

Legal Affairs Division

Division Summary

Sheryl King Benford, Deputy General Manager

The Legal Affairs 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, 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 ensure equal opportunity access and treatment to all stakeholders of the Authority.

2012 Achievements

- ◆ Negotiated a two-year property renewal at a favorable note.
- ◆ Provided efficient and cost-effective legal representation in all GCRTA litigation, transactional and administrative matters.
- ◆ Managed the Authority's ADA/EEO programs to ensure compliance with Federal, State, and local laws regarding employment practices, facilities, and services.
- ◆ Coordinated the development and monitoring of the Authority's Affirmative Action Plan.
- ◆ Implemented Safety Training Observation Program (STOP).
- ◆ Launched 'Safety Begins With Me' Program.
- ◆ Enhanced a safety culture through discussion points at the Quarterly Management Meetings and other sessions.
- ◆ Represented GCRTA in labor arbitrations.
- ◆ Supported energy management initiatives.
- ◆ Reviewed APTA standards and updated standard operating procedures.
- ◆ Continued a proactive approach to reducing bus and rail incidents.
- ◆ Negotiated settlement with FM Global for damage due to a lightning strike at Brookpark Station.
- ◆ Kicked off Remain-at-Work program.

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2013 Objectives

- ◆ 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 equal opportunity policies and procedures.
- ◆ 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 Remain-At-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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2013 OPERATING BUDGET SUMMARY Department 15 – Safety

PAMELA McCOMBE, DIRECTOR

Department Priorities for 2013

- ◆ Continue a proactive approach to reducing bus and rail incidents.
- ◆ Continue to enhance the safety culture within operations.
- ◆ Launch the Attention Performance Campaign.
- ◆ Continue with the implementation of performance measures for managers and supervisors, including trending, and causal factors.

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.

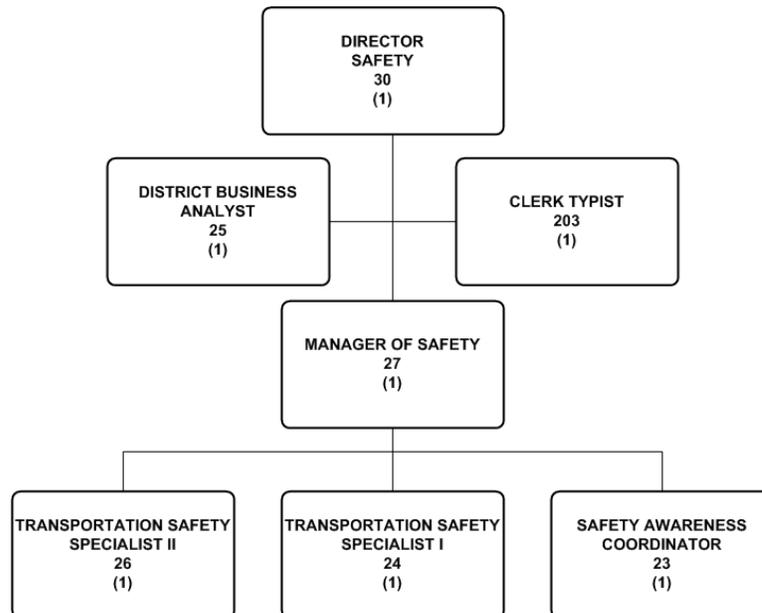
	2010 Actual	2011 Actual	2012 Estimate	2013 Budget
Total Collisions per 100,000 miles (#1)	3.08	3.31	2.90	2.90
Total Preventable Collisions (#1)	0.93	0.92	0.99	0.91
Total Injuries (#1)	200	209	165	190
Total Recordable Injuries (#1)		171	160	160
Internal Rail Audits (#1)	6	6	8	6
Bus/Rail Car Safety Inspections (#1)	120	119	15	100
Facility Inspections (#1)	77	72	108	108
Radar Audits (#1)	23	25	6	25
Ride Checks (#1)	56	56	10	50
Fire Drills/Train Evacuations (#1)	39	39	40	40
BMV Checks Authority Wide (#1)	2 runs	2 runs	4 runs	4 runs
CDLs (#1)	12 runs	12 runs	12 runs	12 runs
Universal Waste (fluorescent tubes, batteries) (lbs) (#1)	65,574	77,948	78,000	78,000
Hazardous Waste (lbs) (#1)	4,894	4,640	4,000	4,000
Non-Hazardous Waste (pit sludge, antifreeze, used oil) (#1) (in thousands)	1,247	804	800	800
Material Safety Data Sheet Evaluation (#1)	57	45	70	65
Job Hazard Analysis (#1)	10	25	48	36
Bus Incident Investigations (#1)	23	25	27	26
Rail Incident Investigations (#1)	36	19	22	19
Total Investigations (#1)	59	44	49	45
Grade Crossing (#1)	150	150	0	100
Work Zones (#1)	37	37	2	25

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Below are budget and staffing highlights of the Safety Department

Obj. Class	Description	2010 Actual	2011 Actual	2012 Projection	2013 Budget
501300	Labor – Salaried Employees	334,174	303,705	334,943	426,100
501310	Overtime – Salaried Employees	3,070	2,500	2,000	2,500
502000	Fringe Benefits	117,382	115,069	104,858	159,564
503000	Services	231,025	274,823	204,406	229,000
503049	Temporary Help	0	10,000	27,956	0
504000	Materials & Supplies	9,105	17,541	25,643	36,380
509000	Miscellaneous Expenses	38,677	53,626	20,406	31,250
Total:		733,434	777,265	728,652	954,794

Grade	Job Name	2010	2011	2012	2013
02	0203 Clerk/Typist	1.0	1.0	1.0	1.0
23	1151 Safety Awareness Crd	1.0	1.0	0.5	1.0
24	1195 Trans Safety Spec I	1.0	1.0	1.0	1.0
25	1085 District Business Analyst	0.0	0.0	1.0	1.0
26	1196 Trans Safety Spec II	1.0	1.0	1.0	1.0
27	0782 Manager of Safety	1.0	1.0	1.0	1.0
30	1443 Director	1.0	1.0	1.0	1.0
Total		6.0	6.0	6.5	7.0



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2013 OPERATING BUDGET SUMMARY Department 21 – Legal

SHERLYL KING BENFORD, DEPUTY GENERAL MANAGER

Department Priorities for 2013

- ◆ Provide legal service to the Authority including tort claims, k contract claims, workers' 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 arbitration hearings, preparing legal opinions, documents, and providing advice in labor negotiations.

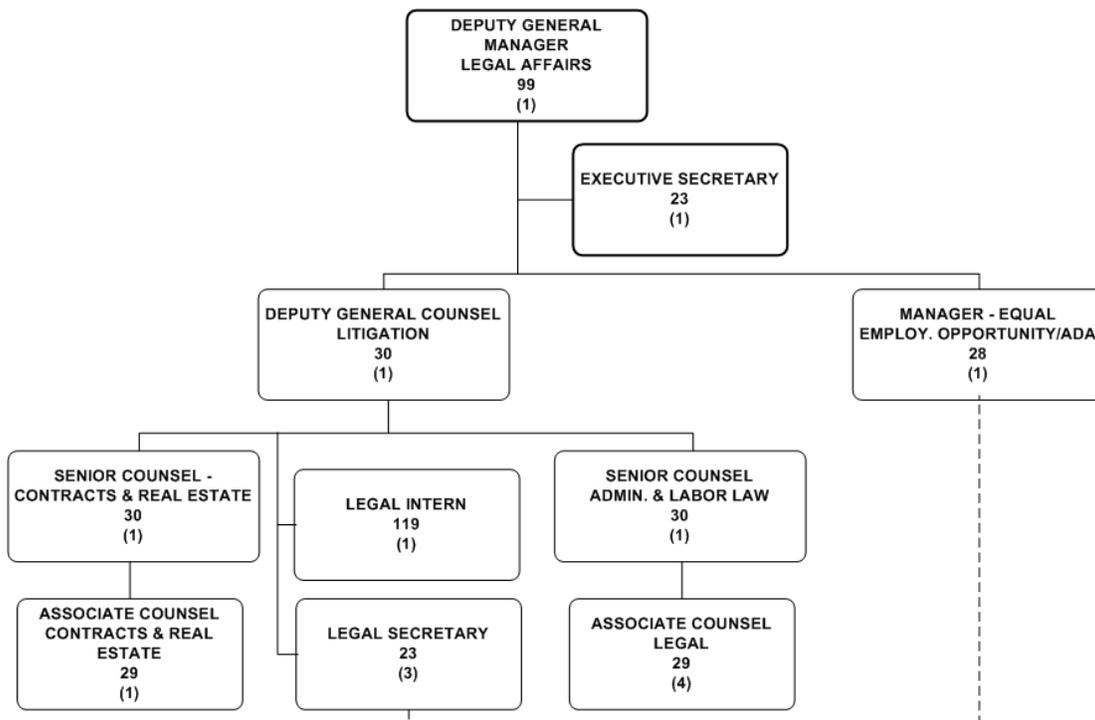
	2010 Actual	2011 Actual	2012 Estimate	2013 Budget
Depositions Scheduled (#1,4)	137	117	70	75
Court Hearings (#1,4)	223,	177	135	140
Court Arbitration Cases (#1,4)	2	2	1	2
Scheduled Trials (#1,4)	4	3	1	2
Bureau of Workers' Compensation Hearings (#1,4)	550	599	727	650
Labor Arbitration Cases (#1,4)	34	28	14	20
Bureau of Employment Service Hearings (#1,4)	23	13	10	10
Public Records Requests (#1,4)	104	121	166	175
Contract Reviews & Property Issues (#1,4)	138	140	214	250
Contracts Negotiated and Drafted (#1,4)	195	190	70	100
Legal Opinions (#1,4)	35	68	60	80
Subpoenas Processed (#1,4)	1,092	1,091	868	900
Resolutions Reviewed (#1,4)	100	100	116	120
New Lawsuits Filed (#1,4)	128	93	75	75
ADA Paratransit Appeals (#1)	56	83	37	60
Number of Lawsuits Closed (#1,4)	132	124	95	85
ADA/OEO Complaints Received (#1,4)	32	44	36	43
Appellate Cases (#1,4)	5	2	3	3

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Below are budget and staffing highlights of the Legal Department

Obj. Class	Description	2010 Actual	2011 Actual	2012 Projection	2013 Budget
501300	Labor – Salaried Employees	898,271	922,331	1,113,388	1,183,400
501310	Overtime – Salaried Employees	12	278	0	0
502000	Fringe Benefits	316,523	345,808	346,138	440,569
503000	Services	160,475	167,741	52,767	225,000
503049	Temporary Help	(2,783)	6,960	11,125	0
504000	Materials & Supplies	739	1,432	1,500	5,100
509000	Miscellaneous Expenses	11,978	17,895	21,887	30,250
512000	Leases & Rentals	11,000	4,640	11,677	15,000
Total:		1,396,214	1,467,085	1,558,482	1,899,319

Grade	Job Name	2010	2011	2012	2013
01	9944 Legal Intern	1.0	1.0	1.0	1.0
04	0409 Legal Stenographer	1.0	1.0	0.0	0.0
23	0724 Legal Secretary	2.0	2.0	3.0	3.0
	0725 Executive Secretary	1.0	1.0	1.0	1.0
28	0880 Manager EEO & ADA	1.0	1.0	1.0	1.0
29	1440 Assoc Counsel Cont & Re	1.0	1.0	1.0	1.0
	1442 Assoc Counsel Admin & Lbr	4.0	4.0	4.0	4.0
30	1612 Sr Counsel Admin & Lbr	1.0	1.0	1.0	1.0
	1613 Sr Counsel Contr & Re	1.0	1.0	1.0	1.0
	1618 Dpty Cnsl / Litigation	1.0	1.0	1.0	1.0
99	9951 DGM Legal Affairs	0.0	0.0	1.0	1.0
Total		14.0	14.0	15.0	15.0



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2013 OPERATING BUDGET SUMMARY Department 22 – Risk Management Development

JUDY LINCOLN, DIRECTOR
Department Priorities for 2013

- ◆ Negotiate the best terms and conditions and most cost-effective renewal for property casualty insurance programs for GCRTA.
- ◆ Work with Information Technology and CSC (outside vendor) to implement and upgrade the Risk Management Information System to the web-based version.
- ◆ Coordinate with several Service Management and Districts to facilitate tracking of needed accident information.
- ◆ Hold the focus on workplace injuries and the frequency and cost reductions as well as the increased accountability by District personnel.
- ◆ Support the Human Resources and Service Management Departments in their implementation of the new Bid Dispatch System and time tracking for operators. The Risk Management Department is a key contributor to this project.

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, Liability Claims, and Workers' Compensation section the Department.

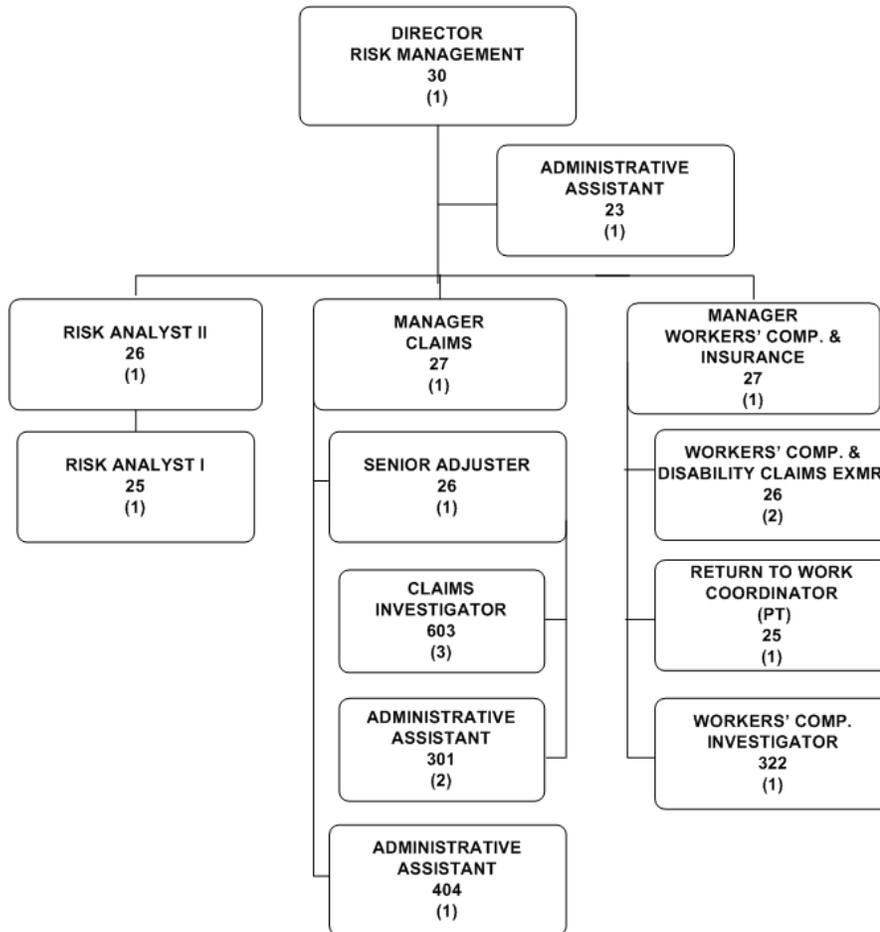
	2010 Actual	2011 Actual	2012 Estimate	2013 Budget
Third Party Liability Claims				
Total Events Resulting in Claims in Calendar Year (#1,4)	772	812	788	830
Total # Claims in Calendar Year (#1,4)	1,114	1,083	1,016	1,117
Average Cost per Claim (excluding large losses) (#1,4)	\$3,002	\$3,584	\$3,474	\$3,174
Workers' Compensation				
Total # of Claims in Calendar Year (#1,4)	235	246	210	236
Average Cost per Employee (excluding large losses) (#1,4)	\$1,570	\$1,466	\$1,385	\$1,443
Average Cost per Claim (excluding large losses) (#1,4)	\$14,281	\$12,524	\$13,914	\$12,889

Obj. Class	Description	2010 Actual	2011 Actual	2012 Projection	2013 Budget
501200	Hourly Employees	0	0	51,382	35,000
501210	Overtime – Hourly Employees	0	0	0	100
501300	Labor – Salaried Employees	847,381	898,672	887,565	948,000
501310	Overtime – Salaried Employees	4,088	3,576	6,187	4,000
502000	Fringe Benefits	299,451	331,977	298,491	354,421
502071	W.C. – Injuries & Damages	1,564,202	1,679,062	1,500,143	1,657,965
502082	W.C. – Medical Payments	908,212	977,072	917,829	1,058,000
503000	Services	180,537	265,517	164,395	297,000
503030	Workers Comp Administration Fee	541,058	529,477	434,188	638,354
503049	Temporary Help	49,414	4,216	11,152	0
504000	Materials & Supplies	8,134	3,529	2,165	6,120
506000	Casualty & Liability Costs	309,948	276,913	240,640	332,900
506010	Physical Damage Insurance	577,246	476,613	719,280	800,000
506040	Liability & Property Damage Claims	1,787,897	1,949,884	1,740,859	1,746,656
506200	W. C. – Settlement & Lawsuit Expense	268,150	71,800	148,721	175,000
509000	Miscellaneous Expenses	9,808	14,335	13,279	13,750
Total:		7,355,525	7,482,644	7,136,276	8,067,266

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Below are staffing highlights of the Risk Management Department

Grade	Job Name	2010	2011	2012	2013
03	0301 Administrative Assistant	2.0	2.0	2.0	2.0
	0322 Workers Comp Investigator	1.0	1.0	1.0	1.0
04	0404 Administrative Assistant	1.0	1.0	1.0	1.0
06	0603 Claims Investigator	3.0	3.0	3.0	3.0
23	0757 Administrative Assistant	1.0	1.0	1.0	1.0
25	0885 Risk Analyst I	1.0	1.0	1.0	1.0
	1627 RTW – Transitional Coord	0.5	0.5	0.5	0.5
26	0876 Senior Adjustor (Claims)	0.0	1.0	1.0	1.0
	Senior Litigation Analyst	1.0	0.0	0.0	0.0
	0905 Risk Analyst II	1.0	1.0	1.0	1.0
	1165 Workers Comp/Dis Clm Exam	2.0	2.0	2.0	2.0
27	0773 Manager Claims	1.0	1.0	1.0	1.0
	0894 Mgr Workers' Comp & Ins	1.0	1.0	1.0	1.0
30	0771 Director	1.0	1.0	1.0	1.0
Total		16.5	16.5	16.5	16.5



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