

# 04 - LEGAL AFFAIRS DIVISION

## OVERVIEW

Provides professional, cost-effective legal, safety, and risk management services. The Legal Affairs Division is comprised of the Legal, Safety, and Risk Management Departments. 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 of the Legal Department properly evaluates all claims, focusing on a thorough and prompt investigation, compassion and fiscal responsibility. 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. Safety 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.

## CONNECTION TO STRATEGIC PLAN

The Legal Division works to ensure a safe, equitable environment for all customers and the greater community at large. Financial sustainability is obtained through budget adherence, controlling insurance premium costs, and managing claims (3<sup>rd</sup> party and Workers' Compensation). Employee perception of opportunity for growth and success, understanding the Authority's vision and direction, and clarity in connection between personal performance and organization success are also areas of focus within the Legal Division.

## 2022 ACCOMPLISHMENTS

- Provided efficient and cost-effective legal representation in all GCRTA litigation, transactional, and administrative matters.
- Provided legal support for the creation of the Civilian Oversight Committee (COC) to review complaints filed against GCRTA Transit Police Department employees.
- Provided legal information and guidance to the Authority on numerous matters related to the COVID-19 pandemic.
- 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.
- Supported Investigated allegations of discrimination or non-compliance with equal opportunity policies and procedures.
- 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 marketplace and most cost-effective renewal for property/casualty insurance programs for GCRTA.
- Implemented the 2021 Public Transportation Agency Safety Plan.

## 2023 PRIORITIES

- Provide efficient and cost-effective legal representation in all GCRTA litigation, transactional, and administrative matters.
- Provide legal support for Transit Oriented Development initiatives.
- Continue to provide support for the COC.
- Continue to provide legal information and guidance to the Authority on matters related to the COVID-19 pandemic.
- 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.
- Create and implement the 2022 version of the Public Transportation Agency Safety Plan.

## LIST OF DEPARTMENTS

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

# LEGAL DIVISION

Success Outcomes	Metric	FY2023 Performance Goals	Objective	Definition
Customer Experience	Safety - Perception	80%	↑	The % of customers who agree or strongly agree that GCRTA is safe.
	Safety - Actual	70%	↑	The % compliance with safety performance targets
Community Value	Community Perception of Safety	55%	↑	The % of community who agree or strongly agree that GCRTA is safe
Financial Sustainability	Insurance Premium Costs	5	-	Achieve an average score of 5 by maintaining insurance premium costs at or below industry benchmarks across the three lines of coverage
	Operating Budget Used	25%, 50%, 75%, 100%	-	The % of actual expenses (year to date) vs. annual budget.
Employee Engagement	Employee Safety - Perception	83%	↑	The % of employees that answer "yes" that GCRTA provides a safe place to work.
	Safety - Rate of On-the-Job Injuries (OJI)	6.82	↓	Decrease the rate of OJI's per 200,000 hours worked
	Division Employees Agree - Supervisor Invested in Growth and Success	35%	↑	The % of employees that agree (or strongly agree) that their supervisor is invested in their growth and success.
	Division Employees - Understand Vision and Direction	71%	↑	The % of employees that agree (or strongly agree) that they understand the vision and direction of GCRTA.
	Division Employees - Understand How Performance Linked to Organization Success	59%	↑	The % of employees that agree (or strongly agree) that they understand how their performance contributes to organizational success.
	Workforce Net Promoter Score	5	↑	% Promoters minus % Detractors that recommend the Division as place to work

# 15 - SAFETY DEPARTMENT

## OVERVIEW

The Safety Department uses a Safety Management System (SMS) to prevent collisions and injuries to the GCRTA passengers and employees, and to avoid damage to property. Provides leadership in promoting safety throughout the organization and to protecting the environment by providing guidance to RTA facilities about environmental compliance.

## 2022 ACCOMPLISHMENTS

- Implemented the 2022 Public Transportation Agency Safety Plan (PTASP).
- Created a new Labor Management Safety Committee in compliance with the Bipartisan Infrastructure Law.
- Utilized root cause analysis to identify source of heavy rail vehicle smoke events.
- Updated Hazard Reporting and Management Standard Operating Procedure.
- 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.
- Authored a Pandemic Response Plan for future readiness.
- Updated the Right-Of-Way Worker Protection Plan.
- Responded to and investigated accidents leading to corrective actions to prevent recurrence.

## 2023 PRIORITIES

- Create and publish the 2023 version of the PTASP.
- Support construction projects and other activities that require implementation of the Safety Review Policy and Procedure.
- Continued participation in the new railcar purchase process.
- Continue enhancement of a safety culture within the Authority.
- Performance of Safety Assurance audits on elements of the PTASP.
- Continue the professional development of the safety staff through completion of FTA required individualized training plans.

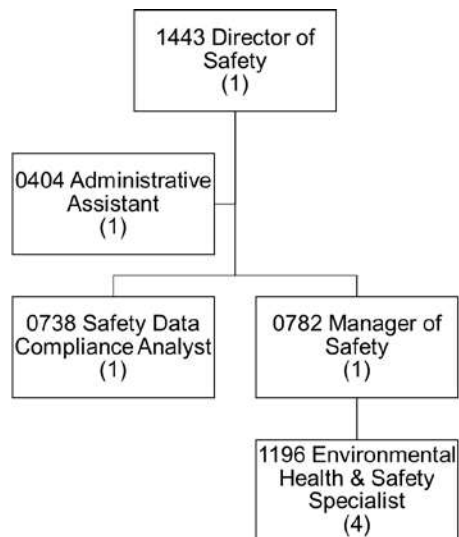
## SAFETY DEPARTMENT BUDGET

Object Class	Description	2021 Actual	2022 - 3Q Estimate	2023 Budget
501300	Labor - Salaried Employees	\$388,214	\$473,937	\$575,445
501310	Overtime - Salaried Employees	4,672	2,000	2,000
502000	Fringe Benefits	165,996	185,290	205,601
503000	Services	167,049	50,290	215,912
503052	Other Maintenance Contracts	38,538	17,334	48,250
504000	Material & Supplies	8,899	19,982	18,000
509000	Miscellaneous Expenses	7,345	9,667	14,600
509022	Meals & Concessions	562	544	2,000
<b>Total</b>		<b>\$781,275</b>	<b>\$759,043</b>	<b>\$1,081,808</b>

## SAFETY DEPARTMENT STAFFING

Grade	Job Name	2021	2022	2023
04	0404 Administrative Assistant	1.0	1.0	1.0
23	1151 Safety Awareness Coordinator PT	0.75	0.0	0.0
24	1195 Transportation Safety Specialist I	1.0	0.0	0.0
25	0738 Safety Data Compliance Specialist	1.0	1.0	1.0
26	1196 Environmental Health & Safety Specialist	2.0	4.0	4.0
27	0782 Manager of Safety	1.0	1.0	1.0
30	1443 Director of Safety	1.0	1.0	1.0
<b>Total</b>		<b>7.75</b>	<b>8.0</b>	<b>8.0</b>

## SAFETY DEPARTMENT ORGANIZATION CHART



Total FTE's = 8

# 21 - LEGAL DEPARTMENT

## OVERVIEW

Provides comprehensive, effective legal and claims services to the Authority. The Department represents the Authority in claims, lawsuits, administrative and arbitration hearings, preparing legal opinions and documents, providing advice, and ensuring compliance with Federal, State, and local laws.

## 2022 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.
- Advised and supported the Authority's Equal Employment Opportunity (EEO)/Americans with Disabilities Act (ADA) programs to ensure compliance with Federal, State, and local laws regarding employment practices, facilities, and services.
- Supported the investigations of allegations of discrimination or non-compliance with equal opportunity policies and procedures.
- Supported the creation of the Civilian Oversight Committee (COC).

## 2023 PRIORITIES

- Provide efficient and cost-effective legal representation in all GCRTA claims, 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 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 GCRTA's claims handling process.
- Continue to monitor data entry and reporting requirements.
- Continue to review the claims process and procedures to produce best practices.

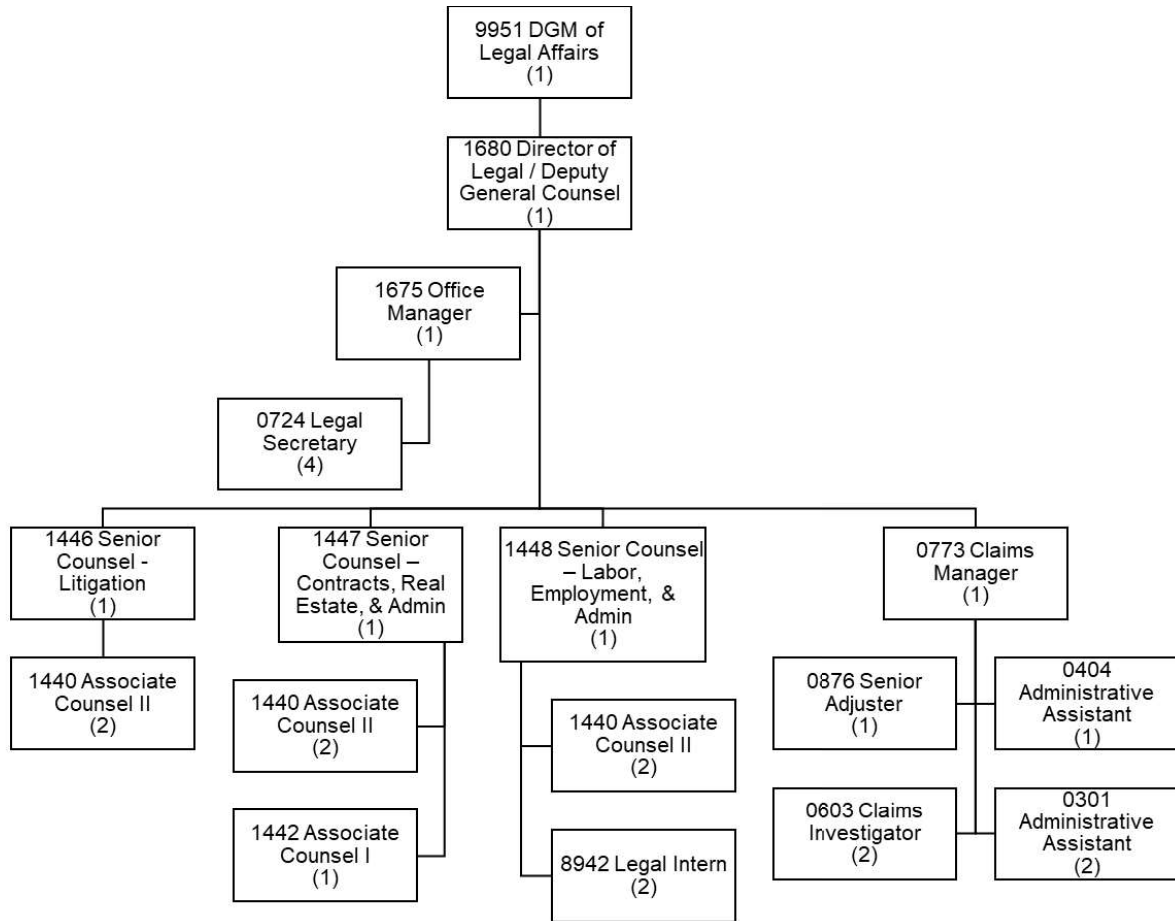
**LEGAL DEPARTMENT BUDGET**

Object Class	Description	2021 Actual	2022 - 3Q Estimate	2023 Budget
501300	Labor - Salaried Employees	\$1,710,086	\$1,841,680	\$2,313,940
501310	Overtime - Salaried Employees	1,452	2,529	2,000
502000	Fringe Benefits	728,566	698,490	710,637
503000	Services	279,337	386,353	589,710
503049	Temporary Help	99,016	18,000	40,000
504000	Material & Supplies	6,116	7,913	15,000
506040	Liability & Property Claims	20	-	-
506040	Liabilities & Property Claims	691,958	628,432	900,000
509000	Miscellaneous Expenses	8,523	11,277	19,250
509022	Meals & Concessions	46	562	1,000
512000	Leases & Rentals	(1,027)	10,599	-
<b>Total</b>		<b>\$3,524,093</b>	<b>\$3,605,835</b>	<b>\$4,591,537</b>

**LEGAL DEPARTMENT STAFFING**

Grade	Job Name	2021	2022	2023
01	8942 Legal Intern	1.0	2.0	2.0
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
26	0876 Senior Adjuster	1.0	1.0	1.0
28	0773 Manager of Claims	1.0	1.0	1.0
29	1442 Associate Counsel I	1.0	1.0	1.0
	1440 Associate Counsel II	6.0	6.0	6.0
30	1446 Senior Counsel – Litigation	1.0	1.0	1.0
	1447 Senior Counsel – Contracts, Real Estate, & Admin	-	1.0	1.0
	1448 Senior Counsel – Labor, Employment, & Admin	-	1.0	1.0
	1680 Director of Legal / Deputy General Counsel	1.0	1.0	1.0
99	9951 DGM of Legal Affairs	1.0	1.0	1.0
	9955 Senior Advisor	-	1.0	-
<b>Total</b>		<b>23.0</b>	<b>27.0</b>	<b>26.0</b>

# LEGAL DEPARTMENT ORGANIZATION CHART



Total FTE's = 26



# 22 - RISK MANAGEMENT DEPARTMENT

## OVERVIEW

The Risk Management Department protects 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 workers' compensation program, short-term disability claims, property and casualty insurance and self-insurance programs.

## 2022 ACCOMPLISHMENTS

- Finalized collection of total claim from FM Global for the rail collision from January 26, 2020 where two railcars collided. Received payment of \$286,000 in March of 2022 for a total claim payment of \$1,445,000 after the \$250,000 deductible.
- Provided superior claims management services for Workers' Compensation (WC) and short-term disability claims for GCRTA. GCRTA's status as a self-insured employer for WC in the state of Ohio vs paying into the State Fund creates a savings of approximately \$2 million annually.
- Coordinated with Legal Department, outside counsel, insurance broker and Employment Practices Liability insurance carrier to settle a major and longstanding claim; the first ever to exceed the self-insured retention on this policy.
- Began work early with internal and external stakeholders to prepare for another difficult Cyber Liability insurance renewal. Received very favorable renewal terms from the incumbent carrier indicating a flat premium vs. the projected 40% increase.
- Provided Risk Management expertise to Legal, Procurement, and Engineering Departments for many significant construction and development projects and procurements, e.g., Consolidated Train Dispatch System (CTDS) Upgrade, Railcar Movers, Warrensville Road Bridge Project, and Phase Two Waterfront Bridge repair.
- Negotiated the best terms and conditions available in the marketplace and most cost-effective renewal for property/casualty insurance programs for GCRTA in a challenging insurance market, achieving 3% and 4% increases vs. 10% and 25% projections.
- Continued to support the Railcar Replacement Project Team; delivered analysis of contract language and necessary insurance and bonding requirements.
- Successful execution of quarterly reconciliation meetings among Risk Management, SSO Agency, Ohio Department of Transportation (ODOT) and Safety to review rail reportable accidents and incidents per FTA guidelines.

## 2023 PRIORITIES

- Provide Risk Management expertise to Legal, Procurement, and Engineering Departments for various authority-wide projects, leases, license agreements, and other procurements.
- Continue to provide strong management of workers' compensation claims and litigation, containing the costs to GCRTA, involving the districts as active stakeholders and handling claims for all employees fairly and promptly.

- Complete significant upgrade to the latest version of GCRTA’s Risk Management Information System (RMIS).
- Coordinate with stakeholders to develop, pilot, and implement electronic event reporting for both workers’ compensation and third-party liability claims.
- Negotiate the best terms and conditions available in the marketplace and the most cost-effective renewal for property/casualty insurance programs for GCRTA.
- Fill current vacancy for shared position between Worker’s Compensation section and Claims.
- Risk Management Department presenting a segment on insurance during numerous Project Manager Training sessions throughout 2023.
- Continue to participate in and contribute to strategic planning and performance measurement efforts conducted via TransPro and GCRTA Management.

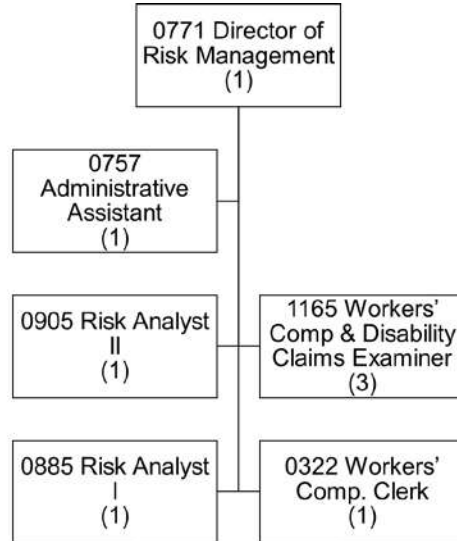
### RISK MANAGEMENT DEPARTMENT BUDGET

Object Class	Description	2021 Actual	2022 - 3Q Estimate	2023 Budget
501300	Labor - Salaried Employees	\$519,909	\$601,354	\$629,453
501310	Overtime - Salaried Employees	132	181	300
502000	Fringe Benefits	220,786	231,675	214,123
502071	W/C – Injuries & Damages	774,280	632,400	900,000
502082	W/C – Medical Payments	284,974	282,996	450,000
503000	Services	419,537	494,031	440,000
503030	W/C Administration Fee	259,183	264,712	305,000
503049	Temporary Help	-	8,520	5,000
504000	Material & Supplies	3,051	3,351	4,000
506000	Casualty & Liability Costs	544,768	601,032	729,730
506010	Physical Damage Insurance	1,182,542	1,264,061	1,481,000
506200	W/C – Settlement & Lawsuit Expense	45,941	39,500	100,000
509000	Miscellaneous Expenses	2,137	3,817	5,300
<b>Total</b>		<b>\$4,257,240</b>	<b>\$4,427,630</b>	<b>\$5,263,906</b>

### RISK MANAGEMENT DEPARTMENT STAFFING

Grade	Job Name	2021	2022	2023
03	0322 Workers’ Comp Clerk	1.0	1.0	1.0
23	0757 Administrative Assistant	1.0	1.0	1.0
25	0885 Risk Analyst I	1.0	1.0	1.0
26	0905 Risk Analyst II	1.0	1.0	1.0
	1165 Workers’ Comp/Disability Claims Examiner	3.0	3.0	3.0
30	0771 Director of Risk Management	1.0	1.0	1.0
<b>Total</b>		<b>8.0</b>	<b>8.0</b>	<b>8.0</b>

## RISK MANAGEMENT DEPARTMENT ORGANIZATION CHART



Total FTE's = 8