

NWPA ALF NEWS

AUGUST EDITION



March on Washington for Jobs and Freedom

Martin Luther King Jr. delivers his "I have a dream" speech addressing the March on Washington for Jobs and Freedom civil rights march at Lincoln Memorial, Washington, D.C.



Civil rights leaders link arms in front of marchers on Constitution Avenue

On this day: August 28, 1963

THIS MONTH IN HISTORY

- AUGUST 1, 1838** - SLAVERY WAS ABOLISHED IN JAMAICA. IT HAD BEEN INTRODUCED BY SPANISH SETTLERS 300 YEARS EARLIER IN 1509.
- AUGUST 2, 1776** - IN PHILADELPHIA, MOST OF THE 55 MEMBERS OF THE CONTINENTAL CONGRESS SIGNED THE PARCHMENT COPY OF THE DECLARATION OF INDEPENDENCE.
- BARACK OBAMA** THE 44TH U.S. PRESIDENT WAS BORN IN HONOLULU, HAWAII, ON **AUGUST 4, 1961**. HIS FATHER WAS FROM KENYA, AFRICA, WHILE HIS MOTHER WAS ORIGINALLY FROM KANSAS. UPON COMPLETING HIS COLLEGE EDUCATION, YOUNG OBAMA MOVED TO CHICAGO, BECOMING ACTIVE IN COMMUNITY AFFAIRS. HE THEN ATTENDED HARVARD LAW SCHOOL, BECOMING THE FIRST AFRICAN-AMERICAN PRESIDENT OF THE HARVARD LAW REVIEW IN 1990. HE RETURNED TO CHICAGO, WORKED IN A LAW FIRM, THEN ENTERED POLITICS. ELECTED TO THE ILLINOIS STATE SENATE IN 1996, HE WENT ON TO BECOME A U.S. SENATOR IN 2004. FOUR YEARS LATER, HE SUCCESSFULLY CHALLENGED FORMER FIRST LADY HILLARY RODHAM CLINTON FOR THE DEMOCRATIC PRESIDENTIAL NOMINATION AND WENT ON TO DEFEAT REPUBLICAN JOHN MCCAIN IN THE GENERAL ELECTION, NOVEMBER 4, 2008, THUS BECOMING THE FIRST PRESIDENT OF AFRICAN-AMERICAN ORIGIN
- AUGUST 6, 1965** - THE VOTING RIGHTS ACT OF 1965 WAS SIGNED INTO LAW BY PRESIDENT LYNDON B. JOHNSON. THE ACT SUSPENDED LITERACY, KNOWLEDGE AND CHARACTER TESTS DESIGNED TO KEEP AFRICAN AMERICANS FROM VOTING IN THE SOUTH. IT ALSO AUTHORIZED THE APPOINTMENT OF FEDERAL VOTING EXAMINERS AND BARRED DISCRIMINATORY POLL TAXES. THE ACT WAS RENEWED BY CONGRESS IN 1975, 1984 AND 1991.

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DIRECTOR NWPA ALF
 AMY ALCORN

CAN I HAVE TWO CASES FOR ONE WORK INJURY?

We all know that an injured worker's claim against the employer for the work injury itself is exclusively within the Pennsylvania Workers' Compensation Act. [There may be rare exceptions, but that is the general rule.] But what happens if the injury is caused by the action—or negligence—of another party? Can there be two claims/two cases/two awards for that same injury? Well, yes and no.

For example, let's suppose that an individual works at a business in a strip mall. The employer does not own the strip mall, but merely leases the storefront space within that strip mall. The employee is told where to park in the strip mall parking lot, which is further away from the stores because the customers get prime parking places. The area where employees park is at the back of the strip mall itself, and not as well tended as the rest of the parking area.

After this employee parks in the lot on a rainy morning, and gets out of the car on their way into work, the employee slips on an icy patch in that employee parking lot and falls, breaking an ankle. Case law would indicate that the employee is in furtherance of the employer's affairs—going to work—so is considered to be in the course of their employment. That is not to say that the employer and its compensation carrier might not fight the claim, or deny it initially, but based on case law and experience, that claim will be compensable under the Pennsylvania Workers' Compensation Act. So the injured worker should receive total disability benefits and medical benefits paid by the compensation carrier.

BUT that may not be the only remedy for that injured worker. There may be a case against the owner of the premises for the condition of that parking lot—and potentially a case against a separate party if the owner of the premises farms out that responsibility to another party to maintain that parking lot.

What is the difference in this type of case—a civil case (in arbitration or in Common Pleas Court, depending on where the individual is injured) and a workers' compensation claim? There are many, and some are not advantageous to the injured worker, while others are.

First, this case allows for damages other than workers' compensation which is confined to lost wages and medical expenses. Pain and suffering would be available. Expenses such as caring for an elderly parent that the injured worker was doing before the fall may be available. Other such outlays of funds which are not related to medical expenses could be available. That makes this type of case appealing to someone who is injured because they can potentially realize more than they would solely through workers' compensation.

But of course, the case itself isn't simple. The filing of a Complaint and proper service are involved. The premises owner has defenses that the employer/compensation carrier doesn't have, because the Pennsylvania Workers' Compensation Act is no fault, where a civil case does inquire into whether the injured individual was "at fault"—what if the employee who fell was texting on their cell phone—did they contribute to their injury by not paying attention? Their percentage of negligence may be a factor in any award.

Additionally, for the complaints of some about delays in the workers' compensation system, a civil case can take even longer to get to a trial. In civil cases, there are preliminary objections to Complaints that a defendant may file, saying that the Complaint isn't specific enough or contains errors that would make the case unable to go forward. There is a discovery process that workers' compensation doesn't have in the same way—in workers' compensation discovery is done before the first hearing and as the case goes on; in civil cases there are depositions, interrogatories and requests for production of documents, all of which take time and often occasion delays.

Insurance carriers may also have limits of liability for premises, for example. When we purchase insurance for our homes and cars, there is a certain limit that the policy will pay—these types of insurance may also have "policy limits." A workers' compensation policy doesn't have a limit—so an individual in theory could have ongoing medical treatment and receive total disability benefits, and the carrier does not at a certain point say, "that's all there is." A compensation claim can be limited by the employee's return to work, which suspends benefits, or by a petition filed by the compensa-

tion carrier to cut off or cut down benefits. But there are no technical "policy limits" that workers' compensation has for a claim (even though the carrier may "estimate" what the case is worth and set a reserve.)

Then there is the biggest factor of all in whether to pursue the claim for the fall against the premises owner—SUBROGATION. Any money that the injured worker received from the compensation carrier for total disability benefits and medical bills is subject to SUBROGATION by the workers' compensation carrier from the civil case award or settlement. And that is a dollar for dollar reimbursement, unless some other agreement is made with the workers' compensation carrier. What does that mean? An injured worker could receive total disability benefits of \$25,000 over the period of disability for a closed period claim and \$32,000 of medical bills paid by the compensation carrier, and the carrier therefore has a \$57,000 lien on a settlement or award in the third party case. If the jury returns a verdict of \$50,000, the compensation carrier is entitled to all of that money. If a settlement is being discussed for the civil action, most attorneys will go to the compensation carrier and ask them to reduce their lien, or the amount they are entitled to receive. But the workers' compensation carrier does not have to agree.

So, what should an injured worker do in that situation?

First, document everything and preserve as much information as possible in the event they do wish to explore a third party case. Take pictures of the area where they fell. Document what the weather was like how much ice/rain there was, anything that will support the condition of the premises at the time of the fall. Notify the owner/manager of the premises immediately. If they don't seem interested in listening, mail a certified letter. Gather as much information about the relationship between the premises owner and any other party that might be involved in the upkeep of the premises.

Talk to an attorney with knowledge about civil actions like this one, but also one who will work with the workers' compensation attorney to pool information and keep each other "in the loop." A third party attorney who ignores the potential of the workers' compensation lien is acting against the injured workers' interests, because that workers' compensation carrier is going to come looking for subrogation if there is an award or settlement in that premises liability case.

A word about that case, though—if the third party/civil attorney does not believe that moving forward is in the injured worker's best interest, or worth the injured worker's time and effort in doing so, the compensation carrier cannot make that employee file a Complaint in a civil action. And that compensation carrier cannot go after the premises holder itself, to try and get its money back for the amounts paid to the injured employee. Only the injured worker can file a claim for that injury against the third party.

A claim like the one discussed in this article, where there are actually two potential matters to be litigated, is complicated. Each case has its own requirements, and it is best from the outset for that injured worker to keep all options available. All care should be taken to evaluate the entire situation and preserve the possibilities. Talking to an attorney who understands all these options and knows how to work with them is the best for an employee in that situation. It allows them to maximize the potential recovery, but also to understand the complete picture in pursuing both.

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810 Penn Avenue, Suite 700
Pittsburgh, PA 15222
412-391-0775
1-800-343-9384
bsh@bshlaw.net

Oil City, PA—Oil Heritage Parade 7/22/23

Venango Clarion Chapter NWPA ALF, AFL-CIO



*Pictured left to right—
father & son dynamic duo
Pete and John Kluck*

*For more information on
how you can get
involved:*

Please call 814-671-4420



Do's and Don'ts To Follow After An Auto Accident

By Signe O'Brien Rudberg, Esquire

Edgar Snyder & Associates, LLC

If you find yourself involved in a vehicular accident, there are a few things that you should do and some that you should avoid. The auto accident attorneys at Rudberg Law would like you to know which actions to take and which to avoid after an accident.

Do

Contact the police.

Call 911 or get medical assistance, if needed.

Contact an experienced auto accident attorney because you will want to get the incident on record. You will want access to an experienced attorney to guide you through the process to come. There is no cost for consultation. You will also want protection in the event of delayed symptoms or injury resulting from the accident.

Don't

- Don't give any statements to an insurance company without an attorney.

Don't try to represent yourself against an insurance company. They have the resources, knowledge and experience that most people lack.

Don't wait to file a claim. In Pennsylvania, lawsuits involving an injury sustained in an auto accident must be filed within two years of the date of the accident.

Why You Need An Auto Accident Attorney

A person making a claim against an alleged *at fault* driver must show evidence of his or her injuries and other monetary losses to be compensated. An experienced personal injury attorney can assess if there is sufficient cause to file a lawsuit.

An attorney can also manage the documentation, provide access to investigators and deal with insurance companies. Having an attorney will also help, should the victim develop a Post Traumatic injury. Finally, a seasoned attorney has the knowledge and experience to advise clients on choosing trial or out of court settlement.

If you have been involved in an auto accident in the greater Pittsburgh area or throughout the Western Pennsylvania area, please feel free to contact attorney Signe O'Brien Rudberg at Edgar Snyder & Associates toll free at 1-866-306-2667 or email srudberg@edgarsnyder.com.



US Steel Tower 10th Floor, 600 Grant St, Pittsburgh PA 15219
1.866.306.2667 – 412.488.6000
www.edgarsnyder.com

Know Your Rights!

Protect Your Rights!

This article is for informational purposes and is not a substitute for the legal advice of a qualified attorney.

MARCH WITH US IN THE 2023 ERIE LABOR DAY PARADE



Monday, September 4th 10:00 AM

Line-up begins at 8:30 AM for Vehicles and 9:30 AM for Marchers

Parade Route: 10th & State to Perry Square

Fun for the entire family parade features include Honor Guard, High School Marching Bands, Labor Unions, Public Safety and Construction Vehicles, Floats, Clowns, and more.

“Labor Day celebrates and honors the contribution of organized labor and workers to the prosperity and economic strength of the nation.” Join us in Solidarity and celebrate the true meaning of LABOR DAY!

For more info on how to get involved, Call the JIM NUBER at 814-825-5505, or 814-882-5656, or Terry Baker at 814-860-0297, or Email: jnuber@ibew56.org

_____ Local Coordinator is _____,
Please, contact him/her at _____.

Miscalculations in Worker's Compensation: Is Your Worker's Compensation Rate Not Adding Up?

By: Rhett Cherkin, Esq.

If you've been hurt on the job and are receiving Worker's Compensation benefits, have you considered whether you're being paid fairly? "Indemnity benefits," otherwise known as wage loss benefits under the Pennsylvania Worker's Compensation Act, provides compensation based on your average weekly wage subject to a state maximum rate that varies yearly—but getting an accurate calculation compensation rate can be difficult.

After an injury, your employer and their Worker's Compensation Insurance Carrier prepare a document that calculates your average weekly income and Worker's Compensation rate—this document is called a "Statement of Wages." If unchecked, an insurance carrier's miscalculation can translate to a difference of thousands in your pocket over the length of the injury. Your Worker's Compensation rate doesn't account for inflation, and receiving less than the entirety of your regular wages can already be a tough pill to swallow. That's why it's important to make certain that you receive the maximum compensation to which you are entitled.

Even assuming your employer their insurance carrier have your best interests at heart, calculation of your gross income can be a complex process. For example, the carrier may have to factor in more than simply what appears on paystubs. Additional benefits may be used in this calculation, including, but not limited to, the following:

- Overtime;
- Bonuses;
- Incentives;
- Vacation pay;
- Money advanced or reimbursed for board and lodging;
- And stock options

Finally, once the calculation of your gross income per week is complete, the carrier still bears the responsibility of correctly calculating your average weekly wage based on length of employment. If you've been receiving less that you're entitled to, you may be eligible for back benefits with interest. If you're receiving benefits, we advise that you request your Statement of Wages for our attorneys to review. With over 50 years representing injured workers, our attorneys at Caroselli Beachler & Coleman can quickly identify missteps and act promptly to correct them, and consultations are free. We can be reached toll-free at 1-800-222-8816 and would be happy to sit down with you, your family member or friend to review your case.

CAROSELLI BEACHLER & COLEMAN, LLC

REPRESENTING INJURED PERSON AND THEIR FAMILIES THROUGHOUT WESTERN
PA SINCE 1972.

NO FEES UNLESS DAMAGES ARE RECOVERED.

LOCAL APPOINTMENTS AVAILABLE.

412-391-9860

1-800-222-8816

www.cbmclaw.com

2023 Labor United CELEBRATION



NORTHMORELAND PARK Free Admission & Parking

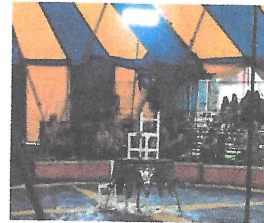
Sunday & Monday, September 3 & 4

Sunday 11:00 a.m. - 7:00 p.m., Monday 10:00 a.m. - 6:00 p.m.



**The Fabulous
Gem Tones**

*Classic Hits from
the 70s to now*
Monday, Sept. 4
3:30 p.m. & 4:30 p.m.



**Zerbini
Family Circus**

*Activity Pass
Wristband Required*
Sunday & Monday
12:00, 3:30, & 5:00 p.m.

**The Townsmen
Plus One**

Big Band / Variety
Monday, Sept. 4
12:00 p.m. & 1:00 p.m.



**Exotic
Edventures**

Educational Animal Show
Sunday & Monday
12:30, 2:00, & 4:00 p.m.



**Part Time
Cowboys**

Country
Sunday, Sept. 3
3:30 p.m. & 4:30 p.m.



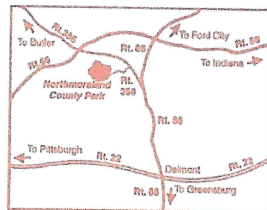
Luke Wultz

Alternative/Indie Rock
Sunday, Sept. 3
12:00 p.m. & 1:00 p.m.



\$4 All Day Activity Pass

All Day Access to: Carnival Amusement
Rides, Zerbini Family Circus, Petting Zoo,
and more!



Dogs and other pets
are not permitted!
Northmoreland Park is located
in Allegheny Township and
is accessible via State Route 356
from State Routes 56 & 66.

Arts & Crafts Marketplace

Giant Flea Market

Food & Drinks

Bingo at Pavilion 8



Sponsored
By:



Westmoreland County
Board of Commissioners



Scan the code
for more info!





Dear Affiliates of the Greater Westmoreland County Labor Council;

Almost 50 years ago, the Greater Westmoreland County Labor Council, the County Commissioners, and the Parks Department gave birth to Labor United -- a two-day Celebration of Labor Day at Northmoreland Park. Each year thousands of folks come to the picnic and enjoy the circus, carnival, bingo, flea market, great food, and are entertained by wonderful music.

For many years most of the food booths were sponsored and manned by Labor Unions. These were union members and their families that gave their time to provide reasonable prices on their hamburgers, hot dogs, meatball sandwiches -- all kinds of food so that working families could enjoy their day at our Labor United Celebration.

As the years have passed, less and less of the food booths are sponsored by local unions-- and we see fewer union members volunteering to help. The Labor United committee is worried that too soon the Celebration will cease to be a **Labor** event. We need your Union to be involved and make sure that Labor United will continue.

This is where your Union can help:

- **Become a Union Banner Sponsor -- for \$250 your Labor Union will have your banner displayed as folks enter the picnic -- If we don't already have a banner for you we will add the cost of \$100 to make one.**
- **Union area - - The Labor Council has a special UNION! booth- We need information that will highlight Union careers and information on how to become an apprentice and join your union. Have members volunteer to tell prospective members about your union. Any items that we can give away at our booth will be appreciated.**
- **Sponsor a fun activity for Kids - \$100 -- a Children's Activity/Diaper Changing Station/Duck Pond -- you decide - Signs with your Union name and logo will be placed in front of the tent --**
- **Join us and Volunteer -- we need union members and their families to sell ride passes, work in the Labor Council Beer Stand, sell raffle tickets, and help at the Bingo pavilion. We will display your banner at the entrance to the picnic to show your participation.**
- **Food Booth --become a part of Labor United - Union Food Booths have priority and keep all of their profits. If your union has a food booth Labor United will pay for your banner.**

This year we need a Hot Dog/Hamburger stand and a booth for Iced Coffee.

This is a great opportunity to participate in an event that celebrates Labor's contributions. Please show your support through sponsorship and join Labor United to make the two Labor Day event special for working families.

In Solidarity,

Harriet Ellenberger Chair, Labor United

Labor United Sponsor form

Banner Sponsor _____ \$250 If we have your banner – additional \$100 for new banner
Banners are 30 inches by 10 feet in length

Kid's Activity Sponsor _____ \$100 Send your logo and name of your union to be placed on a Yard Sign

Union Booth _____ We will provide literature and/or items to give away at the event.

Volunteers _____ We will have _____ (number of volunteers) for the Celebration
Sunday 11:00 am until 7:00 - Monday, Labor Day --10am until 6:00 pm
Volunteers' Names and time available - works best to schedule for at least 2 -3 hours
If you have at least 3 volunteers Labor United will provide a banner for your union.

Name of Your Union _____

Volunteer Name	Phone:	Email:	Day & Time
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Food Booth _____ \$400 for Two-day event -- If your union is interested to make some money
Please contact Harriet -- *We are looking for a Hot Dog/Hamburger vendor and
an Iced Coffee vendor*

Donation _____ Our Union would like to make a donation to support Labor United's future

Please return to:

Labor United

C/O Harriet Ellenberger

170 Holly Place

Mt. Pleasant, PA 15666

for more information call: Harriet 724-423-2878

or email: ellenberger@zoominternet.net

NWPA ALF Blended Meeting

Meeting 7:00 PM on Wednesday, 9/27/23

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,
8/21/23

PSEA HALL

3033 NEW BUTLER RD NEW
CASTLE, PA 16101

FOR MORE INFORMATION CALL
724-971-7473.

BUTLER COUNTY CLC:

MEETING 7:30 PM ON WEDNES-
DAY, 8/2/23

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
8/3/23

IBEW LU5, 1400 LEONARD RD.,
CLEARFIELD 16830

FOR MORE INFORMATION CALL
814-937-2208.

ERIE-CRAWFORD CLC:

MEETING 7:30 PM ON WEDNES-
DAY,

8/2/23 **CANCELLED**

ERIE-CRAWFORD CLC-

NEW LOCATION BEGINNING

**9/6/23/23 ADMIRAL
ROOM-BLASCO LIBRARY
160 W. FRONT ST ERIE, PA
16507**

FOR MORE INFORMATION CALL
814-823-9940.

GREATER WESTMORELAND CLC:

MEETING 7:00 PM ON MONDAY,
8/21/23

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 8/24/23

UMWA 1412 51 ELEVENTH ST.,
LUCERNEMINES 15754

FOR MORE INFORMATION CALL
724-479-0923.

MERCER COUNTY CLC:

MEETING 7:30 PM ON THURS-
DAY 8/17/23

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

FOR MORE INFORMATION CALL
724-854-0605.

VENANGO-CLARION CHAPTER:

BLENDED MEETING 6:00 PM ON
THURSDAY, 8/10/23

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, 8/3/23

IUOE 95 HALL, 116 DOBSON
AVE., WARREN 16365

FOR MORE INFORMATION CALL
814-730-7558

PA Area Labor Federation Officers

Chair Andrew Harkulich
Sec Treas Phil Lasky
Vice-Chair Shane Clark
Vice-Chair Richard Galiano
Vice-Chair Julie Barnett
Vice-Chair Maria Delgado
Vice-Chair William Palmer
GMP Rep/Trustee Anthony Modaffare
OPEIU Rep/Trustee Jeffrey Hapke
IBEW/Trustee Declan Pape

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Rep B CLC Jim Saeler
Rep CECJ (P)CLC Jeff Miller
Rep E-C CLC Angel Negron
Rep GWCLC Walter (Pat) Geiger
Rep I-A CLC Rachel Sternfeld
Rep M CLC Lonnie McFall
Rep V-C Chapter CJ Pete Kluck
Rep W-F (M) CLC Richard Barrett
Rep B&CTC Rep Retiree Groups Daryl Busch
Rep AFSCME Dave Carey
Rep AFT Antonella Spinelli
Rep CWA Steve Tulblaenko
Rep APSCUF Lee Williams
Rep GMP Anthony Modaffare
Rep IBEW Frank Telesz Jr
Rep IBT John Cerra
Rep IUOE Jeff Blymiller
Rep IUPAT Ron Buechel
Rep Iron Workers Greg Bernarding
Rep OPEIU Jeffrey Hapke
Rep PAJBWU John Cochran Jr
Rep SEIU Mike Butler
Rep TWU Dennis Sabina
Rep UA James C Kirsch
Rep UBC Lonnie McFall
Rep UFCW Rebecca Valvo
Rep UMWA Chuck Knisell
Rep USW Paul Pelc

Director NWPALF
Amy Alcorn

**NWPA AREA LABOR FEDERATION,
AFL-CIO'S**

CODE OF CONDUCT

*THE NWPALF AREA LABOR FEDERATION, AFL-CIO IS
COMMITTED TO PROVIDING AN ENVIRONMENT FREE
FROM DISCRIMINATION AND HARASSMENT, REGARD-
LESS OF AN INDIVIDUAL'S RACE, ETHNICITY, RELIGION,
COLOR*

*SEX, AGE, NATIONAL ORIGIN, SEXUAL ORIENTATION, DIS-
ABILITY, GENDER IDENTITY OR EXPRESSION, ANCESTRY,
PREGNANCY, OR ANY OTHER CHARACTERISTIC PROHIB-
ITED BY LAW.*

*AS, THE AFL-CIO WILL NOT TOLERATE DISCRIMINATO-
RY, HARASSING OR OTHERWISE UNACCEPTABLE BEHAV-
IOR 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.*