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PAUL BROWN, BUFFALO BUILDING & CONSTRUCTION TRADES COUNCIL PRESIDENT

INTERVIEW BY: RICHARD D. FURLONG

Paul Brown recently assumed the Presidency of the Buffalo Building and Construction Trades Council. Paul is also the Business Manager of Plasterers Local 9. He comes from a long lineage of trade unionism, which includes having learned the principles of unionism from his father, Richard Brown, who was also the Business Manager of Local 9. Paul worked with the plasterers for twelve years before assuming the Business Manager's position approximately ten years ago.

On a personal note, Paul and his wife, Judy, have raised six children of their own and eighteen foster children. Paul was interviewed in Lipsitz, Green's offices on August 9, 2005.

Paul, let's get down to business. Describe the single greatest challenge facing the Buffalo Building Trades today.



Paul Brown and Rich Furlong discuss pressing issues facing the labor community.

Getting all the trades to row in the same direction. Because the Building Trades is organized on a craft basis, it often happens that some trades have interests

that on a particular job site don't necessarily comport with the interests of one or more of the other trades. And because work is not always plentiful, it becomes very difficult for a craft's business agent to simply dismiss the interests of his particular organization in favor of overall solidarity. Nonethe-

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AUTOMOBILE ACCIDENTS, WHAT TO DO IF IT HAPPENS TO YOU

BY: JAMES T. SCIME

Most of us have had the unfortunate experience of being in a car accident. If we were lucky, it was a fender-bender. If we weren't, it was something much more serious. Here are the most common questions people ask after an accident:

How does no-fault work?

If you are injured, the insurance covering the vehicle in which you were the driver or passenger will pay up to \$50,000 in "no-fault" benefits. These benefits in-

clude:

- expenses for medical, hospital, dental, ambulance, prescriptions, and other health care services;
- up to \$2,000 per month for 3 years for lost earnings from work;
- up to \$25 per day for one year for other reasonable and necessary expenses.

****WARNING**** Your no-fault claim must

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Summer/Fall, 2005

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LM-30 FILINGS, THE GUIDELINES FOR REPORTING GIFTS

BY: COLLEEN WOOD

There has been a lot of talk lately about the LM-30 filings required by the Department of Labor (the "DOL") with respect to gifts or other items of value received by Union Officers and Employees from Employers and other Service Providers to the Union and/or its funds. One of the most surprising items to note about the LM-30 is that it has been on the books for a considerable number of years. The filing is required as part of the Labor Management Reporting and Disclosure Act (LMRDA), which was passed in 1959. However, the DOL has indicated that for the 2004 fiscal year, the LM-30 is actually going to be enforced.



Any Union officers or employees who have received gifts or anything else of value should pay close attention to the LM-30 requirements- failure to file a reportable item is a crime and can involve monetary penalties. Generally, the LM-30 is due within ninety days after an individual's fiscal year, which in most cases will be the calendar year. Thus, it will generally be due each year by March 31st. Due to the unfamiliarity of most individuals with the LM-30 filing requirements, the DOL extended the deadline for the 2004 year until July 15th, 2005, and subsequently extended that deadline until August 15th, 2005.

The filing of the LM-30 is an individual responsibility. There is no filing required of a union itself as an institution. All individuals who are union officer or

employees must report any item received by them if its value is over \$25, and if it was received from an Employer or Service Provider to the union and/or one of its funds. This includes dinners, golf outings, tickets to sporting events, and even the casual holiday gift. Any financial interest that a union officer or employee has in any Employer must also be reported, whether it be in the form of stock, bonds, etc. The DOL has even indicated that "anything of value" includes reimbursement to union fund trustees for their travel expenses by the fund, because if the fund has employees, it is considered an Employer for the LM-30 filing purposes. Bona fide wages for labor services are of course not reportable.

All union officers and employees are encouraged to make a good faith effort at filing the LM-30 for this year. The DOL has indicated that it will not take any "hard" enforcement actions against any individual who can show that they made a good faith effort to comply with the LM-30 requirements for the 2004 year. All individuals who file for this year will be assigned an identification number, which will be used in future years. If actual records were not kept with respect to anything that was received during 2004, the individual is encouraged by the DOL to make a reasonable estimate regarding the value of the item received.

In addition to the LM-30 that must be filed by individuals,

Continued on page five.

CONSTRUCTION ACCIDENTS



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WHAT TO DO AFTER AN AUTOMOBILE ACCIDENTS

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be filed within 30 days of your accident.

Can I sue the driver or owner of the other vehicle?

In order to sue the driver or owner of the other vehicle, you must have suffered a "serious injury", which is a term defined by the law in New York. It includes broken bones, damage to certain organs and other body parts, significant disfigurement, injuries which prevent you from performing your usual daily activities for 90 days and various other conditions.

****WARNING**** *There are strict time deadlines for filing a lawsuit – some are as short as 90 days after the accident. You should consult an attorney immediately.*

What if my injuries are really serious and the person at fault doesn't have much insurance coverage or any insurance at all?

A review of your own insurance policy will reveal whether you have purchased extra insurance to protect you in the event that you are injured by someone with insufficient insurance or no insurance at all. This is called SUM coverage "Supplemental Uninsured or Underinsured Motorist Insurance" coverage. If you have purchased SUM coverage, you may be able to collect from your own insurance company if your injuries exceed the coverage of the responsible driver or owner.

****WARNING**** *There are time deadlines for notifying your SUM carrier of the accident. You should seek legal advice right away.*

What about the damage to my car?

You have two choices:

If you have your own insurance with comprehensive collision coverage, your insurance company will pay for the damage to your vehicle, regardless of who is at fault, minus your deductible. Your insurance company will then bring a claim for reimbursement against the driver of the other vehicle if that driver was at fault.

If you don't want to involve your own insurance company and the other driver is at fault, you can bring a claim against that driver and his/her insurance company will pay the cost to repair your car. During the time your car is being fixed, you can recover the cost of renting a car.

What information should I get if I'm in an accident?

Put this handy accident guide in your glove compartment and, if possible, fill it out at the scene.

James T. Scime is a senior partner, practicing in all areas of personal injury law. He can be reached at (716) 849-1333, ext. 339 or jscime@lglaw.com



AUTO ACCIDENT INFORMATION LOG

Detach at Perforation and Store in Glove Compartment to Use in the Event of an Accident

Name, Address, & Phone Number of all drivers and passengers: _____

Driver's License Numbers of all drivers: _____

Car License Plat Numbers, Year Make & Model of all cars: _____

Names of Insurance Companies, Policy Numbers, and Agents of all drivers: _____

Name, Address, and Phone Numbers of all witnesses: _____

Responding Officer's Name, Police Department and Phone Number (*be sure to request a copy of the police report*): _____

Contact an Attorney: ***There are strict time limits for filing no-fault claims and for taking legal action***

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SOCIAL SECURITY DISABILITY, WHAT YOU'RE ENTITLED TO & HOW TO GET IT

BY: THOMAS BURNHAM

Many of our clients find themselves in the unfortunate position of being out of work due to a disability. There are a variety of legal options available to these clients, one of which is Social Security Disability. Unlike Workers' Compensation or New York State Disability, entitlement to Social Security Disability is not dependent on whether one's injury was work related or not.

However, not everyone who is out of work is automatically entitled. In fact, determining eligibility for Social Security Disability benefits can be quite complicated. In many cases claimants are initially denied benefits by the Social Security Administration, and it is necessary to appeal that determination by requesting that a hearing be held before a Judge.

The following is intended to give you a general idea of how entitlement to Social Security Disability benefits is determined. If you believe you have a claim, this office employs several attorneys with the expertise to assist you in obtaining benefits.

First and foremost, claimants must have a sufficient work history in order to be eligible. Generally speaking, you must have worked at least five out of the past

ten years in order to qualify. The Social Security Disability program is funded through the social security withholdings deducted from each of our paychecks. Many workers do not realize that when social security is deducted from their paychecks that they are not only funding the system for their retirement, but also for their disability coverage.

“the Administration evaluates a wide variety of factors to determine if the claimant is disabled”

Additionally, Social Security Disability benefits are only available for claimants who have been disabled for more than one year, or reasonably expect their disability to last for more than a year.

Assuming these two basic requirements are met – a sufficient work

history and a disability that has lasted, or is expected to last, more than a year – then the determination essentially boils down to whether or not the Social Security Administration considers you “disabled.” This is where most of the complexity comes in. To most of us, “disabled” simply means you are unable to perform your job. However, the Social Security Administration defines “disabled” in a very different and complex way.

Continued on next page.



AUTOMOBILE ACCIDENTS

\$50 MILLION
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Lipsitz, Green's attorneys are nationally recognized by "Best Lawyers in America" for distinguished skill and service in Personal Injury cases. If you or someone you know has been the victim of an auto accident injury - please contact Lipsitz, Green's Personal Injury Department for a consultation. Legal professionals with immense experience and success in automobile injury cases will ensure you receive all you are entitled to.

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SOCIAL SECURITY DISABILITY, HOW TO QUALIFY FOR BENEFITS

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There are two main ways to satisfy the Social Security Administration's standards for disability. The first is to satisfy one of the "listings." The "listings" are specifically defined conditions that are so severe that if you qualify under one of them, the Administration automatically considers you disabled. There are "listings" for virtually every type of injury or disease (including mental illnesses), but they are specifically defined so that only the most severe cases qualify. The "listings" are rarely satisfied.



If a claimant does not satisfy one of the "listings" then the Administration evaluates a wide variety of factors to determine if the claimant is "disabled" for their purposes. These factors include not only a claimant's physical and mental limitations, but also

his or her age, past work experience, past educational experience, and the availability of jobs in the national economy. As you might imagine from this list, the Social Security Administration is not merely concerned with your ability to do your last job, but rather, they evaluate whether or not there are *any* jobs you could do.

Surprisingly, a claimant's age is one of the most heavily weighed criteria in this process. It is very difficult for claimants under the age of fifty to obtain benefits. Presumably, this is because the Social Security Administration considers younger people to have a greater ability to change careers and find some type of work they can perform, despite their current limitations or past experience. However, it is certainly not impossible, and Lipsitz Green has successfully obtained benefits for young clients on countless occasions.

We hope that the above gives you a good basic idea of what is involved in making a claim for Social Security Disability benefits. If you or someone you know might be entitled to these benefits, we at Lipsitz Green would be happy to review your case with you.

Thomas Burnham is an attorney, practicing in the areas of workers' compensation and social security disability. He can be reached at (716) 849-1333, ext. 299 or tburnham@lglaw.com



GUIDELINES FOR LM-30 FILINGS

Continued from page two.

any Employers or Service Providers (vendors) to the union and/or the union's funds will be required to file a LM-10 indicating what that entity gave to union officers or employees. This makes the filing of the LM-30 all the more important, because the DOL could potentially see an individual's name reported on the LM-10, and find that there is no comparable LM-30 for the item reported. There are no filings required if nothing was received, and nothing was given. If this is the case, the DOL has also indicated that it would prefer not to receive blank LM-30's and LM-10's that individuals and employers may try to file just for the sake of filing.

Many union officers and employees have indicated that they are going to forgo activities such as dinners and sporting events due to the LM-30 filing requirements. It is important to note that the receipt of anything of value is

not illegal, only the failure to report it. However, the easiest thing to do if you desire to avoid any filings in the future is to pay your own way for any activities and/or dinners, or immediately reimburse an Employer for any gifts received.

"the receipt of anything of value is not illegal, only the failure to report it"

The LM-30 form can be downloaded from the DOL's website at www.dol.gov. You can also find a helpful Question and Answer format on the website pertaining to the LM-30. Simply go onto that link, and put "LM-30" in the "search" box.

Alternatively, any individuals wishing to inquire about their requirements under the LM-30 are encouraged to call any of the attorneys in the Labor Department at Lipsitz, Green, Fahringer, Roll, Salisbury & Cambria, LLP.

Colleen Wood is an attorney, practicing in the areas of employment and labor law. She can be reached at (716) 849-1333, ext. 404 or cwood@lglaw.com



LABOR LIMELIGHT: PAUL BROWN

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less, when the Building Trades have worked together, they have achieved unbelievable successes. So, the single greatest challenge facing us today is to put aside our individual, parochial interests in favor of the interests of the group as a whole. Simply put, it's about solidarity and my job as President is to constantly remind people of the overall good that can be attained by putting their own craft's interests second to the interest of working people generally.

On a local level, what are the implications of the Carpenters, Teamsters and possibly the Laborers leaving the AFL-CIO and the National Building Trades?

Locally, those unions are going to stay in the Council. The problems that are occurring at the national level are for the people at the national level to work out. The Buffalo Building Trades has absolutely no interest in splintering and indeed it would greatly weaken the organization. So at this point we are going to sit and wait and hope that the people in Washington can get their act together and settle their differences. I have no intention, as President of the Building Trades, of allowing differences in Washington to ruin what are basically positive relationships here in Buffalo.

On a related note, the recent withdrawal from the AFL-CIO by those labor organizations appear to be fueled by a fundamental debate as to whether or not labor's emphasis should be on organizing or whether it should be on electing the right public officials who will pass more favorable labor legislation. What is your view?

My view is that we need to emphasize organizing. If we organize the non-union, the politicians will come to us because they will view us as powerful. If you do not control the market and the votes, you have to buy your influence and that is always a slippery slope. We have to set the stage where the politicians feel they need to come to us rather than the reverse.

Jurisdictional disputes between crafts have plagued the Buffalo Building Trades for years. Indeed in the last few years they have become fierce. Do you have a plan, and if so, what is it, to resolve some of these disputes?

I don't have a plan to resolve jurisdictional disputes. As President of the Building Trades, I'm not a referee. In fact if I were to become a referee it would turn into a full-time job. The best thing for the President of the Building Trades to do is to simply try to facilitate the resolution of jurisdictional disputes on an informal basis and then basically stand back and allow the crafts to work it out between themselves. I would certainly have no problem if there were some sort of a binding arbitration procedure set up locally; however, the powers that be in Washington have frowned upon such procedures. I guess jurisdic-

tional disputes will be a fact of life for sometime to come but once again, if people put their own individual interests aside for the larger good, most of these problems are constructively resolved.

In your organizing travels, you frequently speak with non-union workers. What are their fears? What are their hopes?

Well, with respect to their fears, usually we try to take the most skilled workers away from the non-union contractors. Those skilled workers are often making fairly decent money working for the non-union contractor (it is the much larger body of unskilled workers who truly make next to nothing). Because the skilled workers are making decent money, they are fearful of starting at the bottom of a union hiring or referral list. Of course, it doesn't have to be that way and any union can immediately put an individual to work if it chooses to do so and in fact the craft unions often do so. But that's the biggest fear that I come across.

The hopes that I hear from non-union workers are the same hopes I hear from union workers. They want a secure future and they want to raise their family in an atmosphere that is not marked by desperation. The younger guys and women will often tell you that their main concern is a decent paycheck immediately. They are not as concerned about pensions and things like that. But with a little explanation of why benefits are so important, people can be educated. When I talk to non-union workers, I try not to dwell on their fears but rather speak in a positive fashion and address their hopes. This is the way that you get to people.

Are there any interesting items on the Building Trades' current agenda?

There certainly are. We are in the process of finalizing a memorandum of understanding whereby Kaleida Health will do its work union. We expect the memorandum of understanding to cover approximately \$30 million worth of work. We are also in the process of finalizing a large project labor agreement with Duke Realty which will cover a significant private construction project in downtown Buffalo. Next up will be a dialog with the Catholic Health System regarding its use of union labor and of course, the ongoing issues regarding the construction and maintenance of the various area casinos. So the job is keeping me more than busy and I'm extremely excited about both the near and distant future prospects of the Buffalo Building Trades.

Richard D. Furlong serves as special counsel, practicing in the areas of labor relations, union administration matters, and other labor advocacy matters. He can be reached at (716) 849-1333, ext. 451 or rfurlong@lglaw.com



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Phone: 716-849-1333
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