

# 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 matters. It also advises on procurement, general contract, real estate, personnel, liability, and labor matters. The Office of Equal Opportunity ensures EEO/ADA and workplace harassment policy compliance. The Safety Department provides accident prevention, bus system safety, industrial safety, facilities, and rail system safety programs. 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.

#### 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.

## 2015 Achievements

- ◆ 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.
- ◆ Supported construction projects including Little Italy Red Line station, which opened on August 11, 2015.
- ◆ Supported energy management initiatives.
- ◆ Developed safety performance measures for managers and supervisors.
- ◆ Continued a proactive approach to reducing bus and rail incidents.
- ◆ Continued the management of the Authority's ADA/EEO programs to ensure compliance with Federal, State, and local laws regarding employment practices, facilities, and services.
- ◆ Continued to investigate allegations of discrimination or non-compliance with equal opportunity policies and procedures.
- ◆ Developed the Authority's Affirmative Action Plan and submitted on July 30, 2015.
- ◆ Worked to ensure compliance with all Federal, State, and local legislation and regulations and served as a liaison between the Authority and regulatory agencies.
- ◆ Reduced Workers' Compensation on-the-job injuries (OJIs).
- ◆ Completed move of Claims Section to Legal Department.
- ◆ Negotiated innovative Casualty Insurance renewal on behalf of the GCRTA; implementing a multi-year program at significant savings over the prior policy year and 20% under budget.
- ◆ Improved claims handling through video usage.
- ◆ Supported the implementation of MAP-21 and launch of the new ISO 14001 program.

# Legal Affairs Division

## 2016 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.
- ◆ Support energy management initiatives.
- ◆ Continue safety performance measures for managers and supervisors.
- ◆ 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.
- ◆ 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 the implementation of the Workers' Compensation Action Plan with a focus on strengthening and expanding the Remain-At-Work program.
- ◆ 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.
- ◆ Support the implementation of MAP-21 and ISO 14001 program.
- ◆ Continue to update and improve our claims handling process.
- ◆ Continue to review the claims process and procedures to produce best practices.
- ◆ Continue to create a positive working environment that emphasizes teamwork and goal setting.
- ◆ Continue to enhance the skills of all Claims employees through training opportunities.

# Legal Affairs Division

## 2015-2025 Strategic Plan Critical Initiatives and Measures

Critical Initiative	Division Champion(s)	Team	
Outcomes			
Activities	Plan Start	Plan End	% Complete

Define and Implement to Improve Safety for Customers and Employees	Sheryl King Benford	Cynthia Boyd, Robert Huyck, Stephen Bitto	
Improve Preventable Collisions and Injury Rates for the Authority to 0.89 or below			
Increase Compliance with Rules and Standard Operating Procedures (SOPs) by 2%			
Improve upon 2014 baseline on employees and customer safety culture (baseline to be collected)			
Improve compliance to activities demonstrating a Robust Safety Culture by 2%			
Define and implement an ongoing “safety moments/messages” in applicable meetings and activities	9/1/2014	10/31/2014	100%
Propose a reorganization of the quality function with the possibility of implementing a quality manager	9/1/2014	11/5/2014	100%
Define and implement a plan to increase DriveCam counseling sessions	9/1/2014	12/31/2014	85%
Define and implement plan to improve bus operator training – integrate simulator into the plan	9/1/2014	12/31/2014	80%
Define and implement ongoing “safety and security tips” for customers	9/1/2014	12/31/2014	100%
Improve processes for communicating with customers in emergency/problem situations	9/1/2014	12/31/2014	70%
Release expectations of Safety as an RTA employee	9/1/2014	12/31/2014	100%
Implement Safety culture surveys of employees (align with George Fields efforts on Employee Engagement Survey)	9/1/2014	12/31/2014	100%
Transition safety posters to in-house function	1/1/2015	3/31/2015	100%
Implement recommendations from outside audit to improve ICC processes for Safety	10/1/2014	12/31/2015	90%
Analyze data from outside reviews on rail infrastructure to define implementation plan (tie plan)	10/1/2014	12/31/2015	30%

# Legal Affairs Division

## 2016 OPERATING BUDGET SUMMARY Department 15 – Safety

ROBERT CZECK, DIRECTOR

### Department Priorities for 2016

- ◆ Revitalize safety procedures and training involving alternative fuels
- ◆ Continue development of safety culture in the Authority
- ◆ Develop corrective actions from audits and incidents
- ◆ Work with Hayden and Triskett Districts in implementation of ISO 14001. Use experience from certification at CBM
- ◆ Determine areas for improvement in bus and audit bus similarly to rail
- ◆ Perform off-shift inspections for a more comprehensive view of bus and rail safety evaluations
- ◆ Continue participation Safety & Security Certification of Rail Transit projects
- ◆ Continue TSI certification of Safety Department personnel

### Mission Statement

To lead a proactive approach in decreasing On-the-Job injuries and preventable collisions. The safety of our passengers, our employees and the general public is always our top priority.

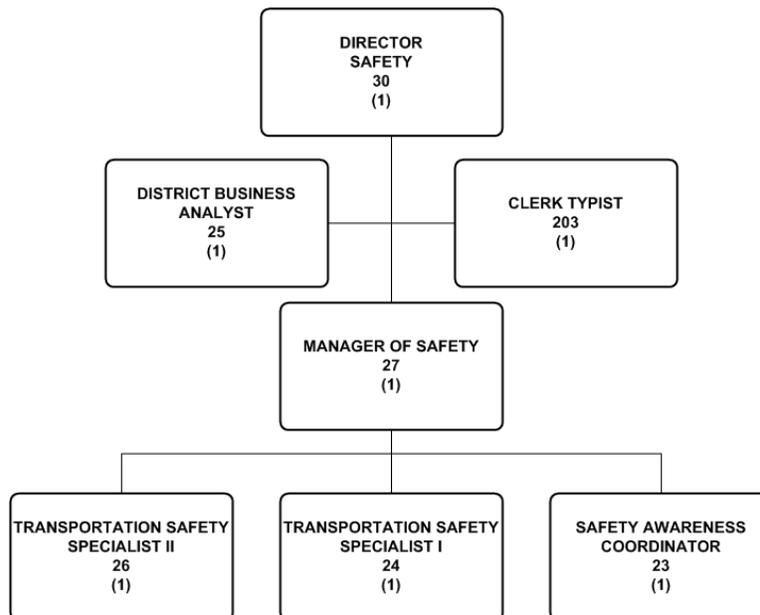
	2013 Actual	2014 Actual	2015 Estimate	2016 Budget
Total Collision Rate (per 100,000 miles) (I, II, III, IV, V, VI, VII)	3.64	4.19	4.21	4.00
Total Preventable Collision Rate (I, II, III, IV, V, VI, VII)	1.33	1.48	0.89	1.10
Total Injuries (I, II, III, IV, V, VI, VII)	196	213	186	180
Total Recordable Injuries (I, II, III, IV, V, VI, VII)	144	173	150	160
Internal Rail Audits (I, II, III, IV, V, VI, VII)	13	8	8	7
Facility Inspections (I, II, III, IV, V, VI, VII)	108	108	108	108
Radar Audits (I, II, III, IV, V, VI, VII)	10	15	24	48
Ride Checks (I, II, III, IV, V, VI, VII)	8	24	84	100
Fire Drills/Train Evacuations (I, II, III, IV, V, VI, VII)	40	1	40	40
BMV Checks Authority Wide (I, II, III, IV, V, VI, VII)	4 runs	5 runs	4 runs	4 runs
CDLs (I, II, III, IV, V, VI, VII)	12 runs	13 runs	12 runs	12 runs
Universal Waste (lbs) (I, II, III, IV, V, VI, VII)	64,038	57,832	78,000	82,000
Hazardous Waste (lbs) (I, II, III, IV, V, VI, VII)	6,146	4,185	4,000	4,000
Non-Hazardous Waste (in thousands) (I, II, III, IV, V, VI, VII)	1,125	895	800	780
Material Safety Data Sheet Evaluation (I, II, III, IV, V, VI, VII)	72	74	70	75
Job Hazard Analysis (I, II, III, IV, V, VI, VII)	38	33	32	32
Bus Incident Investigations (I, II, III, IV, V, VI, VII)	15	14	15	20
Rail Incident Investigations (I, II, III, IV, V, VI, VII)	40	32	31	40
Total Investigations (I, II, III, IV, V, VI, VII)	56	46	48	60
Grade Crossing (I, II, III, IV, V, VI, VII)	7	4	18	24
Work Zones (I, II, III, IV, V, VI, VII)	2	12	12	48
Miscellaneous Audits				6
Tire Depth Analysis				36
MOB Safety Checks				4
Monthly Safety Blitzen				12

# Legal Affairs Division

Below are budget and staffing highlights of the Safety Department

Obj. Class	Description	2013 Actual	2014 Actual	2015 Projection	2016 Budget
501200	Hourly Employees Payroll	0	1,733	19,133	21,007
501210	Overtime – Hourly Employees	0	0	0	0
501300	Labor – Salaried Employees	366,033	398,661	431,740	481,388
501310	Overtime – Salaried Employees	2,989	1,900	2,351	2,500
502000	Fringe Benefits	135,078	152,876	177,700	166,906
503000	Services	216,998	124,040	150,685	54,300
503049	Temporary Help	3,872	0	18,900	0
503052	Other Maintenance Contracts	0	61,500	54,783	192,800
504000	Materials & Supplies	11,815	12,848	27,609	39,800
509000	Miscellaneous Expenses	25,792	42,771	34,835	42,900
509022	Meals & Concessions	0	636	0	1,000
<b>Total:</b>		<b>762,577</b>	<b>797,005</b>	<b>917,737</b>	<b>1,002,600</b>

Grade	Job Name	2013	2014	2015	2016
02	0203 Clerk/Typist	1.0	1.0	0.0	0.0
04	0404 Administrative Assistant	0.0	0.0	1.0	1.0
23	1151 Safety Awareness Crd	1.0	1.0	1.5	1.5
24	1195 Trans Safety Spec I	1.0	1.0	0.0	0.0
25	1085 District Business Analyst	1.0	1.0	1.0	1.0
26	1196 Trans Safety Spec II	1.0	1.0	2.0	2.0
27	0782 Manager of Safety	1.0	1.0	1.0	1.0
30	1443 Director	1.0	1.0	1.0	1.0
<b>Total</b>		<b>7.0</b>	<b>7.0</b>	<b>7.5</b>	<b>7.5</b>



# Legal Affairs Division

## 2016 OPERATING BUDGET SUMMARY Department 21 – Legal

SHERYL KING BENFORD, DEPUTY GENERAL MANAGER

### Department Priorities for 2016

- ◆ Provide legal service to the Authority including tort claims, 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.

	2013 Actual	2014 Actual	2015 Estimate	2016 Budget
Depositions Scheduled (II, IV, V, VI, VII)	124	120	120	120
Court Hearings (II, IV, V, VI, VII)	148	150	195	175
Court Arbitration Cases (II, IV, V, VI, VII)	1	2	3	1
Scheduled Trials (II, IV, V, VI, VII)	8	5	5	4
Bureau of Workers' Compensation Hearings (II, IV, V, VI, VII)	472	327	390	350
Labor Arbitration Cases (II, IV, V, VI, VII)	12	20	24	28
Bureau of Employment Service Hearings (II, IV, V, VI, VII)	10	5	10	12
Public Records Requests (II, IV, V, VI, VII)	448	685	972	1250
Contract Reviews & Property Issues (II, IV, V, VI, VII)	560	810	808	810
Contracts Negotiated and Drafted (II, IV, V, VI, VII)	45	65	80	100
Legal Opinions (II, IV, V, VI, VII)	232	295	313	320
Subpoenas Processed (II, IV, V, VI, VII)	850	1078	1272	1400
Resolutions Reviewed (II, IV, V, VI, VII)	115	125	120	150
New Lawsuits Filed (II, IV, V, VI, VII)	100	99	92	90
ADA Paratransit Appeals (II, IV, V, VI, VII)	67	132	125	110
Number of Lawsuits Closed (II, IV, V, VI, VII)	70	120	90	90
ADA/OEO Complaints Received (II, IV, V, VI, VII)	46	49	50	50
Appellate Cases (II, IV, V, VI, VII)	5	7	6	4
<b>Third Party Liability Claims</b>				
Total Events Resulting in Claims in Calendar Year (I, II, IV, V, VI, VII)	984	1,228	1,113	1,035
Total # Claims in Calendar Year (I, II, IV, V, VI, VII)	1,279	1,512	1,367	1,303
Average Cost per Claim (excluding large losses) (I, II, IV, V, VI, VII)	\$2,246	\$1,868	\$1,923	\$2,113

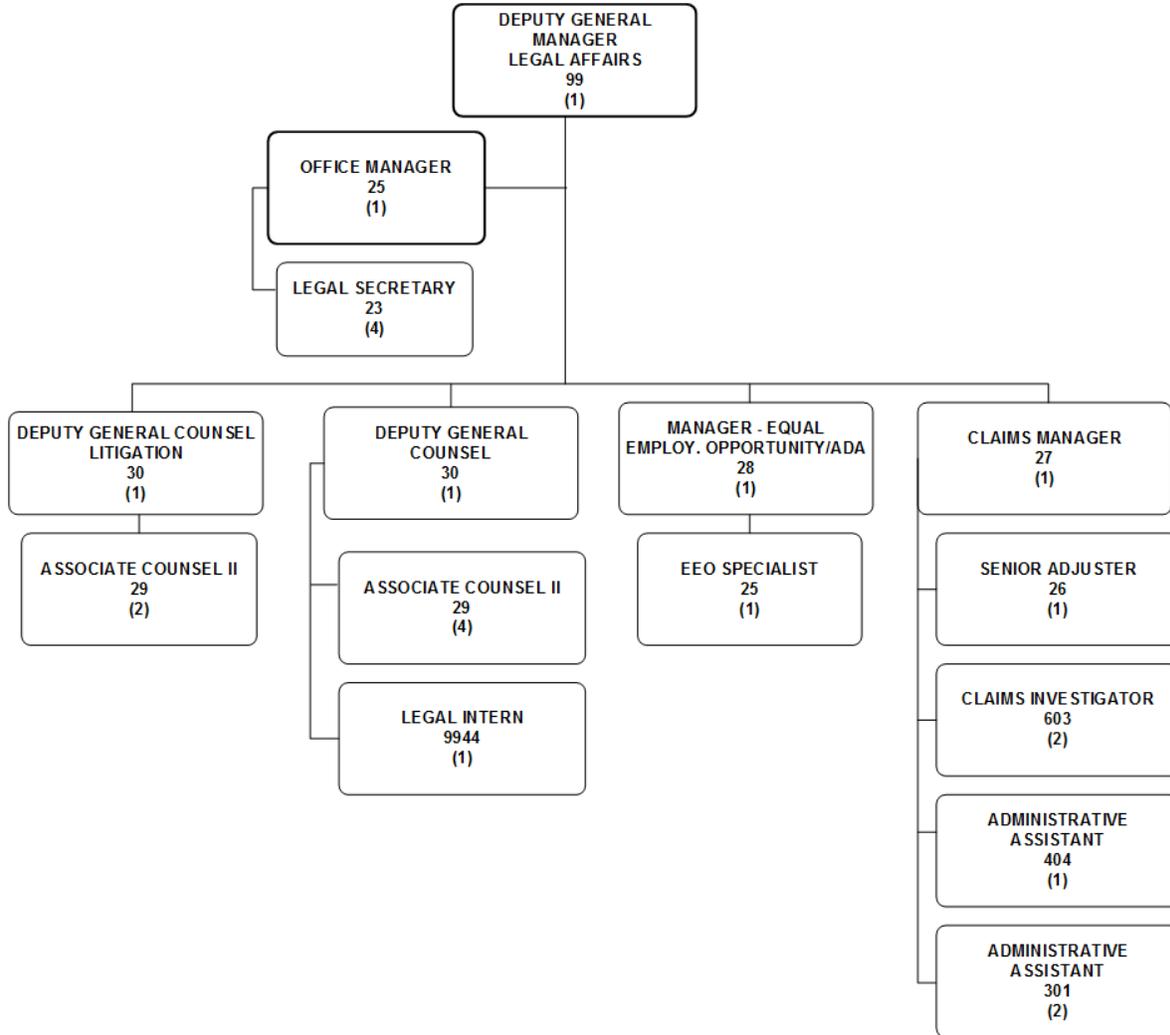
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Obj. Class	Description	2013 Actual	2014 Actual	2015 Projection	2016 Budget
501200	Hourly Employees Payroll	15,180	26,359	21,377	31,200
501300	Labor – Salaried Employees	1,160,546	1,233,788	1,635,941	1,629,604
501310	Overtime – Salaried Employees	0	325	3,295	4,125
502000	Fringe Benefits	375,702	448,553	601,030	550,517
503000	Services	565	154,245	153,688	322,000
503049	Temporary Help	33,586	32,814	24,576	0
504000	Materials & Supplies	3,820	3,371	4,098	5,200
506000	Casualty & Liability Costs	0	484,463	1,039,527	1,600,000
509000	Miscellaneous Expenses	23,814	21,184	24,462	33,850
509022	Meals & Concessions	0	0	0	2,200
512000	Leases & Rentals	22,555	14,960	16,137	28,235
<b>Total:</b>		<b>1,635,788</b>	<b>2,420,062</b>	<b>3,524,130</b>	<b>4,206,931</b>

Below are budget and staffing highlights of the Legal Department

Grade	Job Name	2013	2014	2015	2016
01	9944 Legal Intern	1.0	1.0	1.0	1.0
03	0301 Administrative Assistant	0.0	2.0	2.0	1.0
04	0404 Administrative Assistant	1.0	1.0	1.0	1.0
06	0603 Claims Investigator	0.0	3.0	3.0	3.0
23	0724 Legal Secretary	3.0	3.0	3.0	4.0
25	1720 EEO Specialist	0.0	1.0	1.0	1.0
	1675 Office Manager	0.0	1.0	1.0	1.0
26	0876 Senior Litigation Analyst (Claims)	0.0	1.0	1.0	1.0
27	0773 Manager Claims	0.0	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	0.0	0.0	0.0
	1440 Assoc Counsel II	0.0	6.0	6.0	6.0
	1442 Assoc Counsel Admin & Lbr	4.0	0.0	0.0	0.0
30	1612 Sr Counsel Admin & Lbr	1.0	0.0	0.0	0.0
	1613 Sr Counsel Contr & Re	1.0	0.0	0.0	0.0
	1618 Dpty Cnsl / Litigation	1.0	1.0	1.0	1.0
	1680 Deputy General Counsel	0.0	1.0	1.0	1.0
99	9951 DGM Legal Affairs	1.0	1.0	1.0	1.0
<b>Total</b>		<b>15.0</b>	<b>15.0</b>	<b>24.0</b>	<b>24.0</b>

# Legal Affairs Division



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# Legal Affairs Division

## 2016 OPERATING BUDGET SUMMARY Department 22 – Risk Management Development

JUDY LINCOLN, DIRECTOR

### Department Priorities for 2016

- ◆ Provide Risk Management expertise to Legal, Procurement, and Engineering Departments for on-going GCRTA construction projects and procurements.
- ◆ Hold the focus on workplace injuries and the frequency and cost reductions, as well as the increased accountability by district personnel.
- ◆ Finalize recruitment of Return to Work Coordinator.
- ◆ Negotiate the best terms and conditions available in the market place and most cost effective renewal for property/casualty insurance programs for GCRTA.
- ◆ Complete Risk Assessment Exercise for cyber liability risk exposures for GCRTA via completion of insurance application along with IT, other stakeholders, and Casualty Insurance Broker.
- ◆ Work with Casualty Insurance Broker to finalize W/C and Liability Claim audits and implement recommendations for improvement of W/C and Liability claim processes and results to ensure alignment with industry best practices.

### 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 of the Department.

	2013 Actual	2014 Actual	2015 Estimate	2016 Budget
<b>Workers' Compensation</b>				
Total # of Claims in Calendar Year (I, II, IV, V, VI, VII)	196	210	197	203
Average Cost per Employee (excluding large losses) (I, II, IV, V, VI, VII)	\$925	\$1,162	\$1,021	\$1,023
Average Cost per Claim (excluding large losses) (I, II, IV, V, VI, VII)	\$10,633	\$12,538	\$11,910	\$11,908
<b>Events Reported to the National Transit Database</b>				
Major Reportables (I, II, IV, V, VI, VII)	86	71	115	86
Minor Incidents (I, II, IV, V, VI, VII)	95	99	80	93
<b>Data Reports Created by Risk Management (I, II, IV, V, VI, VII)</b>		602	615	627
<b>Insurance Requirements/Contracts Reviewed (I, II, IV, V, VI, VII)</b>		190	225	225

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Obj. Class	Description	2013 Actual	2014 Actual	2015 Projection	2016 Budget
501200	Hourly Employees	26,374	4,848	922	49,000
501210	Overtime – Hourly Employees	0	0	0	0
501300	Labor – Salaried Employees	798,569	706,919	487,596	507,743
501310	Overtime – Salaried Employees	4,192	5,084	24	1,375
502000	Fringe Benefits	292,672	272,994	189,073	184,545
502071	W.C. – Injuries & Damages	1,173,206	1,148,095	1,200,000	1,400,000
502082	W.C. – Medical Payments	761,652	653,810	800,000	1,160,960
503000	Services	415,107	497,759	314,125	334,500
503030	Workers Comp Administration Fee	491,258	372,300	341,757	439,426
503049	Temporary Help	33,565	96,667	8,186	0
504000	Materials & Supplies	2,807	4,550	2,855	4,450
506000	Casualty & Liability Costs	352,731	345,897	361,996	454,691
506010	Physical Damage Insurance	664,680	618,348	571,522	635,274
506040	Liability & Property Damage Claims	1,124,782	1,087,269	0	0
506200	W. C. – Settlement & Lawsuit Expense	59,450	160,547	215,000	215,000
509000	Miscellaneous Expenses	7,059	22,167	4,043	6,700
509022	Meals & Concessions	0	0	0	100
<b>Total:</b>		<b>6,208,105</b>	<b>5,997,252</b>	<b>4,497,099</b>	<b>5,393,763</b>

Below are staffing highlights of the Risk Management Department

Grade	Job Name	2013	2014	2015	2016
03	0301 Administrative Assistant*	2.0	2.0	0.0	0.0
	0322 Workers Comp Investigator	1.0	1.0	1.0	1.0
04	0404 Administrative Assistant	1.0	1.0	0.0	0.0
06	0603 Claims Investigator	3.0	3.0	0.0	0.0
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)	1.0	1.0	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	3.0	3.0
27	0773 Manager Claims	1.0	1.0	0.0	0.0
	0894 Mgr Workers' Comp & Ins	1.0	1.0	0.0	0.0
30	0771 Director	1.0	1.0	1.0	1.0
<b>Total</b>		<b>16.5</b>	<b>16.5</b>	<b>8.5</b>	<b>8.5</b>

\*Shared Grade 0301 Admin. Assistant with Claims Section of Legal Dept.

# Legal Affairs Division

