

JPI

WORKING

for you

Fighting for Workers' Rights
Winter 2015

JPI

JUBELIRER, PASS & INTRIERI, P.C.
Attorneys-at-Law

www.jpilaw.com

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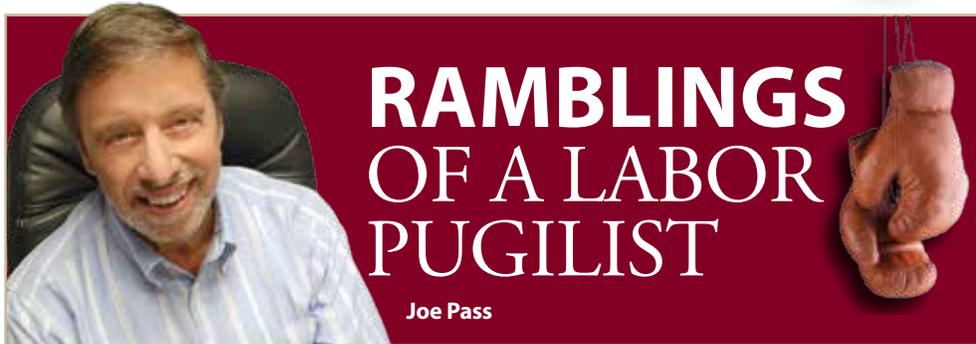
For more than 75 years, the attorneys of Jubelirer, Pass & Intrieri have served as trusted allies for those we represent.

- Labor and Employment Law
- Workers' Compensation
- Personal Injury
- Social Security Disability
- Estate Planning and Administration
- Driver's License and DUI Issues
- Civil Litigation

Jubelirer, Pass & Intrieri has served as legal counsel for more than 80 local and national labor organizations in various industries in both the public and private sectors. The lawyers at JPI have represented working people and their families in a variety of legal proceedings.

JPI has a well-established track record protecting and enforcing workers' rights. Our attorneys are honored to have been named among Pennsylvania Super Lawyers, Pittsburgh's Top-Rated Lawyers, and Best Lawyers in America. JPI has been designated as a Top-Tier Law Firm by *U.S. News & World Report*.

Let us serve you and your family.



RAMBLINGS OF A LABOR PUGILIST

Joe Pass

I am taking this opportunity to tell you a little about those individuals who mean a lot to the success of our law firm. The law firm is, in many ways, much like any other business or organization. You, the clients, primarily talk to and deal with the lawyer who is handling your case. If you visit our office, you often see a group of other folks who just happen to be the heart and soul of our organization. They are our support team, and without them we would not be an effective, efficient and professional organization. As always, when discussing individuals in our "union-oriented organization," seniority is significant.

The young lady who has been with us the longest is **Debbie Castellan**, also known as Debbie C., having started with us in 1969. Although she had a short hiatus from our firm in 1980, she returned "back home" to our office in 1983. Debbie C. is the mother of two girls and the grandmother of four grandchildren (two boys/two girls). Essentially, she has raised her children as a single mother and has been eminently successful in doing so. She managed to provide a college education for her youngest daughter, and her oldest daughter, a union member working at

Peoples Gas, is about to graduate from Point Park University while working full time and raising two of her own children. All of this, of course, with the help of her mother. Debbie C. is always the first one in the office, always willing to pitch in, doing whatever is necessary and whenever it is needed. She has performed just about every job in the office at one time or another and has been an all-around "Girl Friday."

Next in seniority is **Debbie Barndollar**, also known as Debbie B., who came to us in 1973 — 41 years ago. That seems impossible because she does not look 41 years old (she owes me a quarter for that observation). Debbie B. is a devout animal lover, and over the years she has managed to overcome some serious health issues. When she was first hired, she knew nothing about secretarial work having worked as a sales clerk at the old Gimbel's Department Store where, as she tells it, the meager pay she received cost her more to go to work than what she was earning at work. Since the beginning, Debbie B. has become an all-around "Girl Friday." There is not a task that she cannot do and, in fact, with

(continued on page 2)



Debbie Castellan



Debbie Barndollar



Denise Zyskowski



Darlene Drapela

If you visit our office, you often see a group of other folks who just happen to be the heart and soul of our organization.

WORKERS' COMPENSATION: WHAT DOES COURSE AND SCOPE OF EMPLOYMENT MEAN?

In order to qualify for workers' compensation benefits in Pennsylvania, an employee must be injured while in the course and scope of his or her employment. Under Pennsylvania law, even the most loyal employees can be one wrong move away from being denied benefits under a course and scope defense. Whether you are commuting to work or simply attending a

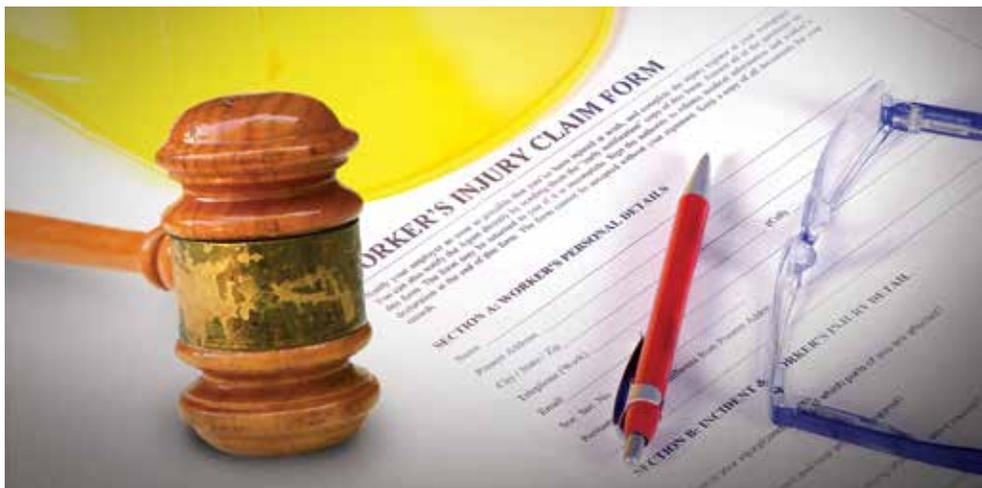
work-related social gathering, all employees should have a basic understanding of when the workday begins and ends as it pertains to the Pennsylvania Workers' Compensation Act.

Injuries may be sustained in the course of employment in two distinct situations. First, where the employee, whether on or off the

employer's premises, is injured while actually furthering the employer's business or affairs. In other words, as long as the employee is furthering the employer's business or affairs at the time of the accident, it will be covered under the Act regardless of whether the employee was on or off the employer's premises. For example, if an employee is injured at a company-sponsored holiday event that is held off the employer's premises, the employee's injuries should be covered under the Act.

Under the second situation, if the employee was not furthering the business or affairs of the employer at the time of the injury, the injury can still be covered under the Act if, (1) the injury occurred on the premises owned or under the control of the employer; (2) the employee was required by his or her employment to be on the employer's premises; and (3) the employee was injured as a result of the condition of the premises or by the operation of the employer's business. The employer's premises encompass more than just the office or building where the worker performs his or her job duties. Typically, once an employee is on the employer's parking

(continued on page 4)



RAMBLINGS OF A LABOR PUGILIST

(continued from page 1)

all of her experience, she now multi-tasks as a secretary and a paralegal. The characteristics that describe her best are: always late for work, always willing to stay as long as needed, and always ready to do whatever is needed in an absolutely perfect way.

The third in seniority is **Denise Zyskowski**.

Denise migrated to our firm in 1975 and what a wonderful addition she has been. I must admit that, in the 1960s, I knew Denise when she was a child of five or six years old. I, along with several friends, built a race car in Moon Run, Pa. Denise used to play on the street and we would scare the hell out of her and the other kids by running the car at them. Denise is married with two grown children, both of whom she and her husband, John, managed to put through college without burdening them with any debt. Their son, Brian, is a graduate of the University of Akron and a fire/

building inspector for the City of Pittsburgh. Their daughter, Kristin, is a graduate of Westminster College and a teacher with the Montour School District. Both of Denise's children are union members. Denise originally started as a typist and moved on to become the bookkeeper, typist and unofficial/official Office Manager. She makes sure that everyone is properly paid and that the clients are properly billed. She is an exceptionally bright young lady who had aspirations of becoming a doctor, but was one of those unfortunate kids whose family lacked the financial resources to provide such an education. She, like the others, is always willing to do whatever is necessary to make our firm the best.

Finally, our most recent hire is **Darlene Drapela**. Darlene has been with us only a short time as a paralegal. Of course, when I say short time



compared to the others, she is a very short-timer. From what we have observed so far, Darlene fits nicely into the mold of all the other staff members. She is energetic and willing and able to assume any task. We hope she will find this a great place to work and, one day, she will be one of those senior employees.

While I have provided just a glimpse of the profiles of each of our staff members, each of them shares traits crucial to the success of our law firm. Each are dedicated, honest, reliable, and, most of all, very loyal. Each has dedicated themselves to be the best they can be and to serve our clients with utmost respect, dedication and professionalism. Without them, our firm would be lost. They are the very best any employer could ever want and we love them dearly. It has been an honor and privilege to have shared my professional life with them.

For more, go to jpilaw.com/about-jpi/practice-overview.html

JPI WELCOMES NEW ASSOCIATE, **STEVEN E. WINSLOW**



Steven E. Winslow is dedicated to fighting on behalf of American workers because many of his own family members belong to unions. His wife is an English teacher at Monessen High School and a member of the Pennsylvania State Education Association. His mother works at Slippery Rock University and is a member of the American Federation of State, County and Municipal Employees. His grandparents worked for the Hammermill Paper Company and were members of the United Mine Workers of America, and later the United Steelworkers. His personal connection to the organized labor movement provides him with a unique understanding of the challenges and opportunities facing unions in the 21st century.

Mr. Winslow graduated from Slippery Rock University with a B.A. in history. While he was a student, he served in AmeriCorps for two years. He also graduated from Florida State University with an M.S. in higher education. As a graduate assistant, he served as a liaison to the Higher Education Student Association regarding the organization campaign and negotiation of the first collective bargaining agreement for Graduate Assistants United at Florida State University.

Mr. Winslow earned a J.D. from the University of Miami School of Law and graduated *magna cum laude*. During law school, he served as an articles and comments editor for the *University of Miami Inter-American Law Review*. He also interned at the United States Court of Appeals for the Eleventh Circuit, the Miami Law Innocence Clinic, and Legal Services of Greater Miami. He was selected for the dean's list for four semesters and was awarded the Dean's Certificate of Achievement (highest grade) for his work in the Miami Law Innocence Clinic. He was also selected for the Lenore Carrero Nesbitt Scholarship for Public Service.

Mr. Winslow is admitted to practice law in all Pennsylvania state courts. He is also admitted to the United States District Court for the Western District of Pennsylvania. He represents public and private sector labor unions in all aspects of operations, including contract negotiations, grievance arbitrations, interest arbitrations, and unfair labor practice charges. He also represents Taft-Hartley multi-employer employee benefit funds and assists them in complying with federal regulations including ERISA, COBRA, and the Affordable Care Act. In addition, he represents individual employees in a variety of matters involving employment law.

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WORKERS' COMPENSATION: WHAT DOES COURSE AND SCOPE OF EMPLOYMENT MEAN?

(continued from page 2)

lot, whether entering work, leaving work, or merely heading to lunch during a break, an injury that occurs will likely be covered under the Act because those actions are considered a necessary part of employment. Also, some leniency is given to employees who arrive at work slightly before their shift begins and those who hang around the premises for a short period of time after their shift ends. As long as the injured worker is present on the employer's premises at a reasonable time either before or after the work period and does not engage in activities unrelated to work, such as shopping or horseplay, the injury should be covered.

Typically, if an employee commutes to and from work, an injury sustained prior to entering the employer's premises is generally not considered in the course and scope of employment. There are, however, several exceptions. First, employees who have no fixed place of work and are frequently assigned to different job sites may be entitled to workers' compensation benefits if injured during their commute. Second, if an employee's contract includes transportation to and from work, an injury sustained while traveling may be covered if it can be shown that the employer controlled or provided the transportation and the travel allowance was

related to the expense and time involved in the commute. Finally, if an employee is injured while on a special mission or assignment for the employer, such as attending an event or meeting that was not regularly held, those injuries may be covered under the Act.

As one can see, whether an injury is sustained within the course and scope of employment is very fact specific. If you believe you have sustained a work injury but your employer has refused to accept responsibility, please give us a call.



JUBELIRER, PASS & INTRIERI, P.C.
Attorneys-at-Law

219 Fort Pitt Boulevard
Pittsburgh, PA 15222

Phone: 412.281.3850

Fax: 412.281.1985

www.jpilaw.com

WORKERS' COMPENSATION HEALTH & SAFETY DIVISION: 2015 STATEWIDE AVERAGE WEEKLY WAGE ANNOUNCED

A stack of US dollar bills, including \$100 and \$20 bills, is shown in a dark, slightly desaturated color. The bills are layered and slightly crumpled, creating a textured background for the text.

\$950.00

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor & Industry for the fiscal year ending June 30, 2014, the maximum compensation payable under the Workers' Compensation Act, under Article 1, subsections 105.1 and 105.2, shall be \$950.00 per week for injuries occurring on and after Jan. 1, 2015.