



#### **SPECIAL POINTS OF INTEREST:**

- ◆ THE NWPA ALF'S JURISDICTION COVERS 19 PENNSYLVANIA COUNTIES: ARMSTRONG, BEAVER, BUTLER, CAMERON, CLARION, CLEARFIELD, CRAWFORD, ELK, ERIE, FOREST, INDIANA, JEFFERSON, LAWRENCE, MCKEAN, MERCER, POTTER, VENANGO, WARREN AND WEST-MORELAND.
- ◆ WE PRODUCE THIS NEWSLETTER FOR THE MEMBERS OF OUR AFFILIATES.
- ◆ ANY COMMENTS OR QUESTIONS ABOUT THIS NEWSLETTERS OR ITS CONTENTS SHOULD BE SENT TO THE NWPA ALF IS LOCATED AT 1276 LIBERTY ST. STE. 2 IN FRANKLIN, PA 16323.

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AMY ALCORN

## *2023 NWPA ALF Scholarship Contests and Winners*

First, let us thank every student who applied for our scholarships and all of our judges who reviewed the essays and helped determine our winners. We congratulate those students for demonstrating how determined they were to obtain the necessary funding to further their education. All of the applicants have shown more initiative than most of their peers. Our judges commented that they had an extremely difficult time selecting one winner from the Essays they were judging because so many were excellent. We are proud of all of you! We had a total of 27 (twenty-seven) essays submitted. We have three scholarships: The NWPA ALF Scholarship for a high school senior; the David A Bielski Educational Scholarship for a post secondary student; and the Dr. David Ferster Educational Scholarship for a graduate student. Our 24( twenty-four) judges served on a panel of judges for a given Scholarship. The essays were assigned a letter and void of identification. We appreciate the judges fitting time in their busy schedules to review and judge the essays. Andrew

Harkulich our Chairman and one of our judges contacted the winners to inform them before anyone else. Out of respect, our judges were the next group to be notified who were the winners. Our scholarship winners are as follows; • NWPA Area Labor Federation Scholarship was won by the Letter "E", by Kaitlyn Krause whose father is a member of IBEW 459, • David A Bielski Educational Scholarship was won by the letter "C", by Nicole Croushore whose father is a member of Iron Workers Local 3, and • Dr. David Ferster Educational Scholarship was won by letter "B", by Hunter Meakem whose father is a member of IBEW 827. If you know any of our winners, please congratulate them and encourage them to join us on June 28th. We reminded all of the applicants that they would be able to apply again next year. We made them aware there are two articles on our website (<http://nwpaalf.paaficio.org>), about additional funding for education under the category of

Scholarships & Info: "Educational Funding Opportunities" and "Additional Scholarship Links", we hope they will check them out. Our scholarship winners were invited to join us, receive their awards, and address the delegates at our blended Wednesday, June 28th Meeting. Please attend this meeting and meet them. We wish all of the applicants well as they go forward with their education and encourage them to apply again next year. The winning essays will be included in the July Edition of the NWPA ALF News which will be available on our website.

By: Rosann Barker

## *FATAL CLAIMS AND DEPENDENTS*

### *by Barb Holmes Attorney*

We celebrate Mother's and Father's Days in the spring and honor at that time—and should often—working moms and dads. But what happens under the worst case scenario when a mother or father is killed in the course of employment? Pennsylvania provides fatal claim benefits for specific classes of dependents.

In Pennsylvania, the definition of injury in the Act provides for the death of employee as compensable, so long as the death results from the injury and its “resultant effects,” and occurs within three hundred weeks after the injury. The occupational disease definition of the Act also provides for death resulting from that disease. Weekly benefits and funeral expenses (currently \$7000) and provided.

In order to receive death benefits, individuals must fall within the classification of dependents contained in the Act. This generally includes widows or widowers, children under 18 and children under other conditions specifically noted. Please note that widowers are entitled to benefits even though the Act seems to say they are not. While the language in the Act says that the widower must be “incapable of self-support,” the Courts have held that a widower is entitled to be benefits even if not dependent on his wife at the time of her death. Even a separated spouse not living with the deceased employee can claim benefits under the Act, so long as that spouse is actually dependent upon the deceased worker, and receive a

substantial amount of support. What is substantial? That is decided on a case by case, “totality of the circumstances” basis. A widow is entitled to benefits for life unless she remarries; at that time, she may be entitled to an additional lump sum of benefits to close out her claim.

Children of the deceased worker are entitled to benefits whether born as part of a marital relationship or not. The Act classifies dependent children as “all natural children” of the injured worker. The Act allows for coverage for those children for whom the deceased employer has stood “in loco parentis,” that is, functioned as a parent and assumed the day to day responsibilities of doing so—adopted children, stepchildren living with the deceased worker, for examples. If there is a question or a concern as to whether the child would be considered dependent, it is always better to err on the side of seeking the benefits.

Children are eligible for death benefits (a) until the age of 18, (b) until the age of 23, if enrolled as a full time student in an accredited educational institution or (c) if over age 18 but dependent due to disability. A child must prove ongoing disability at the age of 18, however, and that means a loss of earning power, not just a diagnosed progressive physical condition, in order to be entitled to ongoing benefits.

Benefits to widow/widower and children are apportioned as a percentage depending upon the number of children there are. There

is a specific formula under the Act for the calculations, and it is based upon the benefits the deceased worker would have received, that is calculated on the average weekly wage of the worker at death.

A fatal injury at work is not something we like to think about, and we hope never happens. But in the event of such an injury, the widow/widower and children of the employee may have recourse for ongoing support through fatal claim benefits. The Act provides for them and, if the employer and compensation carrier do not immediately offer and begin paying them, an attorney with knowledge of the Act and the application of it in the case of a fatal injury should be contacted immediately.

PS—Kids' Chance is a nationwide charity, with a branch in Pennsylvania, that provides scholarships for high school seniors whose parent has suffered a catastrophic work injury or has died in the course of employment. Any and every avenue to assist dependent children affected by such a loss should certainly be explored: <https://www.kidschanceofpa.org>

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## ***PERMANENT DISFIGUREMENT BENEFITS: DOES THE FUTURE OF WORKER'S COMPENSATION INCLUDE CLAIMS FOR UNSIGHTLY SCARRING OF THE BODY?***

***By: Rhett P. Cherkin, Esq. & Sam Dhaliwal, Esq.***

Under current law, scarring or disfigurement related to a work injury on the head, neck, or face are compensable under a set schedule— 66 2/3% of your wages, not to exceed 275 weeks. 77 Pa. Stat. Ann. § 513. On the other hand, an injured worker with severe scarring from a work injury occurring elsewhere on their body, even in the most severe cases, may not be able to seek Worker's Compensation benefits.

For example, even where an individual suffered severe burns and scarring on their hands, legs, knees, and fingers, Pennsylvania's Commonwealth Court has been clear—even if it is inequitable, the current wording of Act only provides for scars on the head, neck, and face, and the courts are bound by the legislature's judgment.

However, the future may hold changes for the future of scar claims. Introduced in the current legislative session, House Bill 930 would amend the Worker's Compensation Act to include scar claims to any part of the body. The bill makes three meaningful changes in the law, all of which make meaningful alterations to the current language of the Act to fairly compensate injured workers affected by life-altering scars.

As referenced above, the first

change proposed by H.B. 930 opens "permanent and serious disfigurement" claims, also known as "scar claims," to the entirety of the body, not just the head, neck, or face. Second, it changes the compensation schedule to 400 weeks instead of the former 275 weeks. And finally, since scarring is different from another disability experienced simultaneously, it allows for scar benefits to be paid in addition to and at the same time as total or partial disability benefits.

Under the Worker's Compensation Act, scarring or disfigurement is required to be permanent (lasting for more than six months) and unsightly. Both the permanence and unsightliness of a scar is determined by a judge, taking into account considerations such as size, appearance, and location of the affected area. Scar claims commonly result from work injuries such as physical trauma or burns, but an injured worker may also be entitled to benefits from surgical scars from a procedure on a work injury.

In sum, although it is not the current law, the amendments

proposed by House Bill 930 seek to close the inequitable gap between compensable and non-compensable scar claims under the Workers Compensation Act. If you, a family member, or a friend have scarring from a burn, surgical procedure, or other work injury, it is important to speak with an attorney to determine whether you are entitled to benefits. The law firm of Caroselli Beachler Coleman has been practicing worker's compensation law for over 50 years. We offer free consultations and can meet at a location convenient to you. Call our office at 1-800-222-8816.

**CAROSELLI BEACHLER & COLEMAN**

**NO FEES UNLESS DAMAGES ARE RECOVERED**

412-391-9860

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[www.cbmclaw.com](http://www.cbmclaw.com)

***NWPA AREA LABOR FEDERATION, AFL-CIO'S  
CODE OF CONDUCT***

*THE NWPA AREA LABOR FEDERATION, AFL-CIO IS COMMITTED TO PROVIDING AN ENVIRONMENT FREE*

*FROM DISCRIMINATION AND HARASSMENT, REGARDLESS OF AN INDIVIDUAL'S RACE, ETHNICITY, RELIGION, COLOR*

*SEX, AGE, NATIONAL ORIGIN, SEXUAL ORIENTATION, DISABILITY, GENDER IDENTITY OR EXPRESSION, ANCESTRY, PREGNANCY, OR ANY OTHER CHARACTERISTIC PROHIBITED BY LAW.*

*AS, THE AFL-CIO WILL NOT TOLERATE DISCRIMINATORY, HARASSING OR OTHERWISE UNACCEPTABLE BEHAVIOR IN THE WORKPLACE OR AT ANY OF ITS ACTIVITIES, EVENTS OR MEETINGS. IT ADOPTS THE FOLLOWING CODE OF CONDUCT AND EXPECTS EVERYONE IN THE WORKPLACE—AND THOSE WHO PARTICIPATE IN ANY OF ITS ACTIVITIES, EVENTS OR MEETINGS—ABIDE BY IT.*

**NWPA ALF BLENDED MEETINGS**

**MEETING 7:00 PM ON WEDNESDAY, 6/28/23**

**EBOARD 6:00 PM**

**IN PERSON: AFSCME DC 8 HALL**

**1276 LIBERTY ST FRANKLIN, PA 16323 OR VIA  
ZOOM**

**SPECIAL SPEAKERS—TBD**

**RSVP 814-450-6520 OR**

**DIRECTOR.NWPA.ALF@GMAIL.COM**

**BEAVER-LAWRENCE CLC:**

MEETING 7:00 PM ON MONDAY,  
6/19/23

PSEA HALL

3022 NEW BUTLER RD NEW CAS-  
TLE, PA 16101

FOR MORE INFORMATION CALL 724-  
971-7473.

**BUTLER COUNTY CLC:**

MEETING 7:30 PM ON WEDNESDAY,  
6/7/23(P)

UAW 3303 HALL 112 HOLLY-  
WOOD RD., BUTLER, PA

FOR MORE INFORMATION CALL 724-  
285-4883 EXT. 233.

**CLEARFIELD-ELK-CAMERON-  
JEFFERSON (POTTER) CLC**

BLENDED MEETING 7:30 PM ON  
6/1/23

IBEW LU5, 1400 LEONARD RD.,  
CLEARFIELD 16830

FOR MORE INFORMATION CALL 814-  
937-2208.

**ERIE-CRAWFORD CLC:**

MEETING 7:30 PM ON WEDNESDAY,  
6/7/23

USW 3199 HALL, 703 FRENCH  
ST., ERIE 16501

FOR MORE INFORMATION CALL  
814-823-9940.

**GREATER WESTMORELAND  
CLC:**

MEETING 7:00 PM ON MONDAY,  
6/19/23 **CANCELLED**

HEMFIELD VFD

421 THORNTON RD., GREENS-  
BURG 15601

FOR MORE INFORMATION CALL  
724-600-6266.

**INDIANA-ARMSTRONG CLC:**

BLENDED MEETING 7:30 PM  
ON THURSDAY, 6/22/23

UMWA 1412 51 ELEVENTH  
ST., LUCERNEMINES 15754

FOR MORE INFORMATION CALL  
724-479-0923.

**MERCER COUNTY CLC:**

MEETING 7:30 PM ON THURS-  
DAY 6/15/23

USW 1660 HALL, 1028 ROE-  
MER BLVD., FARRELL 16121

FOR MORE INFORMATION CALL  
724-854-0605.

**VENANGO-CLARION CHAP-  
TER:**

BLENDED MEETING 6:00  
PM ON THURSDAY, 6/8/23

IAM 1842 HALL, 24 FRONT  
ST., FRANKLIN 16323

FOR MORE INFORMATION  
CALL 814-671-4420.

**WARREN-FOREST (MCKEAN)  
CLC:**

BLENDED MEETING 6:00 PM  
ON THURSDAY, 6/1/23

IUOE 95 HALL, 116 DOB-  
SON AVE., WARREN 16365

FOR MORE INFORMATION  
CALL 814-730-7558