

LAI D OFF? YOU MAY BE ENTITLED TO WC BENEFITS

By Peter J. Gough, Esq.

Under the Pennsylvania workers' compensation law, an injured employee who returns to work with some restrictions, or who keeps working with restrictions after suffering a work injury, may be entitled to workers' compensation benefits if laid off.

Pennsylvania law allows a reinstatement of workers' compensation benefits when you can prove that you have not completely recovered from your work injury and your employer no longer has appropriate work for you. However, this does not happen automatically. You must file for reinstatement of benefits within either three years of the date of the most recent payment of compensation or within 500 weeks of when benefits were suspended, depending upon the facts of your case.

Even if you got hurt at work and never filed a claim, you still have up to three years to get benefits if you were

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TAX TALK WITH JIM

By James A. Horchak, Esq., CPA

As you plan for and prepare your income tax return, here are some points to keep in mind. You will notice that some of these concepts are brand new to the tax law while others are "back by popular demand."

The standard deduction has been enhanced for 2008. If you pay real estate taxes on your principal residence but do not meet the threshold to itemize deductions, you may now add a portion of the amount of real estate taxes paid to your standard deduction. For single taxpayers, up to \$500 may be added and married taxpayers filing jointly may add up to \$1,000 to this deduction.

Several popular tax breaks that expired at the end of 2007 were renewed for tax years 2008 and 2009:

- If you are an educator and purchased supplies out-of-pocket, you may be entitled to the educator expense adjustment on your tax return.
- If you or any dependent pay tuition, you may be entitled to an adjustment or a credit.
- If you pay little or no state and/or local income taxes, you may qualify for a sales tax deduction. You may deduct the greater of the income tax paid or the estimated sales tax according to IRS guidelines.

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BREAKING NEWS: HIGHLIGHTS OF ARRA (AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009)

COBRA PROVISIONS PUT MEDICAL INSURANCE WITHIN REACH

By Vincent J. Quatrini, Jr., Esq.

COBRA is the federal law that requires employers of 20 or more employees to allow separated employees to purchase medical insurance through the company group plan for up to 18 months after separation from work, at up to 102% of what the company is paying for that insurance.

Up until now, that 102% was well beyond the financial reach of almost all displaced workers. The new stimulus law provides real financial relief to displaced workers who want to stay in the company plan.

Under the new law, the government has agreed to pay 65% of COBRA premiums for people who suffer involuntary loss of employment between September 1, 2008 and December 31, 2009. The subsidy is limited to nine months and available only to those without another source of group health insurance.

Eligibility for the subsidy is limited to those with annual incomes under \$125,000 for individuals and under \$250,000 for those filing jointly.

Individuals who lost jobs after September 1, 2008 but who did not sign up for COBRA at that time will get a second chance to do so. Employers must send these former workers a notice by mid-April. These workers have 60 days after receipt of the notice to pay into the plan.

The subsidy money is not sent to individuals, but is given to the employer in the form of an offset against payroll tax liability. Individuals pay their 35% of the premium to their former employer, and the government will credit the remaining 65% of the premium against the former employer's payroll tax due.

For most people, the subsidies will start March 1. If you are already in the COBRA plan with your former employer, you will not receive reimbursement for any COBRA payments already made.

Though specific procedures for compliance with the new law are still being worked out, you should expect to receive some notification from your former employer in the next 45 days. If you do not, we suggest you contact your former employer at that time. If you need more information, try the Employee Benefits Security Administration, a unit of the U.S. Department of Labor, at 866-444-3272.

ONE-TIME STIMULUS PAYMENTS FOR SS BENEFIT RECIPIENTS

By Kellie J. Taylor, Paralegal

Another provision of the stimulus package provides for the one-time payment of \$250 to individuals who receive Supplemental Security Income (SSI) or Social Security benefits.

Details are still being finalized, but those entitled to receive a payment are expected to receive it by June 2009. The payment will be received in the same manner as the individual's current Social Security or SSI benefits, whether check, direct deposit or debit card.

Individuals receiving benefits from the U.S. Department of Veterans Affairs or Railroad Retirement Board will also be eligible for these one-time payments.

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still having physical problems from the work injury at the time of the lay-off. You may file for reinstatement even if you are receiving unemployment compensation benefits. The employer would be entitled to a credit for the unemployment compensation benefits.

The bottom line is that you may be entitled to wage loss and medical benefits if the following apply:

- You got hurt at work
- You are still suffering from the work injury;
- Your work injury makes it more difficult or prevents you from performing the job duties you were able to do before your injury; and
- Due to no fault of your own, you have been laid off or are earning less than you did before the injury.

If the above facts apply to you, act now – make an appointment with one of our workers' compensation attorneys.

Attorney Pete Gough joined QuatriniRafferty in 2002 and concentrates his practice exclusively in the area of workers' compensation.



TAX TALK WITH JIM

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The Residential Energy-efficient Property Credit is extended through 2016. In general, solar electric, solar water heating and fuel cell property qualify for this credit. Starting in 2008, small wind energy and geothermal heat pump property also qualify. While not available for tax year 2008, returning in 2009 are credits for insulation, exterior windows, exterior doors, furnaces, water heaters and other energy-saving improvements to a primary residence.

The Recovery Rebate Credit is similar to the economic stimulus payment issued to eligible taxpayers in 2008. The Recovery Rebate Credit is a one-time benefit for people who didn't receive the full economic stimulus payment last year. If your circumstances changed during 2008, such as having a child or a reduction in income, then you may qualify to receive some or all of the unpaid portion as a credit on your 2008 return.

New homeowners who purchase their home between April 9, 2008, to June 30, 2009 may qualify for the **First-Time Homebuyer Credit**. This unique credit of up to \$7,500 works much like a 15-year interest-free loan and is repaid each year as an additional tax. It is available for a limited time only. Income limits and other special rules apply.

Generally speaking, the IRS views any amount of a debt that is forgiven as income and therefore subject to income tax. Under the **Mortgage Forgiveness Debt Relief Act of 2007**, taxpayers may be able to exclude income from the discharge of debt on their principal residence or mortgage restructuring. This exception does not apply to second homes or vacation homes. In some cases, you may be able to file an amended tax return for previous tax years.

For assistance with your 2008 income tax return, please contact Jim at 724-552-2745.



Jim Horchak is both an attorney and CPA. Jim is available to help with the preparation of your tax return or with any tax questions you may have during tax time or throughout the year.

AUTO INSURANCE:

ARE YOU AT RISK IN THESE ECONOMIC TIMES?

By Joyce Novotny-Prettiman, Esq.

Everyone is pinching pennies in these complicated economic times. As dangerous as it is, some households will choose to go without auto insurance. This means you must be more vigilant about your own auto insurance coverage. According to figures released in 2006 by the Insurance Research Council, 15 percent of drivers nationwide were uninsured. With increasing unemployment rates, this percentage will likely increase.

What can you do?

To guard against this risk for you and your family, you need to review your auto insurance policy. Check to be sure that you have purchased uninsured (UM) **and** underinsured (UIM) motorist coverage. This is the coverage that provides you with protection if you are harmed either as the result of a careless act of a driver without auto insurance (an uninsured driver) or a driver with only the minimum coverage required by law (an underinsured driver). Though you are not required to purchase this coverage under Pennsylvania law, you don't have this protection without it.

How much coverage is enough?

The amount of UM and UIM coverage you may purchase is based in part on the amount of liability insurance that you purchase. Liability coverage is the fund from which your auto insurance company makes payment on your behalf if your driving results in an injury to someone else. You should **always** purchase UM and UIM coverage equal to the amount of your liability coverage.

Also be sure you have "stacked" your UM and UIM coverage. "Stacking" UM and UIM coverage multiplies the per vehicle coverage provided on your policy by the number of vehicles covered under that policy. You should avoid any suggestion to "waive" stacking. Be certain that you have enough coverage to protect you and your family if you would be seriously injured in a vehicle collision. Making budget cuts here could be very foolish.

What if I am injured and need help paying my monthly bills?

Ask your auto insurance agent if your policy provides you with "wage loss coverage." This coverage is often overlooked because it is not required by law. In order to avoid financial disaster, most people who are injured and unable to work due to an auto collision need help paying their monthly bills immediately. Wage loss coverage is vital to your financial health and helps give you the time you need to recover from an injury. This coverage comes from your own policy and will begin making monthly payments of up to 80 percent of your lost earnings after you are unable to work for more than 5 days because of your injury. With this coverage, you do not have to wait months, or even years, for a lump sum settlement to be reimbursed for your lost wages. The amount of coverage you need depends upon your monthly income.

Remember: Don't place yourself or your family at risk by deciding that you don't need uninsured and underinsured motorist coverage. In tough economic times, you need these coverages more than ever.

Full Tort + Stacked Uninsured and Underinsured Coverage + Wage Loss Coverage = FULL PROTECTION

Attorney Joyce Novotny-Prettiman joined QuatriniRafferty in 2000 and concentrates her practice in the areas of personal injury and school law.



NEW HELP FOR HOMEOWNERS

By David S. DeRose, Esq.

Homeowners rejoice! Pennsylvania has enacted the "Home Improvement Consumer Protection Act" which will go into effect on July 1, 2009. This Act is intended to protect consumers from unscrupulous contractors performing repair, remodeling, renovation or other general improvement work.

The Pennsylvania Attorney General's Office reports that complaints concerning home repair projects seem to increase each year. Concerns range from contractors who do not actually show up to perform the work to those who perform substandard work or even those who take advantage of elderly homeowners.

For the first time, the law in Pennsylvania requires home improvement contractors earning more than \$5,000 per year to register with the Bureau of Consumer Protection in the Office of the Attorney General. This registration includes paying a registration fee of \$50 and provides the Attorney General with information that specifically identifies the contractor, including the contractor's address, the name of the contractor's business, telephone number, driver's license number, social security number, and other related information. This Act applies not only to individuals but partnerships and corporations acting as contractors in this state. The contractor will also have to furnish with its application information concerning any conviction of a criminal offense related to any home improvement transaction, fraud, theft, or any other fraudulent business practice. Proof of liability and personal injury insurance coverage is also required. Once the Bureau of Consumer Protection is satisfied that the applicant has furnished all of the required information, the Bureau will then issue the home improvement contractor a registration certificate and number. The contractor will need to re-register every two years.

The new law requires contractors to include the state registration number in all of its business advertising distributed in Pennsylvania and to display that number on its contracts, estimates and all proposals given to property owners in this state. The Act also mandates that home improvement contracts will only be valid and enforceable if the contract is in writing, clearly written and contains an adequate description of the work to be performed with the approximate starting date and completion date being specified. The written contract must be signed not only by the contractor, but also by the owner or the owner's agent. The law also specifies that the total sales price under the contract must be stated and there are specific rules relating to the amount of any down payment that will be required from the homeowner.



Further, the law defines home improvement fraud which would subject a contractor to criminal charges to be brought by the Attorney General's Office or the local District Attorney's Office. Home improvement fraud is broadly defined to include:

- the making of false or misleading statements to solicit a person into entering into a remodeling agreement;
- the taking of deposit money from a homeowner and not providing materials as contracted for;
- making false or deceptive advertisements; and
- misrepresenting or attempting to conceal the actual identity of the contractor or the contractor's sales agent.

The Attorney General is intending to establish a toll free telephone number to assist consumers in obtaining verification information about contractors who have registered. After July 1, 2009, homeowners with home improvement contractual disputes will be able to contact the Attorney General's Office hotline number and file a complaint. Hopefully, this will serve to limit the harm that has been caused by "fly-by-night" people who label themselves contractors.

QR PERSONAL NOTES

Over the Christmas holiday, Shelby Rerko Grundy cut her hair in order to donate it to Locks of Love. This public non-profit organization provides hairpieces to financially disadvantaged children in the United States and Canada suffering from long-term medical hair loss. Her brother, Patrick, played the lead part in the school play this past Christmas. Shelby and Patrick are the children of Attorney **Tereasa Rerko**.



Legal secretary **Debbi Picciano** just welcomed her first grandchild into the world! Landon Joshua Supancic was born on January 24, 2009, weighing 7 lbs., 3 oz. Congratulations to happy parents Ronelle and Josh Supancic.

Raymond Sowinski, nephew of Attorney **Joyce Novotny-Prettiman**, is a member of the 8th grade basketball team at the Greater Latrobe Junior High, which recently earned the title of section champs.



Megan Quatrini, wife of Attorney **Michael Quatrini**, was chosen by USA Today as a Citizen Reporter for the inauguration of President Barack Obama. Megan and Michael traveled to Washington, D.C., and detailed

their experience on the newspaper's website. Check out their entire report at: http://blogs.usatoday.com/community/citizen_journalists_inauguration_2009/index.html



Ryan Hudec (*left*), son of legal secretary **Patty Apone**, was chosen for the Mount Pleasant Area Jr. High 7th grade basketball team. Ryan was also one of the winners of Westmoreland County Firemen's Association fire prevention essay contest. The winners will be honored at an upcoming banquet and will receive a special plaque and prizes.

Kelsey Sherbondy, daughter of paralegal **Brenda Sherbondy**, is a freshman at American University in Washington, D.C. Kelsey also attended the President's inauguration in January and snapped the picture at right from her vantage point on the Capitol lawn.



Cassidy Chappell's softball team, the RoadRunners 14U, won the recent Holiday Tournament held at the 3H facility in New Castle. Cassidy (*second row, top right*), daughter of paralegal **Rhonda Chappell**, played third base during the tournament.



QR IN THE COMMUNITY

Attorney **Tereasa Rerko** served as a facilitator at the recent Status of Women in Westmoreland County Summit at Seton Hill University. The summit was held to review the results of research conducted regarding the status of women in the community. The report may be found at www.unitedway4u.org/media/StatusWomenReportFINAL.pdf.

Attorney **Vince Quatrini** is a member of the board of directors of the Westmoreland Land Trust, formed in 2007 by the Westmoreland County Commissioners to provide a balance between development and preservation of land. The Land Trust recognizes the value in protecting the rural character of the county for future generations.

In February, Attorney **David DeRose** presented a seminar to members of the Latrobe United Methodist Church and their guests. David spoke on wills, powers of attorney, trusts and nursing home financing issues.

The 14th annual Westmoreland County Sports Dinner and Auction will be held in Ferrante's Lakeview Restaurant in Greensburg on April 1, 2009. The event, organized by Dr. Louis Catalano, Jr., supports services for people with epilepsy and seizure disorders. Attorney **Joyce Novotny-Prettiman** is a member of the event's organization committee. Tickets may be purchased by contacting Kayla Brickell at the Epilepsy Foundation at 412-322-5880.

QR COMMUNITY PARTNERS

There are many organizations in our community that provide important services but their work is not always well-publicized. Blackburn Center provides services free of charge and responds to issues of physical and emotional abuse, sexual assault, sexual harassment and child sexual abuse. A 24-hour Hotline is available so that those in need may reach a counselor at any time by calling 724-836-1122 or 1-888-832-2272. Ann Emmerling, who authored the following article, is the Executive Director of the Blackburn Center Against Domestic and Sexual Violence. QuatriniRafferty provides pro bono legal services to Blackburn Center.



By Ann Emmerling

Blackburn Center Against Domestic and Sexual Violence was founded in 1976 by concerned members of the community who saw a need for services for rape victims and battered women in Westmoreland County. The agency's mission is broad, ambitious and unwavering in practice: *Blackburn Center Against Domestic & Sexual Violence actively advocates for the rights of all people to live free from violence and oppression in their homes and communities, and provides supportive services to survivors of all forms of domestic violence and sexual assault.*

The agency has developed a strong reputation through its success in providing a wide range of supportive services to survivors of all forms of domestic violence and sexual assault. Blackburn Center provides approximately 12,000 hours of counseling to nearly 3,000 clients each year. In addition, the agency annually provides more than 4,000 days of emergency shelter to battered women and their children.

Blackburn Center is also very active in education and prevention projects. The organization's school programs further its mission by delivering over 2,000 thought-provoking programs annually to 20,000 students and teachers throughout the county. Community education programming regularly spreads the agency's message to more than 100 civic and service organizations each year.

An Appeal from Blackburn Center to the Community:

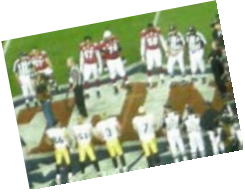
We have a problem in our towns, our state, and our country that is not immediately apparent to the general community. Certainly, many people understand now more than ever that domestic and sexual violence have reached alarming proportions. Unfortunately, what they don't understand is how we as a society perpetuate this violence through our beliefs and responses. We have a problem when a 16-year-old girl is murdered by her boyfriend, and the first things we hear are "I warned her about him," and "Why didn't she leave him?" We have a problem when victims are reluctant to press criminal charges because of public scrutiny or condemnation and only a fraction of these cases go to trial.

Too often, society's focus is on the things the victim should have done differently, or the ways that she is responsible for the crime, or the myth that victims make up charges to "get back at" someone. Too often, the perpetrator is not even in the equation when we talk about the solution. Instead of asking why a battered woman stays in the relationship, we should be asking why the batterer abuses and how the abuse can be stopped. We must get to the root causes of the violence if we have a hope of ending it. To address the root causes, we must challenge the myths and misperceptions that perpetuate these crimes. To address the myths and misperceptions, we must demand attention to these issues.

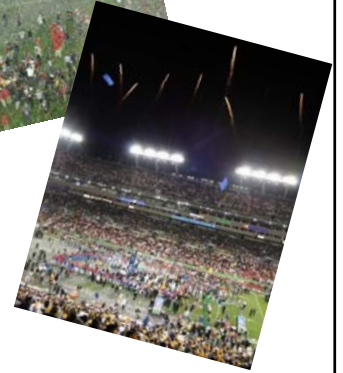
Blackburn Center is working to create a dialogue in the community about the root causes of domestic and sexual violence, and to immerse people in accurate, focused information.

Visit our website at www.blackburncenter.org to find out more about what you can do.

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