

Legal *update*

A publication provided for the friends and clients of QR

- ▶ PENNSYLVANIA EXPANDS WORKERS' COMPENSATION COVERAGE..... 1
- ▶ PLEASE RELEASE ME 2
- ▶ PENNSYLVANIA PROPERTY TAX REBATE/RENT REBATE..... 2
- ▶ QR IN THE LEGAL COMMUNITY.. 3
- ▶ QR IN COURT 3
- ▶ PERSONAL NOTES 3
- ▶ HAVE YOU HAD A CHANGE OF ADDRESS? 3
- ▶ EDITORIAL BY VINCE QUATRINI... 4
- ▶ ELECTION 2011 5
- ▶ QR COMMUNITY PARTNERS WCCC SPECIAL SERVICES 6
- ▶ WHAT IS "MINI COBRA"? 7
- ▶ QR IN THE COMMUNITY..... 7
- ▶ HAPPY HUNTING!..... 7
- ▶ MEET THE STAFF 8



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PENNSYLVANIA EXPANDS WORKERS' COMPENSATION COVERAGE

By Vincent J. Quatrini, Jr., Esq.

Pennsylvania just passed a law which expands the availability of workers' compensation coverage to small businesses and self-employed individuals. The new law authorizes insurers, including the State Workers' Insurance Fund, to voluntarily offer workers' compensation coverage to sole proprietors, partners in partnerships and members of limited liability companies.

For instance, if you work out of the union hall, but you also do side jobs, you can purchase workers' compensation coverage. If you are injured while working a side job, you will be able to collect workers' compensation benefits until you recover. We see many individuals who get hurt while working for themselves and have no income protection.

Likewise, if you run a small business as a sole proprietor or a partnership, you can buy workers' compensation insurance. This coverage is important even if you consider your job low risk for injury. For example, if you injure your back lifting that box of old records and need surgery, you can protect yourself with a workers' compensation policy.

We often recommend that our self-employed clients purchase a short-term disability policy and/or a long-term disability policy. We still do. However, a workers' compensation policy provides more complete coverage than a disability policy in many situations.

Planning is the key to your security - please call our office to review your particular circumstances.



You can find this article along with other posts on Vince Quatrini's new blog exclusively covering Workers' Compensation issues:
<http://painjuredworkers.blogspot.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

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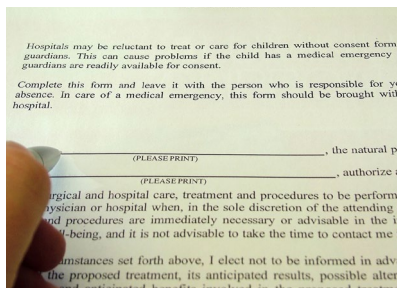
PLEASE RELEASE ME . . .

By Joyce Novotny-Prettiman, Esq.

You have seen them. We have all signed them. What does a Release document really mean? The answer is: It depends!

Generally speaking, the courts in Pennsylvania do not favor release agreements that are signed before an incident occurs. The reason is because the details about what happens when an injury occurs are the most important issues when a claim is made.

Let's take the example of a rafting trip. Obviously, white water rafting is an adventure . . . and potentially a dangerous adventure! There is rushing water and a lot of rocks involved. You might be thrown from a raft or trapped under rushing water and, unfortunately, this adventure may end up with someone in the hospital, if not worse. The release that you signed will make one thing perfectly clear: you knew the list of terrible things that could happen before you decided to go ahead with your rafting trip. If something would happen during your trip that causes you an injury, many people automatically think that there is nothing they can do. That may not be the case depending upon the details of what actually causes the injury.



Many activities by definition are dangerous, and to a certain extent, you assume the risk of that activity. White water rafting, snow skiing, horseback riding or even watching a baseball or hockey game can expose you to potential injury. You may not have any legal recourse if you are injured while participating in these events. However, the release may not be the document that stands in the way of a claim - the law or the circumstances of the injury are more important than the release.

For example, what if you are injured because a ski lift operator improperly helps you onto a chairlift? What if you are injured in the shuttle van on your way to the white water rafting loading zone? These are some instances where a release may not prevent you from making a claim.

The moral of the story is this: a release signed BEFORE an incident is not always an automatic end to a claim. Obviously, the situation is different when you sign a release AFTER you are injured in order to conclude a claim. You should consult an attorney if you sustain a serious injury, even if you did sign a release.

PENNSYLVANIA PROPERTY TAX REBATE/RENT REBATE

By Margo Russell, Paralegal



If you are receiving SSD or SSI benefits, or are age 65 and older, or a widow or widower age 50 and older, you may be entitled to a Property Tax or Rent Rebate. The

income limit for a homeowner is \$35,000 per year, and for a renter, it is \$15,000 per year. Only half of your Social Security benefits, and/or Railroad Retirement benefits, are considered in determining your yearly income. Eligibility may also be dependent upon other household income.

The maximum standard rebate is \$650, but supplemental rebates for qualifying homeowners can boost the rebate to \$975. Some homeowners may receive larger rebates than requested based on your locality, income, and/or property taxes. The Department of Revenue will automatically calculate this for you.

The deadline to apply for the Pennsylvania Property Tax/Rent Rebate is December 31, 2011.

You may obtain a Property Tax/Rent Rebate Application Form (PA-1000), and related information online at www.revenue.state.pa.us or by calling 1-888-222-9190.

QR IN THE LEGAL COMMUNITY



On October 1, 2011, the Westmoreland Bar Association marked its 125th anniversary with a celebration at the Westmoreland County Courthouse. The Association has a long, dedicated history of service to Westmoreland County and is highly regarded around the state. Attorney **David DeRose** of QR is proud to state

that "combined with my father and brother, we have been a part of the Association for half of its life!" David is the current President-Elect of the Association and also served on the event planning committee.



Attorney **Vince Quatrini** has been elected to the Duquesne University Law Alumni Board of Governors for the 2011-2014 term. The Alumni Association works closely with the univer-

sity to assist in designing programs, activities and publications that benefit both students and the community at large. Vince is a 1974 graduate of the Duquesne University School of Law.

QR IN COURT



Attorney **Vince Quatrini** will appear on PCN (Pennsylvania Cable Network) on Friday, October 28, 2011 at 7:00 PM. This program is a broadcast of the argument Mr. Quatrini presented to the Commonwealth Court urging the Court to declare as unconstitutional the Social Security offset, which lowers workers' compensation benefits.

QR PERSONAL NOTES



Kelsey Sherbondy, daughter of paralegal **Brenda Sherbondy**, took this photo during her semester abroad as part of the Intensive French in Paris program. Shot from a hilltop with the city of Paris in the background, it shows a Parisian practicing soccer on the steps of the Sacred Heart Basilica.

Kelsey entered this photo in the Spring 2011 American University "Abroad Photo Contest" and won the first place prize of \$100 in the "My Life Abroad" category.

Joshua Yamber, nephew of legal secretary **Diane Miller**, enlisted in the U.S. Air Force and will leave for basic training in San Antonio, TX, in November. He hopes to become a SERE Specialist (survival, evasion, resistance and escape) after completing the basic training program.



Cassidy Chappell, daughter of paralegal **Rhonda Chappell**, was selected to participate in the Queen of Diamonds event in Rock Hill, SC, over Labor Day weekend. Softball players have to apply to participate in this event. Only 254 of 2,000 applicants were chosen. Cassidy was named Most Valuable Player in one of her games. Congratulations!

Attorney **Tereasa Rerko** recently celebrated her 25th wedding anniversary by traveling to Ghost Ranch, NM, the Four Corners area, and the Grand Canyon. In other family news, her daughter, Shelby, received a scholarship provided by the Eberly Foundation to attend Pennsylvania Free Enterprise Week at Lycoming College in Williamsport, PA. Her son, Patrick, was recently "tapped out" for the Order of the Arrow while attending Boy Scout camp at Camp Conestoga.

HAVE YOU HAD A CHANGE OF ADDRESS?



Please remember that we need to know when you change your address. Would you check your mailing label on this newsletter for us? If any corrections are necessary, call our office at 724-837-0080, or email us at news@qrlegal.com to keep us up to date. Thank you!

AN EDITORIAL PERSPECTIVE

By Vincent J. Quatrini Jr., Esq.

WHY THE COMMONWEALTH COURT IS IMPORTANT TO YOU. WHY VOTING FOR KATHRYN BOOCKVAR IS CRITICAL TO YOU.

As you know, our workers' compensation attorneys represent – injured workers. Our Social Security attorneys represent individuals who have applied for Social Security disability and unemployment compensation. We advocate for individual rights in many other settings. So, I feel that it is our responsibility to let you - our clients - know about the Commonwealth Court. Commonwealth Court (not to be confused with Common Pleas Court) is one of three statewide appellate courts in Pennsylvania. This Court specifically deals with appeals regarding governmental issues, including workers' compensation appeals.

I am urging you to consider Kathryn Boockvar for Commonwealth Court on November 8th.

The following interview of Ms. Boockvar is designed to assist you in evaluating her qualifications:

Mr. Quatrini: Why is the Commonwealth Court important?

Ms. Boockvar: The Commonwealth Court is critical to Pennsylvania workers and their families, particularly in these challenging times. The Commonwealth Court handles all legal cases involving a Pennsylvania government agency.

Mr. Quatrini: Please tell us how the Commonwealth Court impacts injured workers.

Ms. Boockvar: When workers are injured on the job, their claim goes before a workers' compensation judge. If the employee or the employer are not satisfied with the decision of the workers' compensation judge, the case eventually comes to Commonwealth Court. It is the only statewide Court (below the Supreme Court) which hears workers' compensation cases. The Court can overrule the decision of the Judge or the Court can issue a decision and change the way the workers' compensation law is interpreted.

Mr. Quatrini: Does the Commonwealth Court handle unemployment cases?

Ms. Boockvar: Yes, the process is essentially the same as workers' compensation cases. If you lose your unemployment compensation appeal before the Referee or the Board of Review, the Commonwealth Court has the right to overturn the decision if the Court feels the decision was wrong.

Mr. Quatrini: Give us examples of other cases which come before the Commonwealth Court.

Ms. Boockvar: Environmental questions such as Marcellus Shale or gas drilling and land use issues, such as building permits, are decided by the Court. Labor and union issues, like those which affected workers in Wisconsin, Ohio, Indiana, and New Jersey will be heard by this Court. Voting rights and education questions ultimately come to Commonwealth Court.

Mr. Quatrini: Appellate Court candidates must be evaluated by the Pennsylvania Bar Association Judicial Evaluation Commission. What did the Commission say about you?

Ms. Boockvar: I am very pleased by their rating. The Commission stated that I "possess the legal ability, experience, integrity, and temperament to be a Judge on the Commonwealth Court." They also stated: "She is regarded as bright, hardworking, and a zealous advocate for her clients."

Mr. Quatrini: Our clients are working individuals. Many of our clients have suffered injuries and disabilities and lost jobs. Why should they vote for you?

Ms. Boockvar: I have spent my legal career representing workers on Social Security disability, unemployment, pension, insurance, and voting rights claims in cities and in the rural communities across Pennsylvania.

Mr. Quatrini: I understand that you were a Union member?

Ms. Boockvar: Yes, I was proud to be a member of the United Auto Workers Union, Local 2320, in my prior work life.

Mr. Quatrini: Is there anything else you would like our clients to know about you?

Ms. Boockvar: I have sat across my desk from many individuals and families who have lost a job or who are no longer able to work because of a disability. I have watched them lose their medical insurance, or their car, or their house, or their marriage. I have fought to help them obtain benefits to survive. I feel that if I have the great honor of being elected when a critical case is being decided by the Commonwealth Court, I will bring sensitivity of how their decision will impact an injured and disabled individual and the entire family. I will work very hard and I promise to be fair. I would be honored if your clients would vote for me on November 8th.



KATHRYN BOOCKVAR

EDUCATION

AMERICAN UNIVERSITY, WASHINGTON
COLLEGE OF LAW, J.D. 1993

UNIV. OF PENNSYLVANIA, B.A. 1990

LANCASTER MEDIATION CENTER, 1996

PROFESSIONAL EXPERIENCE

ADVANCEMENT PROJECT, 2008 - 2010

Statewide and national advocacy and collaboration with election officials, organizations, legislators, unions, and coalitions to eliminate barriers to voting and to increase access to electoral participation.

BOOCKVAR & YEAGER, 1997 - 2008

Law practice throughout Eastern Pennsylvania, with focus on Employment, Unemployment Compensation, Insurance, Pensions, Estate Planning, Social Security Disability, and Civil Rights. Litigated successfully before the U.S. Court of Appeals and U.S. District Courts, Pennsylvania Courts including the Commonwealth Court.

LEHIGH VALLEY LEGAL SERVICES AND
NORTHERN PA LEGAL SERVICES, 1994 - 1997

Represented low-income clients in the Lehigh Valley and Northeastern Pennsylvania in Unemployment Compensation, Social Security Disability, Family Law, Protection from Abuse, Housing, Elder Law, Bankruptcy, and Juvenile Dependency matters. Litigated successfully in state trial and appellate courts.

LEGAL ACTION CENTER, 1993 - 1994

Advocated for and implemented effective health policies for people at risk, including the improvement and integration of HIV, TB, and Substance Abuse services.

COMMUNITY SERVICE & PROFESSIONAL ASSOCIATIONS

- A Woman's Place, Board of Directors Member, 2009 - present
- Bucks County Court of Common Pleas, Arbitrator, 2005 - present
- Pennsylvania Bar Association, Member 1994 - present
- Bucks County Bar Association, 2008 - present
- Univ. of Pennsylvania Alumni Secondary School Selection Committee, 2008 - present
- University of Pennsylvania Alumni Club of Bucks County, Treasurer, 2006 - present
- Pennsylvania Voice, Advisory Board Member, 2009 - 2010; Member 2008 - 2010
- Pennsylvania Super Lawyer Rising Star, 2005, 2006, 2007
- National Employment Lawyers Association, Firm Member 1998 - 2008
- NOLSW/UAW Local 2320, Co-Union Representative, 1995 - 1997
- Beyond Survival, 14 B.C. Third World L.J. 1 (Winter 1994) (Authored article cited in the United Nations Secretary-General's bibliography for the International Covenant on Economic, Social and Cultural Rights)(2000)
- American University Journal of Gender and the Law, Founding and Managing Member, 1991- 1993

BAR MEMBERSHIPS

Pennsylvania (Jan. 1994)

New York (Nov. 1994)

District of Columbia (Mar. 1995)(inactive)

United States Supreme Court (1997)

United States Court of Appeals for the Third Circuit (2006)

United States District Court, Eastern and Middle Districts of Pennsylvania (1998 and 2000)

QR COMMUNITY PARTNERS



This is the second 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. WCCC is uniquely designed to help. In our first article, we featured the GED program administered by Andrew Doherty, who can be reached at 724-925-4133. This article, authored by Mary Ellen Beres, focuses on the special services available to individuals with disabilities.

INJURED? DISABLED? NEED TO LEARN NEW SKILLS? WCCC IS OPEN TO YOU

Beginning a new phase of life can be intimidating. It can be especially intimidating if you are doing it with a disability. If you are thinking about beginning or returning to college and you have a disability, you may be unsure of yourself and your ability to be successful. You may not know how you will manage or if it's even possible.

If you have a disability, you may need accommodations in order to be on an "even playing field" with the other students. For example, you may need a simple accommodation such as extra testing time or a quieter testing room. Some students need interpreters or note takers. Sometimes, a larger desk, specially designed chair, adaptive computer equipment or even a classroom change may be needed.

Most accommodations are accomplished with a common sense approach and all special assistance is based on proof of medical need. To begin the process of receiving academic accommodation due to a disability, you must disclose and document your disability. You will first contact the appropriate office to inform the school of your disability, and then you will need to provide current medical documentation of your disability. Any accommodations you request will be decided based upon both your need and the requirements of the class.

At WCCC, services for students with disabilities are handled in the Student Development office and specifically by Mary Ellen Beres, counselor for Special Student Populations. Many students with disabilities come to WCCC through the Office of Vocational Rehabilitation (OVR). WCCC maintains a very close relationship with OVR to help meet student goals. If you have a disability, it is a good idea for you to contact OVR to discuss a plan for your new educational goals.

You will be asked to sign an academic accommodations form that permits the counselor to notify each of your instructors about the requested special arrangements. Though an instructor may raise concerns about individual requests, instructors do not make accommodation decisions. If you are given accommodations, you must still meet the standards of the class. If you experience difficulty, resources such as tutoring, workshops, counseling and advisors are available to assist you.

Your accommodation requests must be reviewed each semester. A counselor assists in determining the continued need for the accommodations and any changes required. No accommodation that has been made for you can be assumed or continued without input from you and approval of the counselor.

If you would like to speak with Mary Ellen Beres privately, please contact her at 724-925-1489 or by email at beresm@my.wccc.edu to set up an appointment.

WHAT IS "MINI-COBRA"?

By Vincent J. Quatrini, Jr., Esq.

In Pennsylvania, employees of small businesses (2-19 employees) who lose group health insurance coverage may be eligible for continuing medical coverage. This law, Act 2 of 2009, has become known as "Mini-COBRA" because of its similarity to the federal COBRA law.

The Mini-COBRA law applies only to employees of small businesses that offer group health insurance. Covered employees and/or their dependents will be eligible for continuation coverage if they have lost group coverage due to a "qualifying event" (termination of employment, a reduction in hours, divorce or separation, eligibility for Medicare, change in dependent status, bankruptcy of the employer, or death of the covered employee). Employees and dependents must also have been continuously insured for three months prior to the qualifying event. Under Mini-COBRA, continuation coverage can be purchased for a maximum period of nine months after employment ends.

Employees who are found eligible to purchase continuation coverage must pay for the coverage on a monthly basis. If employees subsequently become eligible for Medicare or another group plan, they are no longer eligible for Mini-COBRA.

For additional information on Mini-COBRA, visit
[http://www.portal.state.pa.us/portal/server.pt/community/
health_insurance/9189/mini-cobra/595814](http://www.portal.state.pa.us/portal/server.pt/community/health_insurance/9189/mini-cobra/595814)

QR IN THE COMMUNITY



Congratulations to Steve Stockett, who won two Pittsburgh Steelers game tickets at the annual Luxury Bash hosted by the Ligonier Valley Business and Professional Women's Club. **QuatriniRafferty** donated the two Steelers tickets to the event, which benefits the club's scholarship and charitable funds. Enjoy the game, Steve!!

HAPPY HUNTING!

By Brian Patrick Bronson, Esq.

Deer hunting is a great tradition in Pennsylvania. We want to make sure that our clients abide by the game laws and stay safe. You should be aware that this year there have been a few changes to Pennsylvania's deer hunting laws.

For most of our clients, rifle deer season will begin November 28 and last through December 10, 2011. Please remember that in Wildlife Management Units (WMUs) 2A, 2C, 2D, 2E, 2F, 2G, 3B, 3C, 4B, 4D and 4E, doe season does not begin until December 3. Senior, junior, and disabled hunters have special seasons and regulations which should be reviewed for season start and end dates prior to heading to the woods.

In 2011, the Game Commission is continuing their point regulations for buck hunting. This regulation has definitely resulted in some great harvests throughout the state and you have shown us the pictures to prove it! This year, however, in WMUs 1A, 1B, 2A, 2B and

2D, there is a three point up regulation that does not require the buck to have a brow tine to be a legal harvest. In the past, these WMUs required 4 points on at least one side to be legally harvested. The rest of the state remains the same with a three point regulation in place for 2011. So, please be careful and count the points before you harvest your deer. Misjudging the number of points will most likely be a costly game law violation. The Game Commission could rule that your harvest was a mistake kill, but this is unlikely.

Most importantly, please be safe when hunting in the woods. Always tell someone where you will be hunting prior to departing. Take your cell phone with you if possible. If you do not feel safe climbing into your tree stand, please stay safe on the ground. If you do use a tree stand, always use a climbing rope and wear a safety harness. Again, be careful, be safe, and enjoy the camaraderie of those around you.



While supplies last - pick up your complimentary camo hat the next time you're in our office!

To access the complete current regulations booklet for 2011, and to determine which WMU you live or hunt in, please visit <http://www.portal.state.pa.us/portal/server.pt/community/recreation/9108>.

Meet the staff of *QuatriniRafferty*

Cheryl Ann Brown



Cheryl Ann Brown joined Quatrini Rafferty in February 2011 as a Social Security paralegal. Prior to joining Quatrini Rafferty, she worked as a paralegal in Pittsburgh for the last 19 years. She graduated from the University of Pittsburgh with a Bachelor of Arts degree in administrative justice. She and her fiancé reside in Eighty Four along with their three German shepherds, Kellie, Britta and Banchie. Cheryl also has two Arabian horses, Baroque and Jean Claude. Cheryl also has a daughter, Brandi, and a granddaughter, Lauren, who is 12 years old and competes on the traveling fast pitch softball team.

Cheryl enjoys competing with her horses in dressage, hunt seat, saddle seat and show hack. She also trains and competes with her German shepherds in the sport of Schutzhund.



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