6,166.67	28,000.00	40,046.78	40,000.00
504111	MATERIAL & SUPPLIES	344,450.50	3,482.30	3,878.35	7,210.00
506111	CASUALTY & LIABILITY COSTS	574,098.00	252,106.50	309,143.43	342,558.00
506010	PHYSICAL DAMAGE INSURANCE	1,365,116.23	751,967.00	786,015.00	684,211.00
506040	LIABILITY & PROPERTY DAMAGE CLAIMS	335,199.99	1,890,754.68	1,620,873.44	1,628,500.00
506200	W. C. - SETTLEMENT & LAWSUIT EXPENSE	16,854.16	171,600.00	249,200.00	175,000.00
509111	MISCELLANEOUS EXPENSES	0.00	12,948.67	8,592.52	12,000.00
DEPT TOTAL		7,456,843.99	7,508,627.84	7,554,096.33	7,897,522.00

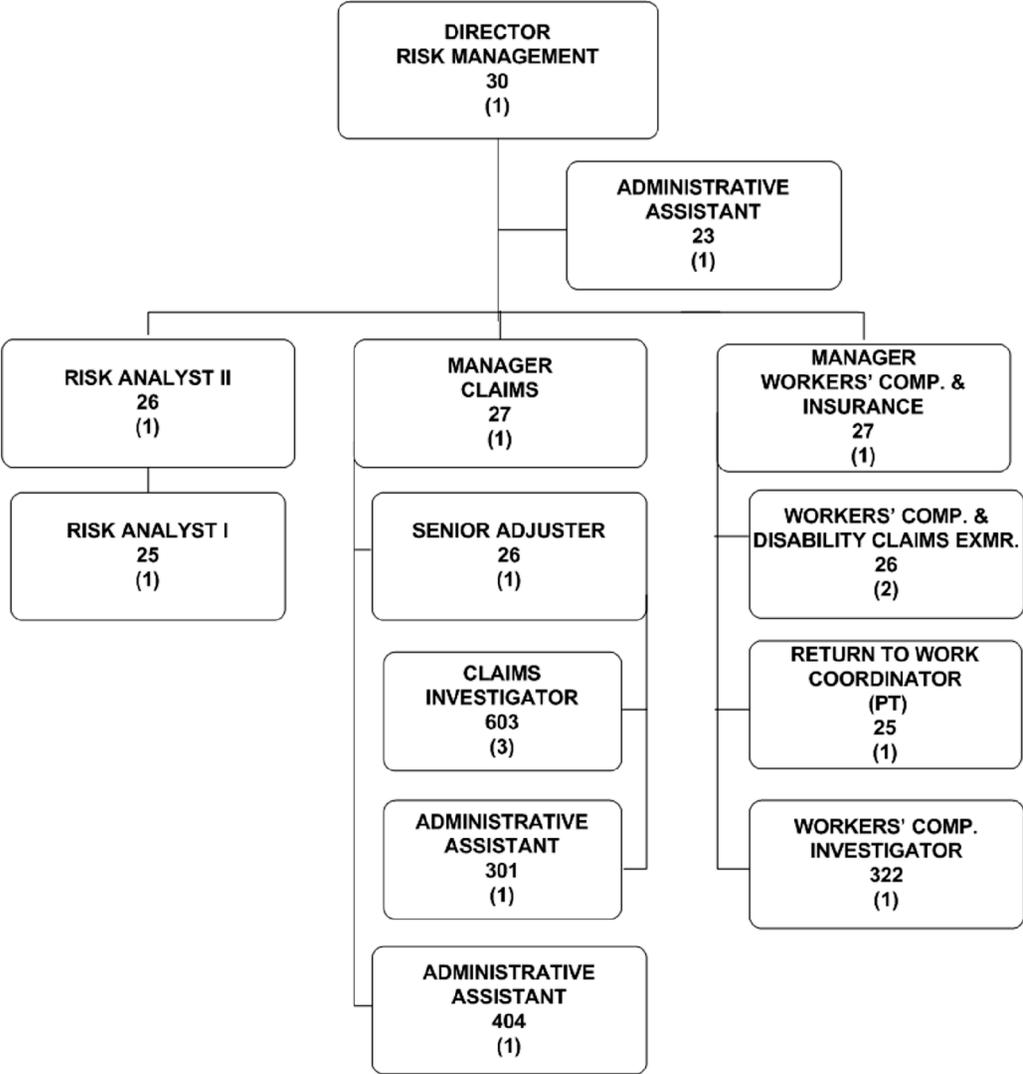
2011 BUDGET IMPLEMENTATION

Department 22 – Risk Management

- “ Continue the Workers Compensation Action Plan. Quarterly tracking results and reporting out to Executive Management, including measuring costs 2 ways: cash out the door in any given year vs. ultimate costs of all injuries sustained in that year.
- “ Leverage value of part-time Return to Work Coordinator through participation in Transitional Work process and also continue to work with WC staff and HR and Labor Relations to explore the implementation of the Stay at Work concept/program. Take draft program document and review with Labor Relations prior to setting up meeting with Union to discuss implementation of this concept.
- “ Negotiate the best terms and conditions available in the marketplace and most cost-effective renewal of GCRTA insurance programs including casualty, property and public officials liability.
- “ Medicare Section 111 Reporting Requirements: Continue to monitor data entry and reporting requirements, in conjunction with Legal Department and consultant. Ensure that GCRTA stays in compliance and re-activate task force.
- “ Coordinate with Service Management and data management implementation involving accident tracking to integrate the current RMIS system and improve communications among departments and districts.
- “ Continue to provide monthly electronic NTD data for the Safety and Security Reporting on a timely basis in 2011.

	2008 Actual	2009 Actual	2010 Estimate	2011 Budget
<u>THIRD PARTY LIABILITY CLAIMS</u>				
Total Events Resulting in Claims in Calendar Year	1,073	949	772	953
Total # Claims in Calendar Year	1,320	1,254	1,114	1,189
Average Cost per Claim (excluding large losses)	\$2,905	\$3,353	\$3,461	\$2,729
	2008 Actual	2009 Actual	2010 Estimate	2011 Budget
<u>WORKERS' COMPENSATION</u>				
Total # of Claims in Calendar Year	360	254	235	313
Average Cost per Employee (excluding large losses)	\$1,123	\$1,039	\$1,386	\$994
Average Cost per Claim (excluding large losses)	\$8,300	\$11,736	\$12,600	\$9,351

STAFFING LEVEL COMPARISONS



STAFFING LEVEL COMPARISONS

DEPARTMENT: 22 - RISK MANAGEMENT					
JOB CLASS	JOB TITLE	APPROVED 2008	APPROVED 2009	APPROVED 2010	Budgeted 2011
301	ADMINISTRATIVE ASSISTANT	2	2	2	1
303	CLAIMS CLERK	1	1	0	0
322	WORKERS' COMPENSATION INVESTIGATOR	1	1	1	1
404	ADMINISTRATIVE ASSISTANT	1	1	1	1
603	CLAIMS INVESTIGATOR	3	3	3	3
23	ADMINISTRATIVE ASSISTANT	1	1	1	1
25	RISK ANALYST I	1	1	1	1
26	RISK ANALYST II	1	1	1	1
26	ASSISTANT CLAIMS MANAGER ADVISOR	1	0	0	0
26	SENIOR LITIGATION ANALYST	1	1	1	0
26	SENIOR ADJUSTER	0	1	0	1
26	WORKERS' COMP & DISABILITY CLAIMS EXAMINER	3	3	2	2
27	MANAGER - CLAIMS	1	0	1	1
27	MANAGER - WORKERS' COMPENSATION & INSURANCE	1	1	1	1
30	DIRECTOR - RISK MANAGEMENT	1	1	1	1
25	PART-TIME RETURN TO WORK COORDINATOR	0	0	1	1
DEPARTMENT TOTALS		19	18	17	16

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