

Division - Legal Affairs

Division Summary

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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 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, 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 facilitates 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.

2009 Achievements

- Supported Close Out Activities for the ECTP.

- Supported GCRTA objectives in revenue enhancing initiatives.
- Provided effective and cost efficient legal representation in all GCRTA litigation, transactional and administrative matters.
- Continued legal information program to inform GCRTA Departments of public sector legal issues that affect their operations including Ethics Training with the Ohio Ethics Commission.
- Conducted labor relations, ethics, and diversity training programs. Trained staff on revisions to federal procurement regulations.
- Managed the Authority's ADA/EEO Programs to ensure compliance with federal, state, and local laws regarding employment practices, facilities, and services.
- Oversaw an equitable ADA Paratransit Appeals Process.
- Developed and implemented FAST Initiative: Workers' Compensation/On the Job Injuries.
- Investigated 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 provided employees the appropriate training on these issues.

DIVISION SUMMARY

Legal Affairs

Sheryl King Benford, Deputy General Manager

2009 Achievements (continued)

- Assisted in the development and monitoring of the Authority's Affirmative Action Plan.
- Prepared and submitted Triennial Update of the GCRTA's Affirmative Action Program.
- Negotiated the most favorable renewal of GCRTA insurance programs.
- Continued a proactive approach to reducing collisions and incidents through root cause analysis and the formation of various task forces.
- Improved environmental and employee safety compliance.
- Prepared and implemented at least five programs required under the revised State Safety Oversight regulations.

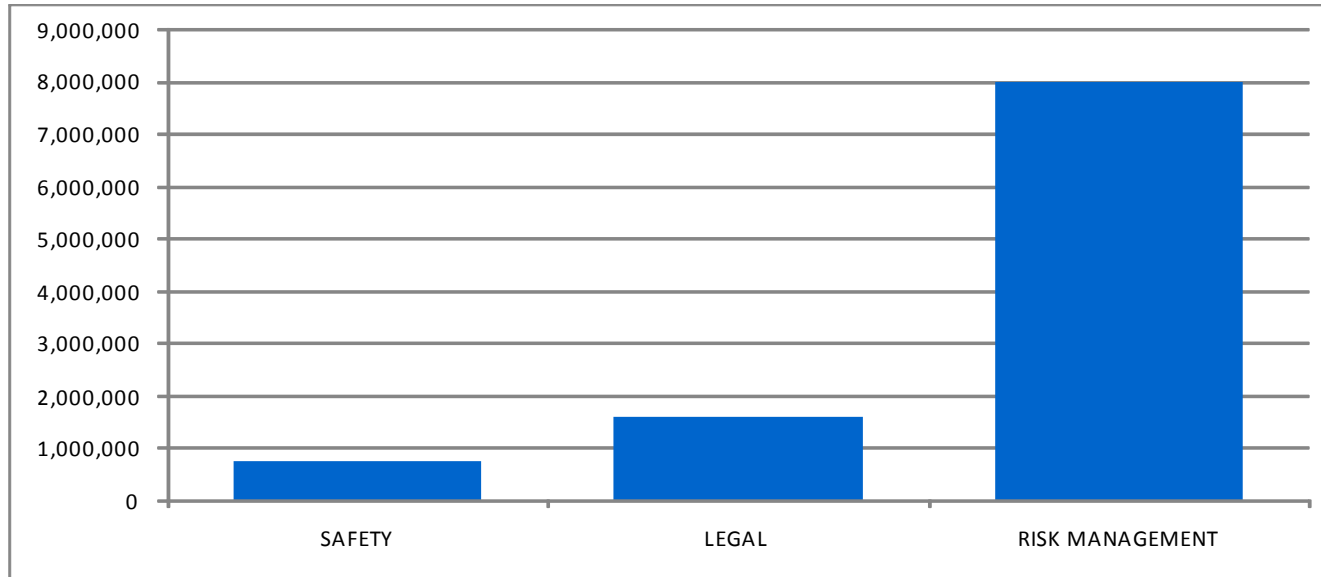
2010 Priorities

- 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 their operations.
- Participate in Diversity Training in cooperation with the Human Resources Department.
- Successfully finalize labor agreements with the Amalgamated Transit Union (ATU) and Fraternal Order of Police (FOP).

- Continue closeout activities for remaining Euclid Corridor Transportation Project issues.
- Support activities for the construction of the Stephanie Tubbs Jones Eastside Transit Center.
- Conduct programs required under the revised State Safety Oversight regulations.
- Improve environmental and employee safety compliance.
- Continue a proactive approach to reducing collisions and injuries through root cause analysis, completion of corrective actions and engineering controls.
- 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.
- 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 new Section 111 Mandatory Medicare Reporting.
- Continue to negotiate the best terms and conditions available in the marketplace and most cost-effective renewal of GCRTA insurance programs.

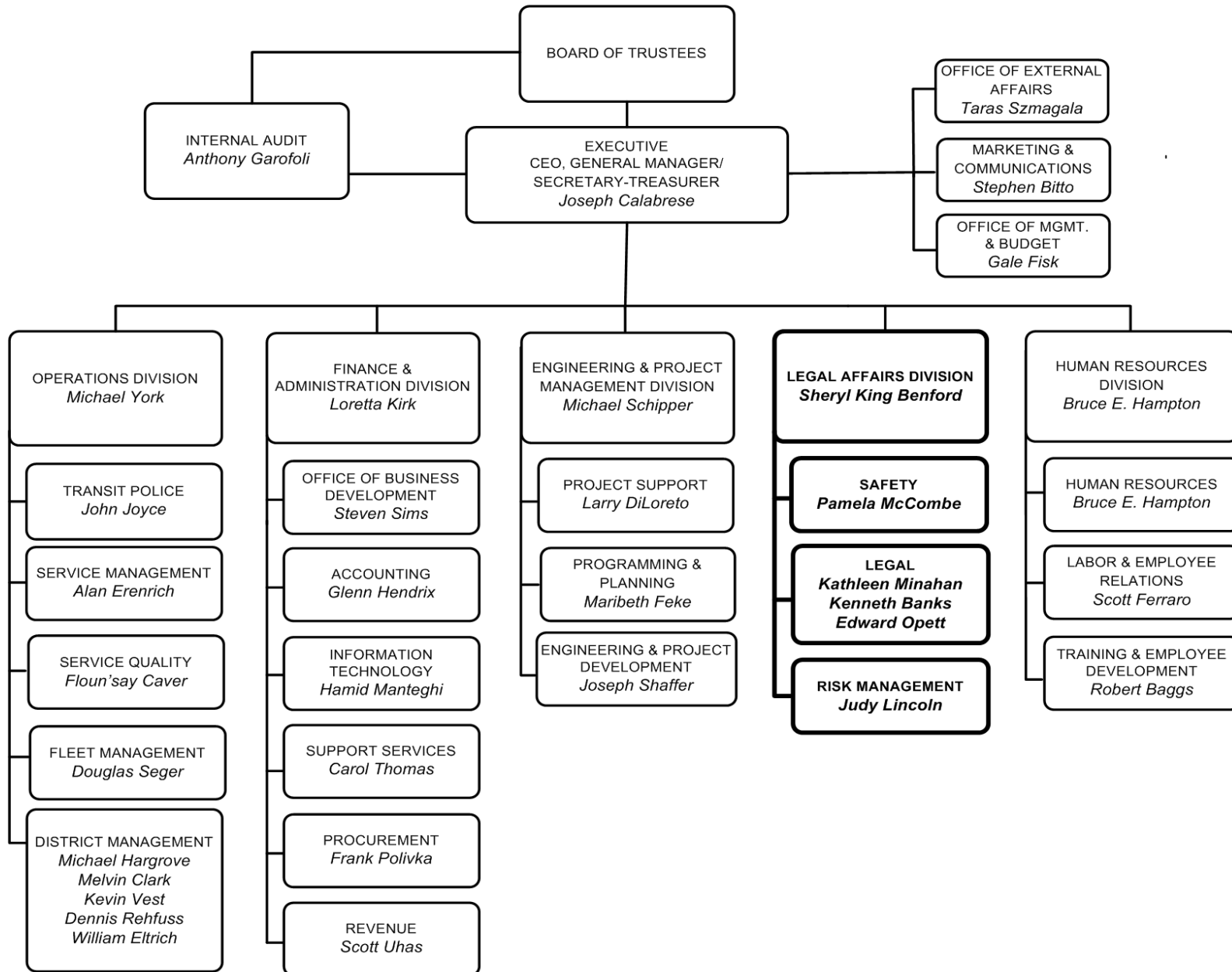
2010 OPERATING BUDGET SUMMARY

Division 4 – Legal Affairs



Dept. #	Description	2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Estimate	2012 Estimate
15	SAFETY	710,250	728,281	794,060	791,382	796,706	802,087
21	LEGAL	1,588,866	1,483,289	1,336,797	1,626,863	1,643,479	1,660,270
22	RISK MANAGEMENT	7,229,820	7,456,844	7,508,628	8,005,438	8,118,089	8,232,684
DIVISION TOTALS		\$ 9,528,937	\$ 9,668,415	\$ 9,639,484	\$ 10,423,684	\$ 10,558,274	\$ 10,695,040

GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY
 TABLE OF ORGANIZATION
 AS OF 2010 BUDGET ADOPTION



DEPARTMENTAL STAFFING ANALYSIS

Authorized Staffing Level by Division

	2008	2009	2010	Variance 2010 - 2009
LEGAL AFFAIRS				
SAFETY	6	6	6	0
LEGAL	15	15	15	0
RISK MANAGEMENT	19	18	17	(1)
TOTALS	40	39	38	(1)

2010 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	2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Estimate	2012 Estimate
501300	LABOR - SALARIED EMPLOYEES	330,265	345,031	348,122	361,315	364,928	368,578
501310	OVERTIME - SALARIED EMPLOYEES	5,501	4,695	2,722	2,500	2,500	2,500
502000	FRINGE BENEFITS	105,582	112,165	125,146	142,567	144,278	146,009
503000	SERVICES	219,753	226,133	242,992	242,000	242,000	242,000
504000	MATERIAL & SUPPLIES	13,224	7,372	15,333	14,500	14,500	14,500
509000	MISCELLANEOUS EXPENSES	35,925	32,885	59,745	28,500	28,500	28,500
DEPT TOTAL		710,250	728,281	794,060	791,382	796,706	802,087

Department Budgets

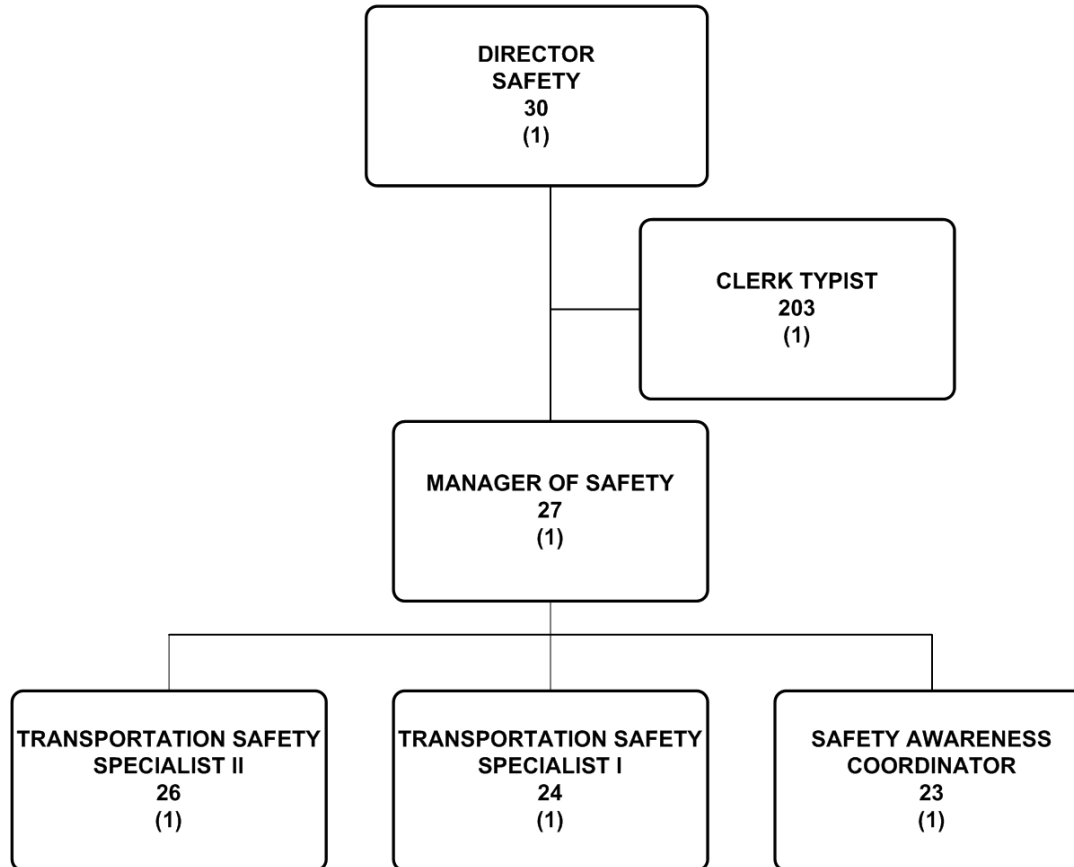
2010 Budget Implementation

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. Continue the Job Hazard Analysis process for Injury Reduction and Hazard Identification.
- Assist with safety and security certification for capital projects.
- Conduct 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 recommendation implementation.
- Provide guidance for environmental compliance and respond to BUSTR (Bureau for Underground Storage Tank Regulations) and the EPA regulations on storage tanks.

	2007 Actual	2008 Actual	2009 Actual	2010 Budget
Total Collisions	3.42	3.20	3.00	2.85
Total Preventable Collisions	0.83	1.0	.95	1.0
Internal Rail Audits	5	9	8	6
Bus/Rail Car Safety Inspections	33	30	25	85
Facility Inspections	65	65	70	70
Radar Audits	20	21	35	30
Ride Checks	30	55	100	36
Fire Drills	12	40	40	42
BMV Checks				
-Authoritywide	2 runs	2 runs	2 runs	2 runs
-CDLs	12 runs	12 runs	12 runs	12 runs
Environmental Waste Disposal (lbs)	111,645	114,224	110,000	100,000
Material Safety Data				
Sheet Evaluation	14	32	48	40
Bus Incident Investigations	26	33	30	30
Rail Incident Investigations	35	41	30	33
Total Investigations	61	74	60	63

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



STAFFING LEVEL COMPARISONS

DEPARTMENT: 15 - SAFETY

JOB CLASS	JOB TITLE	APPROVED 2008	APPROVED 2009	APPROVED 2010	2010-2009 VARIANCE
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
DEPARTMENT TOTALS		6	6	6	0

2010 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		2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Estimate	2012 Estimate
CLASS	DESCRIPTION						
501200	HOURLY EMPLOYEES PAYROLL	19,421	13,253	0	0	0	0
501300	LABOR - SALARIED EMPLOYEES	981,412	902,521	898,808	997,483	1,007,458	1,017,533
501310	OVERTIME - SALARIED EMPLOYEES	2,788	897	287	0	0	0
502000	FRINGE BENEFITS	327,266	296,507	321,854	390,880	395,571	400,317
503000	SERVICES	221,339	220,617	89,192	195,000	196,950	198,920
503049	TEMPORARY HELP	0	29,700	7,607	0	0	0
504000	MATERIAL & SUPPLIES	1,481	2,954	436	5,000	5,000	5,000
509000	MISCELLANEOUS EXPENSES	15,701	6,840	5,612	23,500	23,500	23,500
512000	LEASES & RENTALS	19,448	10,000	13,000	15,000	15,000	15,000
DEPT TOTAL		1,588,866	1,483,289	1,336,797	1,626,863	1,643,479	1,660,270

Department Budgets

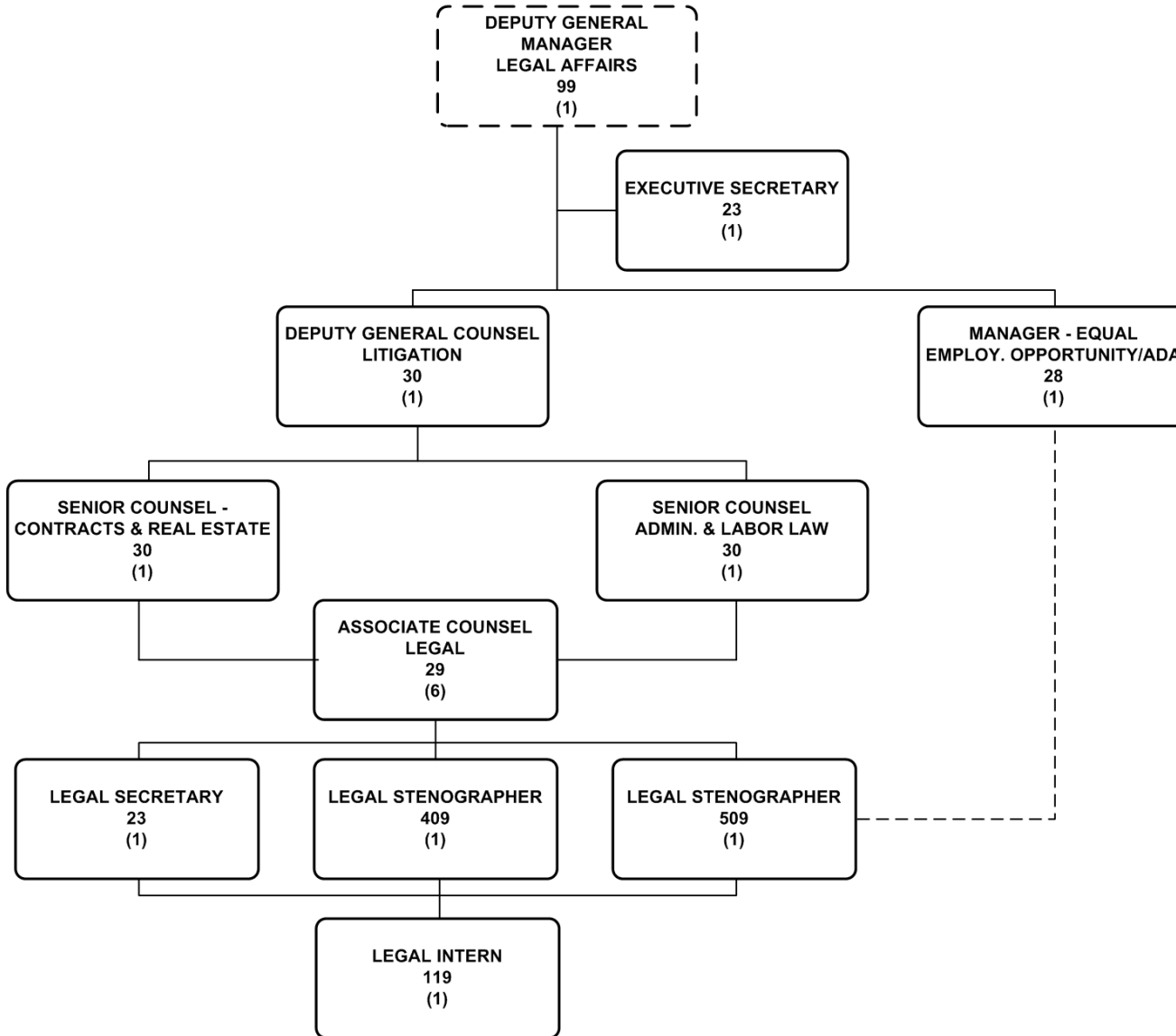
2010 Budget Implementation

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 Disability Act, and Labor Relations panels and committees.
- Conduct investigations on all EEO and ADA allegations.
- Provide legal support for closeout of the Euclid Corridor Transportation Project.
- 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.

	2007 Actual	2008 Actual	2009 Actual	2010 Budget
Depositions Scheduled	95	100	125	100
Court Hearings	210	160	224	200
Court Arbitration Cases	10	8	2	5
Scheduled Trials	25	28	20	10
Bureau Of Workers' Compensation Hearings	625	647	600	625
Labor Arbitration Cases	22	23	27	25
Bureau of Employment Service Hearings	9	8	9	10
Public Records Requests	75	120	140	150
Contract Reviews	368	223	269	350
Contracts Negotiated and Drafted	75	107	96	70
Legal Opinions	11	60	70	70
Subpoenas Processed	750	1505	676	750
Resolutions Reviewed	220	186	107	100
New Lawsuits Filed	100	98	110	95
ADA Paratransit Appeals	48	87	105	90
Number of Lawsuits Closed	90	115	120	90
ADA/OEO Complaints Received	46	56	45	50
Appellate Cases			5	2

**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 2008	APPROVED 2009	APPROVED 2010	2010-2009 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	0	(2)
29	ASSOCIATE COUNSEL - LEGAL	4	4	6	2
30	SENIOR COUNSEL - ADMINISTRATION & LABOR LAW	1	1	1	0
30	SENIOR COUNSEL - CONTRACTS & REAL ESTATE	1	1	1	0
30	SENIOR COUNSEL - LITIGATION	0	0	0	0
30	DEPUTY GENERAL COUNSEL/LITIGATION	1	1	1	0
DEPARTMENT TOTALS		15	15	15	0

2010 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		2007 Actual	2008 Actual	2009 Actual	2010 Budget	2011 Estimate	2012 Estimate
CLASS	DESCRIPTION						
501300	LABOR - SALARIED EMPLOYEES	939,105	946,606	913,871	953,362	962,896	972,525
501310	OVERTIME - SALARIED EMPLOYEES	550	2,375	3,794	3,000	3,000	3,000
502000	FRINGE BENEFITS	300,686	324,336	330,915	374,766	379,263	383,814
502071	W. C. - INJURIES & DAMAGES	1,518,118	1,628,549	1,573,648	1,623,500	1,655,970	1,689,089
502082	W. C. - MEDICAL PAYMENTS	971,871	1,142,937	998,931	1,239,500	1,251,895	1,264,414
503000	SERVICES	196,515	333,205	115,544	298,500	298,500	298,500
503030	WORKERS COMP ADMINISTRATION FEE	654,172	436,950	461,067	532,000	532,000	532,000
503049	TEMPORARY HELP	0	0	28,000	0	0	0
504000	MATERIAL & SUPPLIES	12,062	6,167	3,482	6,910	6,910	6,910
506000	CASUALTY & LIABILITY COSTS	277,197	344,451	252,107	362,500	366,125	369,786
506010	PHYSICAL DAMAGE INSURANCE	638,743	574,098	751,967	790,500	806,310	822,436
506040	LIABILITY & PROPERTY DAMAGE CLAIMS	1,607,421	1,365,116	1,890,755	1,628,500	1,661,070	1,694,291
506200	W. C. - SETTLEMENT & LAWSUIT EXPENSE	96,400	335,200	171,600	175,000	176,750	178,518
509000	MISCELLANEOUS EXPENSES	16,980	16,854	12,949	17,400	17,400	17,400
DEPT TOTAL		7,229,820	7,456,844	7,508,628	8,005,438	8,118,089	8,232,684

Department Budgets

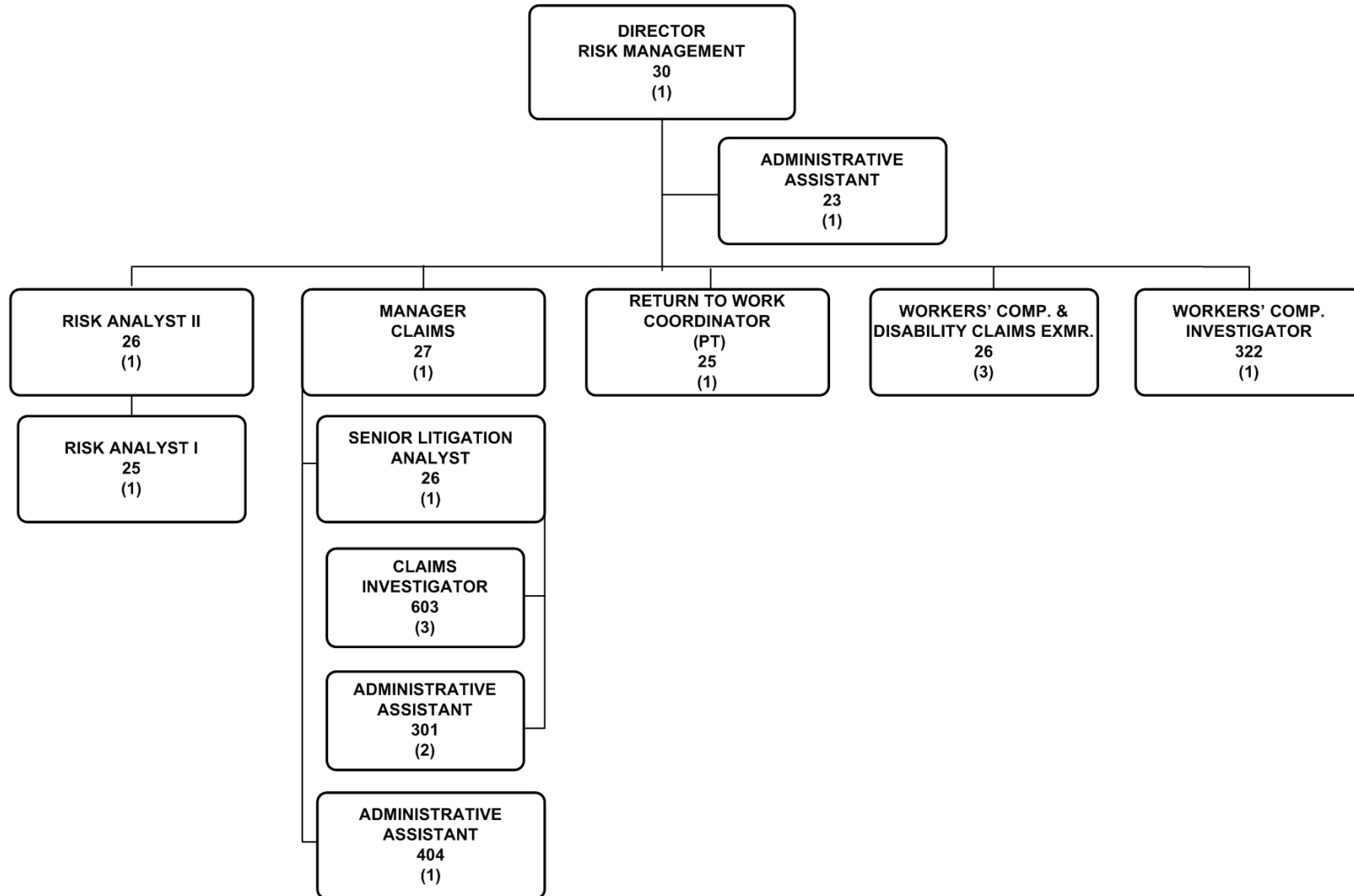
2010 Budget Implementation

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.
- Adhere to all deadlines and requirements of the Section 111 Mandatory Medicare Reporting by monitoring the use of GCRTA's data reporting to ISO and the querying/reporting process done by the Account Designee.
- Finalize effort to provide RMIS access to districts thereby eliminating redundant data entry and eliminating need for obsolete InMagic software.
- Updated Claims/Litigation Procedures Draft and share with new Deputy General Counsel. Legal/Claims Interaction bullets drafted by Deputy General Counsel and incorporate into final document and distributed throughout legal and claims.
- Update Workers Compensation procedures and finalize Return-to-Work Coordinated Manual in accordance with all activities occurring with TransitStat, Worker's Compensation Action Plan, and 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 officials' liability.
- Develop an interface between Accounting and Claims to automate the entry of check numbers into Riskmaster for third party payments.

	2007 Actual	2008 Actual	2009 Actual	2010 Budget
<u>THIRD PARTY LIABILITY CLAIMS</u>				
Total Occurrences in Calendar Year	3,287	3,038	2,749	3,182
Total # Claims in Calendar Year	1,114	1,308	1,210	1,140
Average Cost per Claim (excluding large losses)	\$1,643	\$2,219	\$2,454	\$1,857
	2007 Actual	2008 Actual	2009 Actual	2010 Budget
<u>WORKERS' COMPENSATION</u>				
Total # of Claims in Calendar Year	320	359	256	334
Average Cost per Employee (excluding large costs)	\$972	\$1,123	\$1,039	\$1,005
Average Cost per Claim (excluding large losses)	\$8,094	\$7,718	\$9,750	\$7,817

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



STAFFING LEVEL COMPARISONS

DEPARTMENT: 22 - RISK MANAGEMENT

JOB CLASS	JOB TITLE	APPROVED 2008	APPROVED 2009	APPROVED 2010	2010-2009 VARIANCE
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	0	0	0
26	SENIOR LITIGATION ANALYST	1	1	1	0
26	SENIOR ADJUSTER	0	1	0	(1)
26	WORKERS' COMP & DISABILITY CLAIMS EXAMINER	3	3	2	(1)
27	MANAGER - CLAIMS	1	0	1	1
27	MANAGER - WORKERS' COMPENSATION & INSURANCE	1	1	1	0
30	DIRECTOR - RISK MANAGEMENT	1	1	1	0
	PART-TIME RETURN TO WORK COORDINATOR	0	0	1	1
DEPARTMENT TOTALS		19	18	17	(1)