

Legal update

A publication provided for the friends and clients of QR

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QR OPENS LATROBE OFFICE



QuatriniRafferty is pleased to announce the opening of our Latrobe office at 816 Ligonier Street in downtown Latrobe, which is at the corner of Main and Ligonier Streets. The new office is situated on the ground floor of the former Mellon Bank building, which is across the street from the Latrobe Art Center.

Many of the architectural features of the space have been restored. One of the most interesting features of the restoration is the original bank vault that has been cleaned and preserved.



Appointments can be made at the Latrobe office by calling either 724-837-0080 or 724-539-2841. We look forward to using this additional office to accommodate our clients in Westmoreland, Indiana and other counties east of Greensburg.



724-837-0080
Toll Free: 1-888-288-9748
www.qrlegal.com



The LEGAL UPDATE is prepared by the staff of QR for its friends and clients. It sets forth general principles and should not be acted upon without specific advice.

Contact us at
news@qrlegal.com

Be sure to visit our website and blog often for the latest legal updates!



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ARE YOU SUPERVISING A TEEN DRIVER?

By Jessica Rafferty, Esquire



If you answered "yes" to the above question, you're a brave soul! Also, you need to be aware that effective December 27, 2011, changes were made to the law regarding teen drivers. This article highlights these important changes.

The first step to obtaining an unrestricted driver's license is applying for a learner's permit. Under the new law, learner's permit holders under 18 years of age must now have 65 hours (instead of 50 hours) of supervised, behind-the-wheel experience before taking the road test to qualify for a junior driver's license. Ten of the added hours must consist of nighttime driving, while the other 5 additional driving hours must occur in poor weather conditions.

The new law has added restrictions on teen drivers with junior licenses. For the first 6 months after receiving a junior driver's license, a driver is not permitted to transport more than 1 passenger under the age of 18 who is not

an immediate family member unless accompanied by a parent or guardian. If the junior driver does not commit any driving violations in those first 6 months, then they may transport up to 3 passengers under the age of 18 who are not immediate family members without parental supervision. If the junior driver does receive a driving violation, they continue to be restricted to 1 passenger under age 18.

Finally, please note that drivers and occupants in a vehicle who are under the age of 18 must wear a seatbelt, and children under the age of 8 must be securely fastened in a child restraint system. Failure to do so is now a primary offense for a junior driver, meaning that the junior driver can be pulled over and cited solely for a seat belt violation.

And...if you're completely panicked about your child driving, take some advice from writer Dorothy Parker, who said, "The best way to keep children at home is to make the home atmosphere pleasant, and let the air out of the tires."

Good Luck!

"DID YOU KNOW?"

By Peter J. Gough, Esquire

Did you know that an employee who sustains a work injury, and later returns to work with any restrictions, may qualify for ongoing wage loss benefits? Or that a worker whose injury prevents him or her from doing even one of the job duties may also qualify for wage loss benefits? These wage loss benefits are available to the employee both while working or even if laid off.

The Pennsylvania Workers' Compensation Act recognizes injured workers to be at a disadvantage compared to non-injured workers. If an injured worker is laid off for any reason or is unable to work for as many hours, the worker is entitled to wage loss benefits.

Even if the worker is receiving unemployment compensation benefits, he or she can still receive workers' compensation wage loss benefits. However, the employer would be entitled to a credit for any net unemployment benefits the worker received.

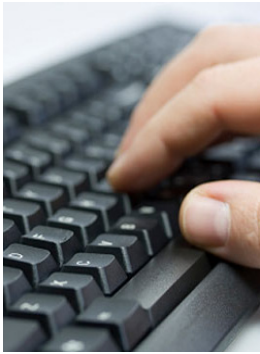
In short, an injured worker is entitled to wage loss and medical benefits if the worker is:

- hurt at work
- still affected by the work injury
- prevented from performing any pre-injury duties because of the work injury
- making less money than before the injury
- laid off from work due to no fault of his or her own

If any of the above facts apply to you, please contact us immediately.

ESTATE PLANNING IN A TECHNOLOGICAL AGE

By David S. DeRose, Esquire



When we sit down to discuss who will benefit from what we have accumulated during our lifetime, we start with creating an accurate summary of our assets and our debts. We talk about houses, vehicles, bank accounts, pension and retirement accounts, life insurance, investments and other things of value that belong to us. We

also discuss our mortgages, car payments, personal loan payments, Visa and Mastercard bills and other similar debts. But what we sometimes forget to address are things that might not have a piece of paper that evidences their existence.

What kind of things do I mean? For instance, many people have bank accounts, savings accounts or certificates of deposit in financial institutions that are not "brick and mortar" facilities. We typically think of visiting our local bank branch but don't consider online banks. As with so many things we find online, these banks require account numbers, PIN numbers and access codes. In a complete estate plan, it would be imperative for the representative of the estate to know that an account exists and other identifying information

about the account. Without that information, access will be denied and it will then take additional time and effort to gain access.

There should also be some instruction left as to what to do with things like email, Facebook, Twitter, LinkedIn, and other similar online social networking accounts. These accounts certainly contain a great deal of personal information and need to be appropriately terminated at the time someone dies. Your spouse, child or other trusted family member who is going to represent your estate at the time of your death should have access to online information. This information would allow them to terminate a Facebook account, resolve any issues that might exist with purchasing or selling items through eBay, transfer online photos, records and files and finalize other similar activities.

Our firm has attorneys that understand the technological issues that face us in this digital asset age. We welcome the opportunity to help you make sure that you have properly and completely addressed all of the matters that will exist at the time of your death. We take many of these conveniences for granted in our day-to-day existence; however, the conveniences and the benefits that technology created for us may also create difficulties and problems for those we leave behind.

MADE IN THE USA

By Brian Patrick Bronson, Esquire



Does it seem that nothing is made in the "good ol' U.S. of A." anymore? All one has to do is walk down the aisle at a local Wal-Mart to realize that the majority of the things we buy everyday are made

in China or other countries. But many products are still American-made. Buying American stimulates the economy and keeps jobs right here where they belong. If you are not sure where something is made, there are numerous websites that can help you answer that question, such as www.americansworking.com.

Why buy American?

- Foreign labor standards may allow unsafe working conditions and child labor.
- Many countries have no minimum wage restrictions.
- The decline of American factory production makes us more dependent on foreign-made goods.
- Foreign manufacturing standards can be low, unregulated or non-existent, resulting in unsafe products such as children's toys containing lead paint and baby formula with dangerous additives.
- Choosing American products preserves jobs for future generations.

Buy American - and help keep America working!

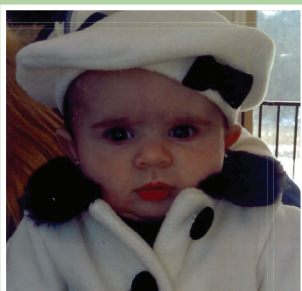
Legal secretary, **Debbi Picciano**, is excited to announce the January birth of her new granddaughter, Tressa Supancic. Tressa is the daughter of Ronelle and Josh Supancic and new baby sister to brother Landon.



Scott Yoxall, son of secretary, **Sandy Yoxall**, played his first year of football for the East Allegheny Wildcats. They played in the Mon Valley Football League, which involved quite a bit of traveling on weekends. The Wildcats did not have a football team last year, and ironically, they were able to make it all the way to the playoffs this year. Good luck to the Wildcats for their continued success!



QuatriniRafferty was well represented at the 2011 Turkey Trot 5K Run/Walk in Latrobe. Among those participating were: Attorney **Jessica Rafferty**; Lydia Herrholtz, daughter of paralegal, **Angela Herrholtz**; Nathaniel and Christopher DeRose, the sons of Attorney **David DeRose**; and Attorney **Joyce Novotny-Prettiman**, along with her sister and nephews, Maryanne, Raymond and Luke Sowinski. Lyddie received 2nd place in her age group and Jessica placed 1st in her age group. Way to go everyone!



In October, Briana and Jason Lovell, along with big brother, Jason, welcomed new daughter, Jemma Nevaeh Lovell. Jemma's grandmother is legal secretary, **Jodi Busko**.

NURSING HOME CONCERNS

Americans are living longer than ever. One result is that there are now nearly 1.6 million nursing home residents in the United States. In Pennsylvania alone, there are approximately 80,000 people living in nursing homes.

If your loved one is admitted to a nursing home, personal care home or assisted living facility and you have concerns about their care, the following can be signs of neglect:

- the development of bedsores
- broken bones
- unexplained injuries
- malnutrition or dehydration
- unexpected or unexplained death

There are many resources available to assist you with questions. Concerns can be voiced to these entities:

- local office of the Area Agency on Aging at www.carepennsylvania.org, or by calling 800-989-8137 for information and other resources.
- local office of the Pennsylvania Long-Term Care Ombudsman at www.aging.state.pa.us, or by calling 717-783-8975 for information and other resources.
- A complaint can also be made to the PA Department of Health at www.health.state.pa.us, or by calling 877-724-3258.

Finally, concerned family and friends can join the National Consumer Voice for Quality Long-Term Care, a national group dedicated to improving nursing home care, www.theconsumervoice.org.

In Pennsylvania, the courts recognize nursing home neglect and permit the filing of a lawsuit. If you have a question about this type of legal action, call our office and we can refer you to someone who can help.

WHERE DO YOU DRAW THE LINE ON DISTRACTED DRIVING?

By Joyce Novotny-Prettiman, Esquire



Pennsylvania lawmakers have drawn the line as to what will soon be considered illegal driving practices. New provisions in the law will go into effect in March 2012 to attempt to limit the use of "interactive wireless communications devices." This term includes the use of wireless telephones, smart phones, portable or mobile computers or other similar devices, but does not include GPS or navigation systems. The changes to the Pennsylvania Vehicle Code will outlaw driving while using such devices to send, read or write a text-based communication.

This offense is a primary offense, which means that law enforcement personnel can issue a citation for the offense even if the driver is not violating any other section of the Vehicle Code. In contrast, the seat belt law in Pennsylvania is a secondary offense – this means that an adult

driver must be cited for some other violation before an officer can add the lack of use of a seat belt to the citation. The fine for a driver who commits the new summary offense of using an interactive wireless device in violation of the statute is \$50.

The new law makes no move to control the use of wireless communication devices for telephone calls which is something that was debated by the legislature. Thus the question arises: does the new legislation go far enough to discourage distracted driving?

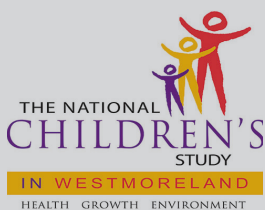
Distracted driving includes activities such as:

- texting
- making phone calls
- eating and drinking while driving
- reading, including reading maps
- using navigation systems
- adjusting a radio, CD player or MP3 player
- grooming

While it is clear that texting while driving is certainly dangerous, there have been many reports that other activities, including the use of cell phones, reduce a driver's attention to the roadway and greatly increase the chances of a collision. All of the other activities listed above draw a driver's attention away from their most important task: watching the road ahead.

Why has Pennsylvania outlawed texting but allowed cell phone usage to continue? It is interesting to note a study by Carnegie-Mellon University which suggests that driving while using a cell phone reduces the amount of brain activity associated with driving by as much as 37 percent. Additionally, the National Highway and Traffic Safety Administration is pushing to eliminate distracted driving on a federal level. If the federal government regulates this area, less stringent state laws will be invalidated. You can review further information about the dangers of distracted driving by logging onto www.distraction.gov.

In the interest of safety, we at QR encourage everyone to place their cell phones and smart phones out of reach while driving. Safe driving is too important to allow for any distractions which go well beyond texting.



QuatriniRafferty is proud to promote the National Children's Study (NCS) in Westmoreland. The National Children's Study will examine the effects of the environment - broadly defined to include factors such as air, water, diet, sound, family dynamics, community and cultural influences - and genetics on the growth, development and health of children across the United States. The Study will follow children from before birth until age 21. The goal of the Study is to improve the health and well-being of children.

Westmoreland County is one of 105 counties in the United States taking part in the National Children's Study. Women who are pregnant, or hope to become pregnant, and are interested in learning more about the benefits of participating in the NCS in Westmoreland should call 866-315-7125 to determine their eligibility. Compensation for eligible women is offered. Visit www.ncsinwestmoreland.org or 'LIKE' the National Children's Study on Facebook for additional information.

QR COMMUNITY PARTNERS



This is the final installment in a series of articles about WCCC's educational opportunities & training programs available to our clients who are starting over after a career-ending injury or disability. This article is authored by Cynthia Lucente, Coordinator/Laurel Education Center.

WCCC CAMPUSES

Westmoreland County Community College Education Centers were established to provide an extension of the educational opportunities of WCCC to area residents.

In addition to our main campus in Youngwood, we maintain 8 education centers that serve all of Westmoreland, Fayette, Greene, Indiana and Armstrong counties. Most centers have convenient downtown locations and all centers are handicapped accessible. The 4 education centers in Westmoreland County are strategically positioned to span the county.

Services provided at the education centers complement services available at the main campus. The convenience of education centers enables residents to have the opportunity to attend classes close to home and our extended hours of operation meet the needs of students in our communities. We can also customize a student's academic schedule with online classes.

The Laurel Education Center was established in the fall of 1989. It is housed in the former Kennametal facility in Latrobe. The center contains 14 classrooms, which include 3 computer classrooms/labs, electronic classrooms, a natural science classroom/lab and student lounges. Student services

available at the Laurel Education Center include counseling, advising, financial aid, job placement, tutoring and placement testing.

WCCC also supports a Public Safety Training Center in South Huntingdon Township. This Center provides public safety training for police, fire and emergency services responders.

WCCC has an open door admissions policy. Anyone can come in and talk to a counselor or student services assistant to find out what opportunities are here for them. Our team has a working knowledge of the various academic programs offered. The process is simple and clear so that our students feel empowered to pursue and achieve their academic goals. A student can take as few as 5 classes to obtain a certificate and then continue through to an associate degree.

We provide orientation for the "How To's" of getting back to school - whether it be completing the financial aid application (FAFSA) online, purchasing books, parking or academic services such as free tutoring or transfer counseling.

WCCC strives to improve the quality of life for everyone it touches through education, training and cultural enrichment.

WCCC
145 Pavilion Lane
Youngwood, PA 15697
724-925-4000

New Kensington Education Center
1150 5th Avenue
New Kensington, PA 15068
724-335-8110

Bushy Run Education Center
6707 Mellon Road
Export, PA 15632
724-327-8090

Greene County Education Center
100 Ever Greene Drive
Suite 102
Waynesburg, PA 15370
724-627-3464

**Indiana County Community College
Center of WCCC**
45 Airport Road
Indiana, PA 15701
724-357-1404

Laurel Education Center
17 Lloyd Avenue
Latrobe, PA 15650
724-539-3390

Mon Valley Education Center
1181 Fells Church Road
Belle Vernon, PA 15012
724-379-4119

WCCC Public Safety Training Center
65 Public Safety Drive
Smithton, PA 15479
724-872-2447

Fayette County Education Center
140 N. Beeson Boulevard
3rd Floor
Uniontown, PA 15401
724-437-3222

UNIQUE SITUATIONS MAY ENTITLE YOU TO EXTRA FINANCIAL PROTECTION

By Vincent J. Quatrini, Jr., Esquire

The Pennsylvania Workers' Compensation Act is designed to provide financial protection to all individuals who suffer a work-related injury in the Commonwealth of Pennsylvania. In certain unique situations, other benefits may be available in addition to basic workers' compensation benefits.

For instance, if you are in a high-risk occupation, extra financial protection is provided by the Pennsylvania Heart and Lung Act. The Heart and Lung Act pays the injured worker full salary, with no tax deductions, during the period of temporary disability from performing the duties of the job. Persons employed in designated high-risk occupations in Pennsylvania include:

- State Police
- Liquor Control Board Officers and Investigators
- Probation, Parole and Enforcement Officers
- Capitol Police
- Department of Corrections employees
- Office of Attorney General drug enforcement agents and special agents
- Delaware River Port Authority Police
- Policemen, Firemen and Park Guards of any County, City, Borough, Town or Township
- Sheriff, Deputy Sheriff or Special Fire Police

Other provisions in Pennsylvania law provide extra financial protection to any employee who is injured during the course of employment with certain state or county facilities. This act provides payment of full salary, with no tax deductions, until the disability arising from the injury no longer prevents the worker from returning to work. These situations include employees injured by "an act of any inmate or person confined" in the following facilities:

- state correctional institute
- state mental hospital
- Youth Development Center of the Department of Public Welfare

This additional protection is also extended to employees of County Boards of Assistance injured by the act of an applicant or recipient of public assistance, or any employee of the Department of Public Welfare who has been assigned to or who has volunteered to join the fire fighting force of any institution of the Department of Public Welfare.

An injured worker who is receiving the above-described specialized benefits or Pennsylvania Heart and Lung Benefits may also receive full Social Security Disability benefits at the same time. This is not the case for an injured worker receiving Pennsylvania Workers' Compensation benefits and Social Security Disability, where the combination of the two benefits cannot exceed 80% of the average current earnings as determined by Social Security.

These are very unique situations. If you have any questions, please call Vince at 724-837-0080. There is no fee for the initial consultation.



You can find this article along with other posts on Workers' Compensation issues:
<http://painjuredworkers.blogspot.com/>

For all your legal needs...

...QuatriniRafferty

At QuatriniRafferty, we provide thoughtful, caring and experienced representation in a wide variety of legal concerns to clients throughout Western Pennsylvania.

The following list represents our primary practice areas:

- | | |
|------------------------------|---------------------------------|
| ✓ PERSONAL INJURY | ✓ CRIMINAL DEFENSE |
| ✓ WRONGFUL DEATH | ✓ LONG TERM DISABILITY |
| ✓ MOTOR VEHICLE ACCIDENTS | ✓ VETERANS' DISABILITY BENEFITS |
| ✓ WORKERS' COMPENSATION | ✓ REAL ESTATE |
| ✓ SOCIAL SECURITY DISABILITY | ✓ BUSINESS FORMATION |
| ✓ WILLS AND ESTATE PLANNING | ✓ FAMILY LAW |
| ✓ ESTATE ADMINISTRATION | ✓ UNEMPLOYMENT COMPENSATION |

We have been helping our clients solve legal problems for over 25 years, and we can help you with issues you confront throughout your lifetime.

Make us your first call... 724-837-0080

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