

## Division - Legal Affairs

**Division Summary**

**DB - 101**

Safety

DB - 106

Legal

DB - 110

Risk Management

DB - 114

# 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 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, 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 workplace harassment policy. The Safety Department provides accident prevention, forklift, defensive driving, bus system safety, industrial safety, and rail system safety training. 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 personal property and equipment insurance.

### 2008 Achievements

- Completed the implementation of the recommendations from the 2006 Triennial Rail State Safety Oversight (ODOT) audit and APTA's 2006 Bus System Safety Audit.
  - Completed Safety & Security Certification of the ECTP.
  - Concluded labor relations training in coordination with Human Resources for RTA management employees.
  - Received FTA approval of the Triennial Update of the Affirmative Action Program.
  - Provided effective and cost efficient legal representation in all GCRTA transactional matters, including performing portions of outside real estate counsel work scope saving 25% of the outside counsel budgeted costs for ECTP.
  - Enhanced and improved legal, OEO/ADA, safety, and risk management forums.
  - Managed the Authority's ADA Program to ensure compliance with federal, state, and local laws.
  - Continued proactive approach to reducing collisions and incidents through root cause analysis.
  - Concluded RTA training with RTA operators on service animal requirements.
  - Conducted five training sessions regarding Workers' Compensation for all district personnel at the management level and higher to highlight their role in injury investigation and claim management.
- Provided Legal, Risk Management, and Safety support for ECTP, including contract negotiations, insurance requirements and compliance, and safety certification for capital projects.

# DIVISION SUMMARY

## Legal Affairs

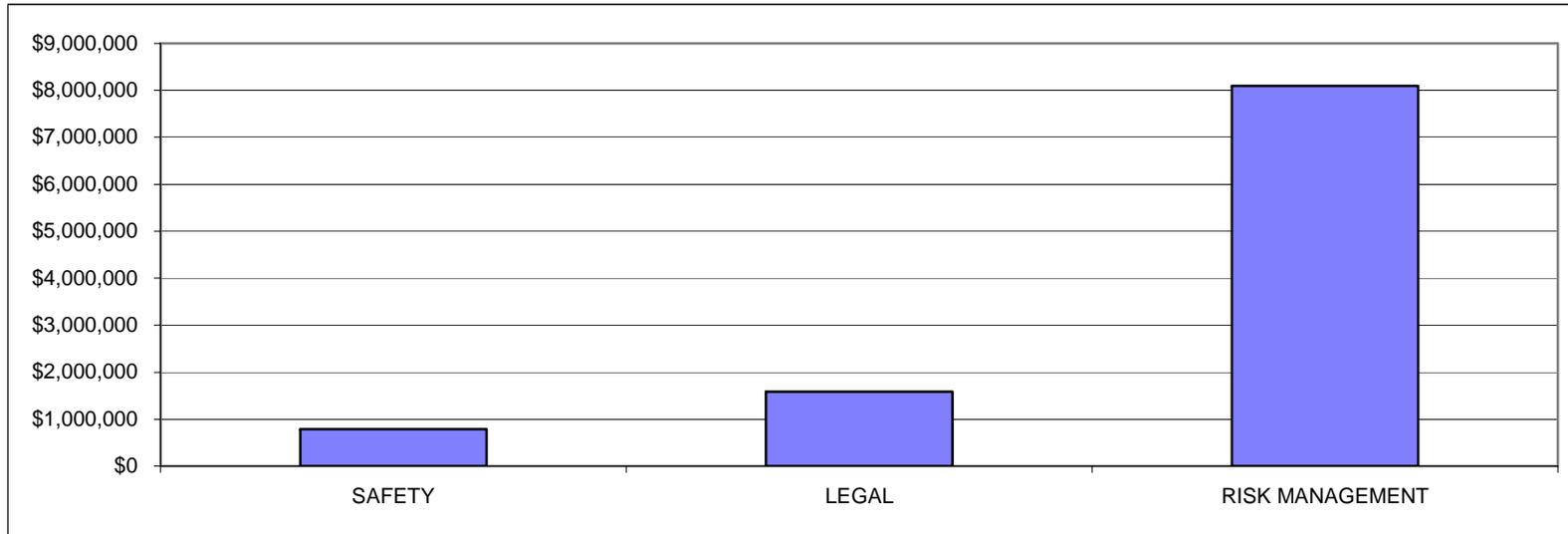
Sheryl King Benford, Deputy General Manager

### 2009 Priorities

- Support Close Out Activities for the ECTP.
- Support GCRTA objectives in revenue enhancing initiatives.
- Provide effective and cost efficient legal representation in all GCRTA litigation, transactional and administrative matters.
- Continue legal information program to inform GCRTA Departments of public sector legal issues that affect their operations.
- Participate in Diversity Training in cooperation with the Human Resources Department.
- Manage the Authority's ADA Program to ensure compliance with federal, state and local laws regarding employment practices, facilities and services.
- Oversee an equitable ADA Paratransit Appeals Process.
- Continue implementation of Worker' Compensation Plan.
- Investigate allegations of discrimination or non-compliance with the Equal Opportunity policies and procedures, or state and federal laws, in a timely and thorough manner and provide employees the appropriate training on these issues.
- Assist in the development and monitoring of the Authority's Affirmative Action Plan.
- Negotiate the most favorable renewal of GCRTA insurance programs.
- Continue a proactive approach to reducing collisions and injuries through root cause analysis, completion of corrective actions and engineering controls.
- Improve environmental and employee safety compliance.
- Prepare and implement at least five programs required under the revised State Safety Oversight regulations.

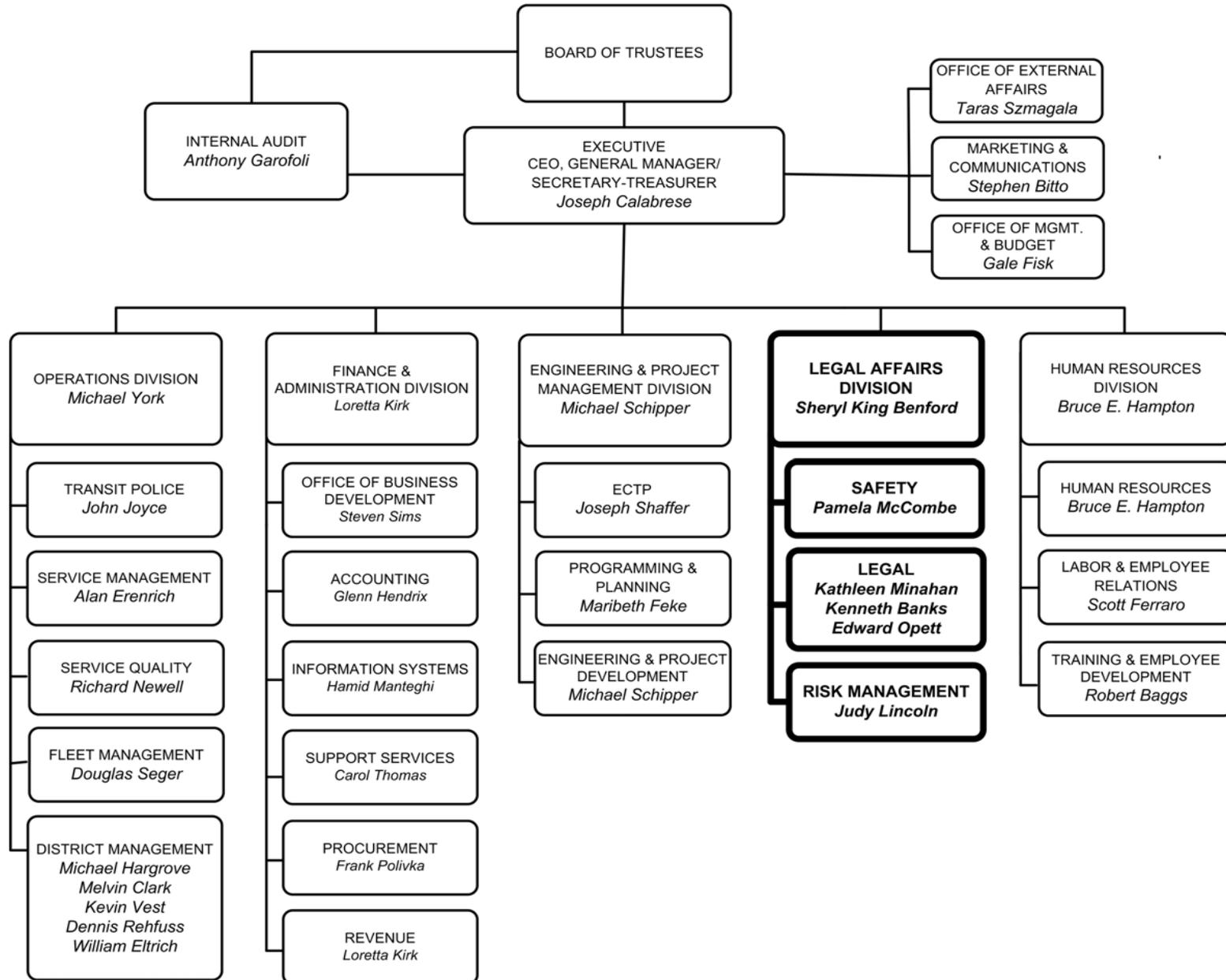
# 2009 OPERATING BUDGET SUMMARY

## Division 4 – Legal Affairs



DEPT #	DESCRIPTION	2006 Actual	2007 Actual	2008 Estimate	2009 Budget	2010 Estimate	2011 Estimate
15	SAFETY	628,275	710,250	724,646	788,464	817,847	852,285
21	LEGAL	1,461,465	1,588,866	1,549,158	1,586,466	1,638,595	1,703,069
22	RISK MANAGEMENT	7,249,556	7,229,820	7,786,863	8,092,580	8,470,111	8,876,210
<b>DIVISION TOTALS</b>		<b>9,339,296</b>	<b>9,528,937</b>	<b>10,060,666</b>	<b>10,467,510</b>	<b>10,926,553</b>	<b>11,431,564</b>

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
TABLE OF ORGANIZATION  
AS OF 2009 BUDGET ADOPTION



# DEPARTMENTAL STAFFING ANALYSIS

## Authorized Staffing Level by Division

	2007	2008	2009	Variance 2009-2008
<b>LEGAL AFFAIRS</b>				
SAFETY	6	6	6	0
LEGAL	15	15	15	0
RISK MANAGEMENT	19	19	17	(2)
<b>TOTALS</b>	<b>40</b>	<b>40</b>	<b>38</b>	<b>(2)</b>

# 2009 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	2006 Actual	2007 Actual	2008 Estimate	2009 Budget	2010 Estimate	2011 Estimate
501300 LABOR - SALARIED EMPLOYEES	284,682	330,265	338,596	367,099	378,112	389,455
501310 OVERTIME - SALARIED EMPLOYEES	2,100	5,501	4,689	2,000	2,060	2,122
502000 FRINGE BENEFITS	89,699	105,582	109,593	132,905	136,892	144,886
503000 SERVICES	206,526	219,753	229,092	242,900	255,045	267,797
504000 MATERIAL & SUPPLIES	18,746	13,224	10,535	15,000	15,750	16,538
509000 MISCELLANEOUS EXPENSES	26,521	35,925	32,142	28,560	29,988	31,487
<b>DEPT TOTAL</b>	<b>628,275</b>	<b>710,250</b>	<b>724,646</b>	<b>788,464</b>	<b>817,847</b>	<b>852,285</b>

# Department Budgets

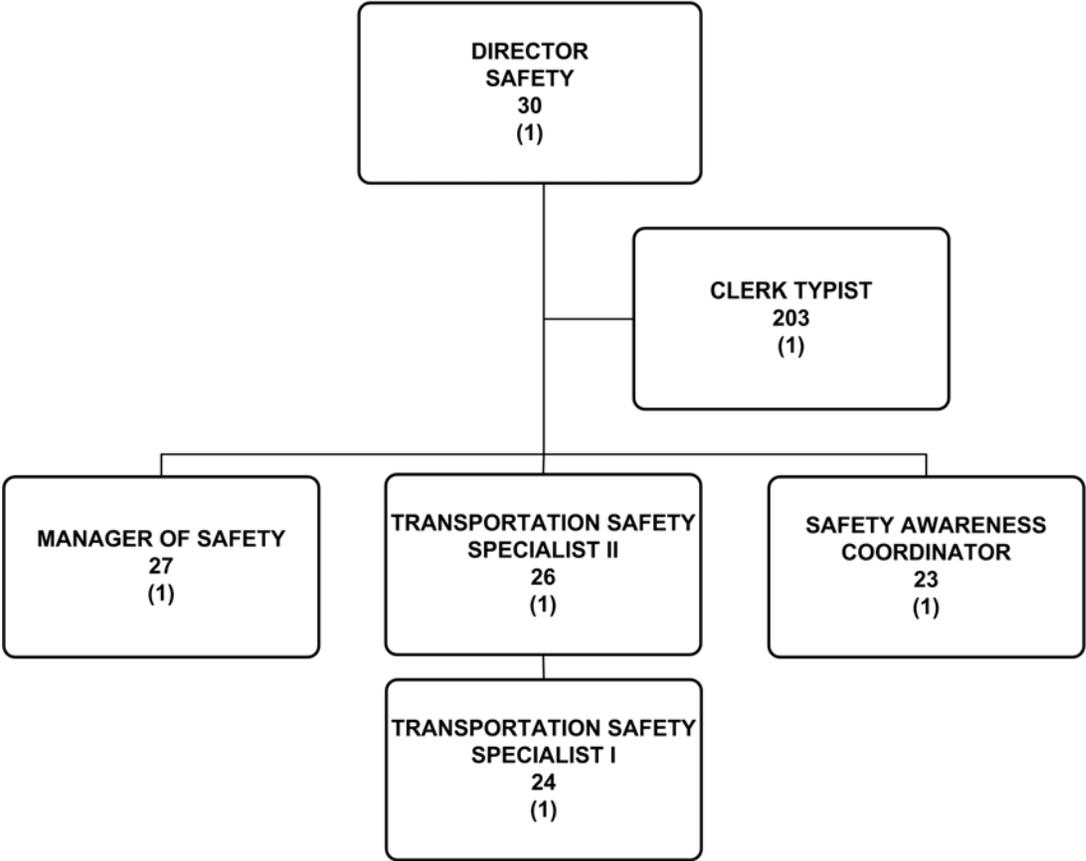
## 2009 Budget Implementation

### Department 15 – Safety

- Continue a proactive approach to reducing collisions and injuries through root cause analysis, statistical trending, and assisting with implementation of corrective actions.
- Improve employee safety compliance. Develop Job Hazard Analysis for Injury Reduction and Hazard Identification.
- Manage safety and security certification for capital projects.
- Prepare and implement new programs required under the revised Rail State Safety Oversight Regulations, such as audits, inspections and hazard management.
- Coordinate and facilitate the 2009 Rail State Safety Oversight (ODOT) audit and APTA's Bus System Safety Audit.
- Provide guidance for environmental compliance and respond to BUSTR (Bureau for Underground Storage Tank Regulations) and the EPA regulations on storage tanks.

	<b>2006 Actual</b>	<b>2007 Actual</b>	<b>2008 Estimate</b>	<b>2009 Budget</b>
Total Collisions	2.78	3.42	3.31	3.28
Total Preventable Collisions	0.79	0.83	1.08	1.20
Internal Rail Audits	7	5	9	7
Bus/Rail Car Safety Inspections	0	33	45	75
Facility Inspections	39	65	70	70
Radar Audits	9	20	20	22
Ride Checks	35	30	50	36
Fire Drills	6	12	38	38
BMV Checks				
-Authoritywide	2 runs	2 runs	2 runs	2 runs
-CDLs	12 runs	12 runs	12 runs	12 runs
Environmental Waste Disposal (lbs)	50,000	111,645	100,000	110,000
Material Safety Data				
Sheet Evaluation	106	14	25	25
Bus Incident Investigations	22	26	34	30
Rail Incident Investigations	29	35	41	40
Total Investigations	51	61	75	70

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
TABLE OF ORGANIZATION  
LEGAL AFFAIRS DIVISION  
SAFETY DEPARTMENT  
#15



# STAFFING LEVEL COMPARISONS

## DEPARTMENT: 15 - SAFETY

<b>JOB CLASS JOB TITLE</b>	<b>APPROVED 2007</b>	<b>APPROVED 2008</b>	<b>APPROVED 2009</b>	<b>2009-2008 VARIANCE</b>
203 CLERK / TYPIST	1	1	1	0
23 SAFETY AWARENESS COORDINATOR	1	1	1	0
24 TRANSPORTATION SAFETY SPECIALIST I	1	1	1	0
26 TRANSPORTATION SAFETY SPECIALIST II	1	1	1	0
27 MANAGER - SAFETY	1	1	1	0
30 DIRECTOR - SAFETY	1	1	1	0
<b>DEPARTMENT TOTALS</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>0</b>

# 2009 OPERATING BUDGET SUMMARY

## Department 21 – Legal

**SHERYL KING BENFORD, DEPUTY GENERAL MANAGER - LEGAL AFFAIRS**

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

**OBJECT**

<b>CLASS</b>	<b>DESCRIPTION</b>	<b>2006 Actual</b>	<b>2007 Actual</b>	<b>2008 Estimate</b>	<b>2009 Budget</b>	<b>2010 Estimate</b>	<b>2011 Estimate</b>
501200	HOURLY EMPLOYEES PAYROLL	18,669	19,421	13,253	0	0	0
501210	OVERTIME - HOURLY EMPLOYEES	0	11	0	0	0	0
501300	LABOR - SALARIED EMPLOYEES	940,768	981,412	921,092	998,939	1,028,908	1,059,775
501310	OVERTIME - SALARIED EMPLOYEES	1,802	2,788	904	0	0	0
502000	FRINGE BENEFITS	312,790	327,266	302,601	360,817	371,641	393,345
503000	SERVICES	170,593	221,339	255,269	189,210	198,671	208,605
503049	TEMPORARY HELP			29,317	0	0	0
504000	MATERIAL & SUPPLIES	1,095	1,481	2,187	4,700	4,935	5,182
509000	MISCELLANEOUS EXPENSES	12,547	15,701	9,535	12,400	13,020	13,671
512000	LEASES & RENTALS	3,200	19,448	15,000	20,400	21,420	22,491
<b>DEPT TOTAL</b>		<b>1,461,465</b>	<b>1,588,866</b>	<b>1,549,158</b>	<b>1,586,466</b>	<b>1,638,595</b>	<b>1,703,069</b>

# Department Budgets

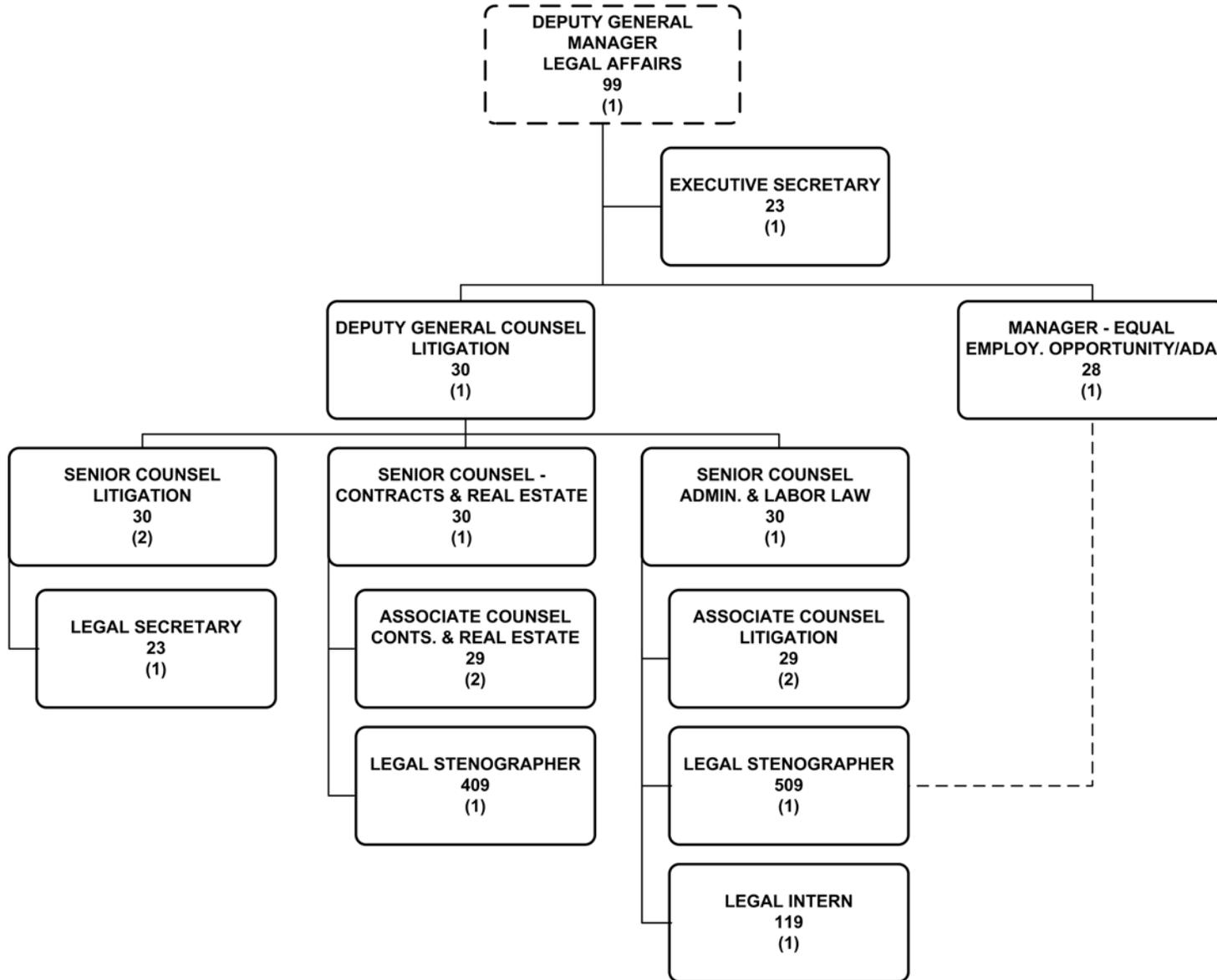
## 2009 Budget Implementation

### Department 21 - Legal

- Provide legal service to the Authority including representing the Authority in tort claims, contract claims, workers' compensation 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 Disabilities Act, and Labor Relations panels and committees.
- Conduct investigations on all EEO and ADA allegations.
- Provide legal support for all phases of the Euclid Corridor Transportation Project, 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.

	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
	<b>Actual</b>	<b>Actual</b>	<b>Estimate</b>	<b>Budget</b>
Depositions Scheduled	82	95	100	100
Court Hearings	210	210	160	200
Court Arbitration Cases	9	10	8	10
Scheduled Trials	25	25	28	25
Bureau Of Workers' Compensation Hearings	600	625	642	650
Labor Arbitration Cases	20	22	23	25
Bureau of Employment Service Hearings	5	9	16	20
Public Records Requests	75	75	120	125
Contract Reviews	342	368	340	350
Contracts Negotiated and Drafted	74	75	75	75
Legal Opinions	40	11	56	56
Subpoenas Processed	625	750	1,452	1,500
Resolutions Reviewed	226	220	186	100
New Lawsuits Filed	93	100	87	95
ADA Paratransit Appeals	2	48	90	70
Number of Lawsuits Closed	73	90	85	85
ADA/OEO Complaints Received	56	46	58	52

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
TABLE OF ORGANIZATION  
LEGAL AFFAIRS DIVISION  
LEGAL DEPARTMENT  
#21**



# STAFFING LEVEL COMPARISONS

DEPARTMENT: 21 - LEGAL

JOB CLASS	JOB TITLE	APPROVED 2007	APPROVED 2008	APPROVED 2009	2009-2008 VARIANCE
119	LEGAL INTERN	1	1	1	0
409	LEGAL STENOGRAPHER	1	1	1	0
509	LEGAL STENOGRAPHER	1	1	1	0
23	LEGAL SECRETARY	1	1	1	0
23	EXECUTIVE SECRETARY	1	1	1	0
28	MANAGER - EQUAL EMPLOYMENT OPPORTUNITY & ADA	1	1	1	0
29	ASSOCIATE COUNSEL - CONTRACTS & REAL ESTATE	2	2	2	0
29	ASSOCIATE COUNSEL - LITIGATION	4	4	4	0
30	SENIOR COUNSEL - ADMINISTRATION & LABOR LAW	1	1	1	0
30	SENIOR COUNSEL - CONTRACTS & REAL ESTATE	1	1	1	0
30	SENIOR COUNSEL - LITIGATION	1	0	0	0
30	DEPUTY GENERAL COUNSEL/LITIGATION	0	1	1	0
<b>DEPARTMENT TOTALS</b>		<b>15</b>	<b>15</b>	<b>15</b>	<b>0</b>

# 2009 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 as well as the Liability Claims and Workers Compensation section of the Department.

OBJECT		2006 Actual	2007 Actual	2008 Estimate	2009 Budget	2010 Estimate	2011 Estimate
CLASS	DESCRIPTION						
501300	LABOR - SALARIED EMPLOYEES	953,410	939,105	954,714	992,827	1,022,612	1,053,290
501310	OVERTIME - SALARIED EMPLOYEES	825	550	2,850	3,000	3,090	3,183
502000	FRINGE BENEFITS	309,413	300,686	322,665	359,073	369,845	391,444
502071	W. C. - INJURIES & DAMAGES	1,669,541	1,518,118	1,769,175	1,792,000	1,881,600	1,975,680
502082	W. C. - MEDICAL PAYMENTS	1,119,990	971,871	1,205,087	1,290,000	1,354,500	1,422,225
503000	SERVICES	216,550	196,515	270,732	231,185	242,744	254,881
503030	WORKERS COMP ADMINISTRATION FEE	635,543	654,172	436,950	505,225	530,486	557,010
504000	MATERIAL & SUPPLIES	6,230	12,062	5,124	7,140	7,497	7,872
506000	CASUALTY & LIABILITY COSTS	349,059	277,197	350,044	315,100	330,855	347,398
506010	PHYSICAL DAMAGE INSURANCE	645,557	638,743	559,318	775,000	813,750	854,438
506040	LIABILITY & PROPERTY DAMAGE CLAIMS	1,270,384	1,607,421	1,525,100	1,625,100	1,706,355	1,791,673
506200	W. C. - SETTLEMENT & LAWSUIT EXPENSE	62,000	96,400	371,916	175,000	183,750	192,938
509000	MISCELLANEOUS EXPENSES	11,054	16,980	13,188	21,930	23,027	24,178
<b>DEPT TOTAL</b>		<b>7,249,556</b>	<b>7,229,820</b>	<b>7,786,863</b>	<b>8,092,580</b>	<b>8,470,111</b>	<b>8,876,210</b>

# Department Budgets

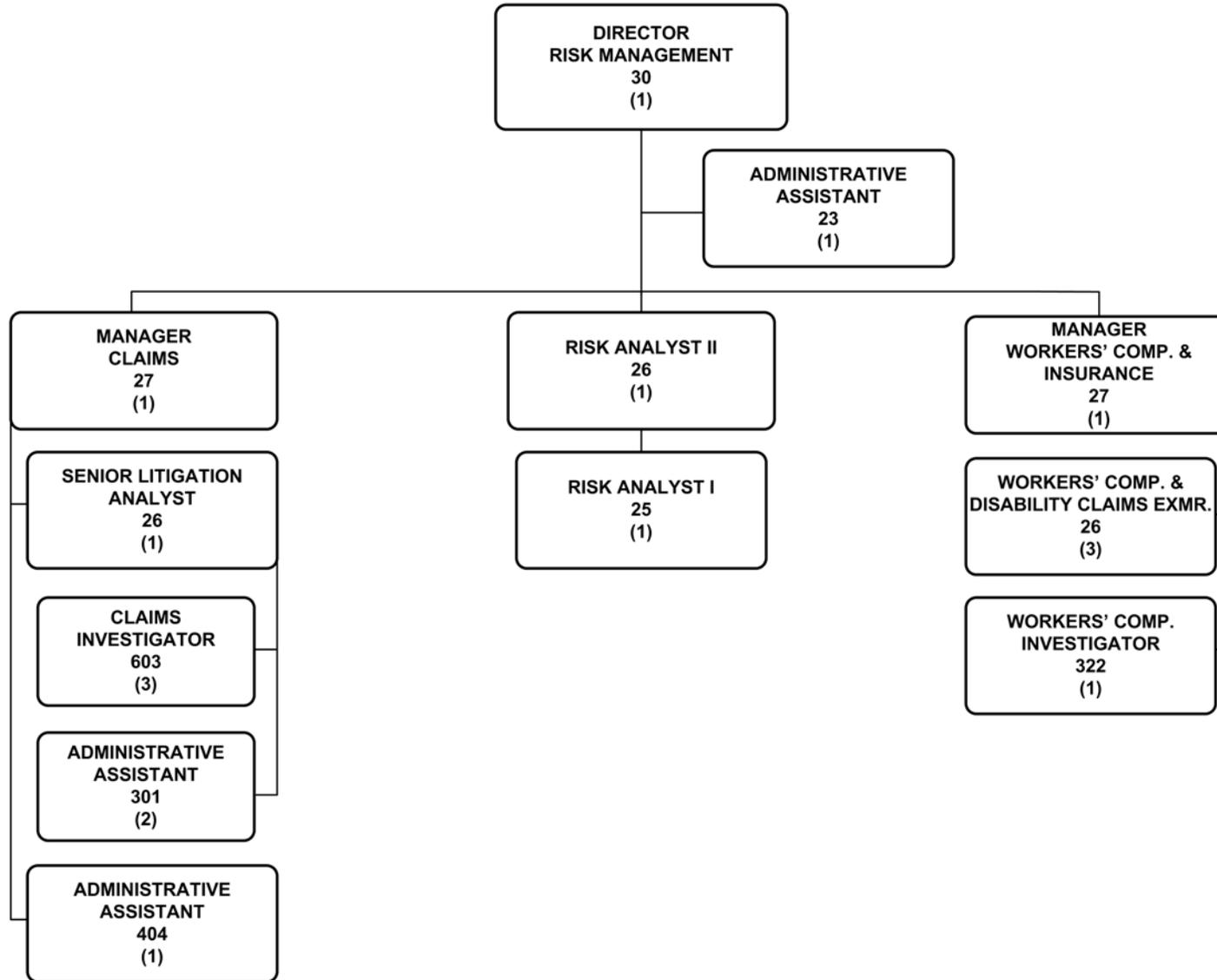
## 2009 Budget Implementation

### Department 22 – Risk Management

- Continue implementation of Workers' Compensation Action Plan with a focus on strengthening and expanding the Return to Work Program by formation of a formal Return to Work Committee, contracting with a Nurse Case Manager as Return to Work Coordinator, and increasing the number of Transitional Work positions available in Districts and require their participation.
- Upgrade of Risk Management Information System (RMIS) from client-server to web-based program increasing ease and flexibility of data entry and reporting. Furthermore, allowing centralized installation and management of this and all future upgrades.
- Finalize effort to provide RMIS access to districts thereby eliminating redundant data entry and eliminating need for obsolete InMagic software.
- Work with TransitStat to add employee injuries as a new performance measure for 2009. Various measures will be utilized to educate the districts and hold them accountable for performance.
- Finalize and implement the Claims Section Procedures including the Claims/Litigation Procedures to Claims and Legal Department Staff.
- Negotiate best terms and conditions available in the marketplace and most cost-effective renewal of GCRTA insurance programs including casualty, property and public officials' liability.
- Develop an interface for the Workers' Compensation Office with the Accounting Department to improve the payment and check reconciliation efficiency by allowing Accounting to process all non-indemnity payments automatically and enabling Workers' Compensation to reconcile check number electronically.

	<b>2006 Actual</b>	<b>2007 Actual</b>	<b>2008 Estimate</b>	<b>2009 Budget</b>
<b><u>THIRD PARTY LIABILITY CLAIMS</u></b>				
Total Occurrences in Calendar Year	3,143	3,284	3,008	3,181
Total # Claims in Calendar Year	1,066	1,109	1,290	1,082
Average Cost per Claim (excluding large losses)	\$2,010	\$1,199	\$1,122	\$1,595
	<b>2006 Actual</b>	<b>2007 Actual</b>	<b>2008 Estimate</b>	<b>2009 Budget</b>
<b><u>WORKERS' COMPENSATION</u></b>				
Total # of Claims in Calendar Year	319	321	360	336
Average Cost per Employee (excluding large costs)	\$692	\$794	\$665	\$881
Average Cost per Claim (excluding large losses)	\$5,761	\$6,590	\$4,918	\$7,173

**GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY  
TABLE OF ORGANIZATION  
LEGAL AFFAIRS DIVISION  
RISK MANAGEMENT DEPARTMENT  
#22**



# STAFFING LEVEL COMPARISONS

## DEPARTMENT: 22 - RISK MANAGEMENT

<b>JOB CLASS</b>	<b>JOB TITLE</b>	<b>APPROVED 2007</b>	<b>APPROVED 2008</b>	<b>APPROVED 2009</b>	<b>2009-2008 VARIANCE</b>
301	ADMINISTRATIVE ASSISTANT	2	2	2	0
303	CLAIMS CLERK	1	1	0	(1)
322	WORKERS' COMPENSATION INVESTIGATOR	1	1	1	0
404	ADMINISTRATIVE ASSISTANT	1	1	1	0
603	CLAIMS INVESTIGATOR	3	3	3	0
23	ADMINISTRATIVE ASSISTANT	1	1	1	0
25	RISK ANALYST I	1	1	1	0
26	RISK ANALYST II	1	1	1	0
26	ASSISTANT CLAIMS MANAGER ADVISOR	1	1	0	(1)
26	SENIOR LITIGATION ANALYST	0	1	1	0
26	SENIOR ADJUSTER	1	0	0	0
26	WORKERS' COMP & DISABILITY CLAIMS EXAMINER	3	3	3	0
27	MANAGER - CLAIMS	1	1	1	0
27	MANAGER - WORKERS' COMPENSATION & INSURANCE	1	1	1	0
30	DIRECTOR - RISK MANAGEMENT	1	1	1	0
<b>DEPARTMENT TOTALS</b>		<b>19</b>	<b>19</b>	<b>17</b>	<b>(2)</b>