

Legal Affairs Division

Division Summary

Sheryl King Benford, Deputy General Manager

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.

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.

2011 Achievements

- ◆ Supported closeout activities for ARRA projects.
- ◆ 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 a safety culture through discussion points at the Quarterly Management Meetings and other sessions.
- ◆ Successfully represented GCRTA in labor negotiations with the FOP and ATU.
- ◆ Supported energy management initiatives.
- ◆ Reviewed APTA standards and updated standard operating procedures.
- ◆ Continued a proactive approach to reducing bus and rail incidents.
- ◆ Supported construction projects, including E.55th and Puritas Rapid Stations.

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2012 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 Rapid Station.
- ◆ 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 to monitor data entry and reporting requirements.

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2012 OPERATING BUDGET SUMMARY Department 15 - Safety

PAMELA McCOMBE, DIRECTOR

Department Priorities for 2012

- ◆ 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.
- ◆ Work with Operations to install an enhanced safety culture.

Mission Statement

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.

	2009 Actual	2010 Actual	2011 Estimate	2012 Budget
Total Collisions per 100,000 miles	3.00	3.09	3.32	3.18
Total Preventable Collisions per 100,000 miles	0.95	0.93	0.94	0.93
Internal Rail Audits	8	6	6	6
Bus/Rail Car Safety Inspections	25	120	119	115
Facility Inspections	70	77	72	70
Radar Audits	35	23	25	25
Ride Checks	100	56	56	40
Fire Drills/Train Evacuation	40	39	39	45
BMV Checks				
• Authority-wide	2 runs	2 runs	2 runs	2 runs
• CDLs	12 runs	12 runs	12 runs	12 runs
Environmental Waste Disposal (lbs)	110,000	100,000	100,000	100,000
Material Safety Data				
• Sheet Evaluation	48	57	45	40
Bus Incident Investigations	30	23	25	25
Rail Incident Investigations	30	36	19	30
Total Investigations	60	58	58	55
Grade Crossings	-	150	150	150
Work Zones	-	37	37	40

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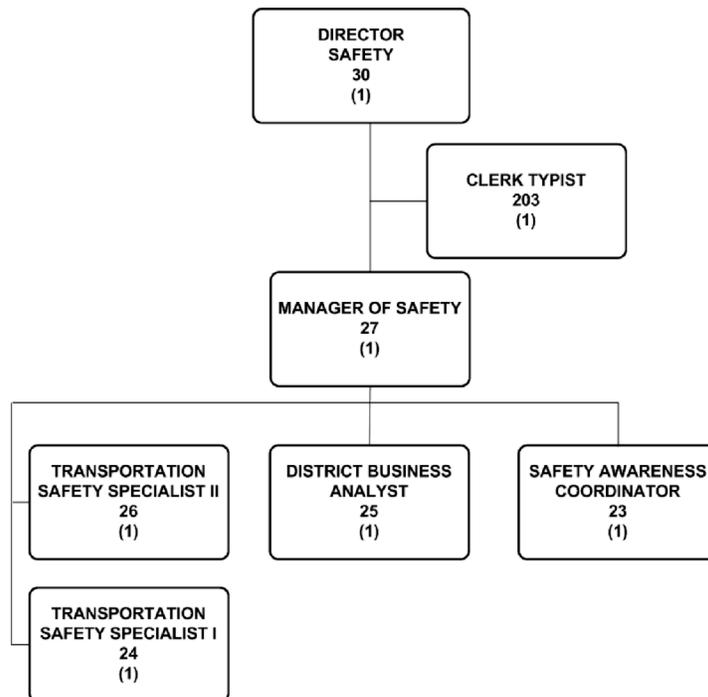
Below are budget and staffing highlights of the Safety Department

DEPT: 15 - SAFETY

OBJECT CLASS	DESCRIPTION	2009 Actual	2010 Actual	2011 3rd Quarter Projection	2012 Budget
501300	LABOR - SALARIED EMPLOYEES	348,122.13	334,174.04	329,381.63	418,800.00
501310	OVERTIME - SALARIED EMPLOYEES	2,722.30	3,070.30	2,850.00	2,000.00
502000	FRINGE BENEFITS	125,145.64	117,382.24	165,347.36	159,135.00
503111	SERVICES	242,992.21	231,024.76	310,000.00	307,000.00
504111	MATERIAL & SUPPLIES	15,332.54	9,105.14	16,978.85	18,380.00
509111	MISCELLANEOUS EXPENSES	59,744.77	38,677.47	51,173.31	25,500.00
DEPT TOTAL		794,059.59	733,433.95	875,731.15	930,815.00

2012 Positions

Dept	Grade Level	Name	Pay Group	2010	2011	2012	2012-2011
15	02	0203 CLERK/TYPIST.LEGAL AFFAIRS.SAFETY 1501	SBB	1	1	1	0
	23	1151 SAFETY AWARENESS CRD.LEGAL AFFAIRS.SAFETY 1501	SNE	1	1	1	0
	24	1195 TRANS SAFETY SPEC I.LEGAL AFFAIRS.SAFETY 1510	SNB	1	1	1	0
	25	1085 DISTRICT BUSINESS ANALYST.LEGAL AFFAIRS.SAFETY 1501	SNB	0	0	1	1
	26	1196 TRANS SAFETY SPEC II.LEGAL AFFAIRS.SAFETY 1520	SNB	1	1	1	0
	27	0782 MANAGER OF SAFETY-LEGAL AFFAIRS-SAFETY 1501	SNB	1	1	1	0
	30	1443 DIRECTOR-LEGAL AFFAIRS-SAFETY 1501	SNB	1	1	1	0
15 Total				6	6	7	1



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2012 OPERATING BUDGET SUMMARY Department 21 - Legal

SHERYL KING BENFORD
DEPUTY GENERAL MANAGER, LEGAL AFFAIRS

Department Priorities for 2012

- ◆ Provide legal service to the Authority including tort claims, contract claims, workersq compensation cases, and associated lawsuits, Federal, state, and local administrative proceedings and hearings, grievance hearings, and labor negotiations.
- ◆ Conduct training sessions on significant legal topics affecting the Authority.
- ◆ 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 the development, drafting, and revision of policies and procedures, including those for Procurement and contract and personnel forms.

Mission Statement

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.

	2009 Actual	2010 Actual	2011 Estimate	2012 Budget
Depositions Scheduled	140	137	125	100
Court Hearings	241	223	220	200
Court Arbitration Cases	3	2	5	5
Scheduled Trials	22	4	3	10
Bureau of WorkersqCompensation Hearings	600	550	599	625
Labor Arbitration Cases	27	34	28	25
Bureau of Employment Service Hearings	9	23	13	10
Public Records Requests	140	104	121	150
Contract Reviews & Property Issues	269	138	140	150
Contracts Negotiated and Drafted	96	195	190	200
Legal Opinions	70	35	68	70
Subpoenas Processed	676	1092	1091	750
Resolutions Reviewed	107	100	100	100
New Lawsuits Filed	120	128	115	95
ADA Paratransit Appeals	105	56	83	90
Number of Lawsuits Closed	122	132	120	90
ADA/OEO Complaints Received	45	32	44	50
Appellate Cases	6	5	3	2

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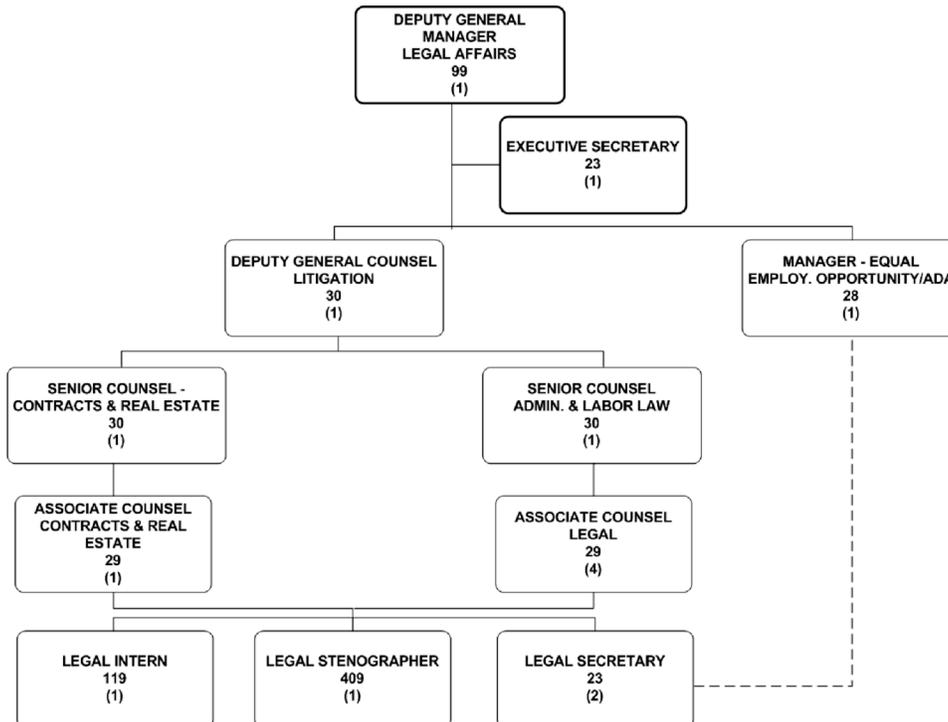
Below are budget and staffing highlights of the Legal Department

DEPT: 21 - LEGAL

OBJECT CLASS	DESCRIPTION	2009 Actual	2010 Actual	2011 3rd Quarter Projection	2012 Budget
501200	HOURLY EMPLOYEES PAYROLL	0.00	0.00	0.00	0.00
501210	OVERTIME - HOURLY EMPLOYEES	0.00	0.00	0.00	0.00
501300	LABOR - SALARIED EMPLOYEES	898,807.52	898,270.83	934,949.71	1,144,335.00
501310	OVERTIME - SALARIED EMPLOYEES	287.16	12.28	278.42	0.00
502000	FRINGE BENEFITS	321,854.26	316,522.60	191,956.84	432,757.00
503111	SERVICES	89,192.14	160,475.19	245,000.00	225,000.00
503049	TEMPORARY HELP	7,607.40	(2,783.14)	6,960.00	0.00
504111	MATERIAL & SUPPLIES	436.02	738.55	5,000.02	5,100.00
509111	MISCELLANEOUS EXPENSES	5,612.29	11,978.15	21,000.00	26,000.00
512111	LEASES & RENTALS	13,000.00	11,000.00	15,000.00	15,000.00
DEPT TOTAL		1,336,796.79	1,396,214.46	1,420,144.99	1,848,192.00

2012 Positions

Dept	Grade Level	Name	Pay Group	2010	2011	2012	2012-2011
21	01	9944 LEGAL INTERN LEGAL AFFAIRS LEGAL 2101	SNE	1	1	1	0
	04	0409 LEGAL STENOGRAPHER LEGAL AFFAIRS LEGAL 2101	SBB	1	1	1	0
	23	0724 LEGAL SECRETARY LEGAL AFFAIRS LEGAL 2101	SNE	2	2	2	0
		0725 EXECUTIVE SECRETARY LEGAL AFFAIRS LEGAL 2101	SNE	1	1	1	0
	28	0880 MANAGER EEO & ADA-LEGAL AFFAIRS-LEGAL 2101	SNB	1	1	1	0
	29	1440 ASSOC COUNSEL CONTR & RE LEGAL AFFAIRS LEGAL 2101	SNB	1	1	1	0
		1442 ASSOC COUNSEL LITIGATION LEGAL AFFAIRS LEGAL 2101	SNB	4	4	4	0
	30	1612 SR COUNSEL ADMIN & LBR-LEGAL AFFAIRS-LEGAL 2101	SNB	1	1	1	0
		1613 SR COUNSEL CONTR & RE-LEGAL AFFAIRS-LEGAL 2101	SNB	1	1	1	0
		1618 DPTY CNSL / LIGITAGTION LEGAL AFFAIRS LEGAL 2110	SNB	1	1	1	0
	99	9951 DGM LEGAL AFFAIRS-EXECUTIVE-EXECUTIVE 2101	SNB	0	0	1	1
21 Total				14	14	15	1



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2012 OPERATING BUDGET SUMMARY Department 22 – Risk Management

JUDY LINCOLN, DIRECTOR

Department Priorities for 2012

- ◆ Continue the Workersq Compensation Action Plan.
- ◆ Continue Transitional Work Program through the Return to Work Coordinator.
- ◆ Negotiate best terms and conditions available in the marketplace and most cost-effective renewal of GCRTA insurance programs including casualty, property, and public officialq liability.
- ◆ Continue coordination 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 module.

Mission Statement

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 Authorityq property and casualty insurance and self-insurance programs, Liability Claims, and Workersq Compensation section of the Department.

	2009 Actual	2010 Actual	2011 Estimate	2012 Budget
<u>THIRD PARTY LIABILITY CLAIMS</u>				
• Total Events Resulting in Claims in Calendar Year	949	772	953	1000
• Total # Claims in Calendar Year	1,254	1,114	1,189	1140
• Average Cost per Claim (excluding large losses)	\$3,353	\$3,461	\$2,729	\$1,400
<u>WORKERS' COMPENSATION</u>				
• Total # of Claims in Calendar Year	254	235	313	300
• Average Cost per Employee (excluding large losses)	\$1,039	\$1,386	\$994	\$1,000
• Average Cost per Claim (excluding large losses)	\$11,736	\$12,600	\$9,351	\$7,800

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Below are budget and staffing highlights of the Risk Management Department

DEPT: 22 - RISK MANAGEMENT

OBJECT CLASS	DESCRIPTION	2009 Actual	2010 Actual	2011 3rd Quarter Projection	2012 Budget
501300	LABOR - SALARIED EMPLOYEES	913,870.63	847,381.42	904,574.74	974,000.00
501310	OVERTIME - SALARIED EMPLOYEES	3,793.98	4,088.41	3,095.69	3,000.00
502000	FRINGE BENEFITS	330,914.94	299,450.81	415,195.27	369,475.00
502071	W. C. - INJURIES & DAMAGES	1,573,647.91	1,564,201.51	1,624,575.00	1,757,000.00
502082	W. C. - MEDICAL PAYMENTS	998,930.54	908,212.05	1,247,336.00	1,222,717.00
503111	SERVICES	115,543.95	180,536.58	297,000.00	297,000.00
503030	WORKERS COMP ADMINISTRATION FEE	461,066.74	541,057.81	532,135.00	546,665.00
503049	TEMPORARY HELP	28,000.00	49,413.52	5,629.84	0.00
504111	MATERIAL & SUPPLIES	3,482.30	8,134.16	7,210.00	6,120.00
506111	CASUALTY & LIABILITY COSTS	252,106.50	309,947.56	342,558.00	310,000.00
506010	PHYSICAL DAMAGE INSURANCE	751,967.00	577,246.00	684,211.00	800,000.00
506040	LIABILITY & PROPERTY DAMAGE CLAIMS	1,890,754.68	1,787,897.41	1,608,500.00	1,758,699.00
506200	W. C. - SETTLEMENT & LAWSUIT EXPENSE	171,600.00	268,150.00	175,000.00	175,000.00
509111	MISCELLANEOUS EXPENSES	12,948.67	9,807.67	12,286.47	12,000.00
DEPT TOTAL		7,508,627.84	7,355,524.91	7,859,307.01	8,231,676.00

2012 Positions

Dept	Grade Level	Name	Pay Group	2010	2011	2012	2012-2011
22	03	0301 ADMINISTRATIVE ASSISTANT LEGAL AFFAIRS RISK MGMT 2224	SBB	2	2	2	0
		0322 WORKERS COMP INVESTIGATOR-LEGAL AFFAIRS-RISK MGMT 2231	SBB	1	1	1	0
	04	0404 ADMINISTRATIVE ASSISTANT LEGAL AFFAIRS RISK MGMT 2224	SBB	1	1	1	0
	06	0603 CLAIMS INVESTIGATOR LEGAL AFFAIRS RISK MGMT 2224	SBB	3	3	3	0
	23	0757 ADMINISTRATIVE ASSISTANT-LEGAL AFFAIRS-RISK MGMT 2211	SNE	1	1	1	0
	25	0885 RISK ANALYST I LEGAL AFFAIRS RISK MGMT 2211	SNB	1	1	1	0
		1627 RTW-TRANSITIONAL COORD LEGAL AFFAIR RISK MGMT 2231	SNB	1	1	1	0
	26	0876 SENIOR ADJUSTER (CLAIMS) LEGAL AFFAIRS RISK MGMT 2211	SNB	0	1	1	0
		SENIOR LITIGATION ANALYST LEGAL AFFAIRS RISK MGMT 2221	SNB	1	0	0	0
		0905 RISK ANALYST II LEGAL AFFAIRS RISK MGMT 2211	SNB	1	1	1	0
		1165 WORKERS COMP/DIS CLM EXAM LEGAL AFFAIRS RISK MGMT 2231	SNB	2	2	2	0
	27	0773 MANAGER CLAIMS-LEGAL AFFAIRS-RISK MGMT 2221	SNB	1	1	1	0
		0894 MGR WORKERS' COMP & INS LEGAL AFFAIRS RISK MGMT 2211	SNB	1	1	1	0
	30	0771 DIRECTOR-LEGAL AFFAIRS-RISK MGMT 2211	SNB	1	1	1	0
22 Total				17	17	17	0

