MARCH 2020

Business MATTERS

BUTLER COUNTY • THE INSIDE STORY

Legal & Insurance

Guiding You Along The Right Path

SPECIAL SECTION

BUSINESS LEADERS IN THE BUTLER COUNTY WORKFORCE

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propriately without violating the rights of people who have been legally prescribed medical marijuana."

A first factor to consider, Harmon said, is an employee's behavior. Signs of active use are no different than those who may be using illegal recreation drugs: bloodshot eyes, sleepiness, giggly, lack of focus, impaired motor skills.

"They may talk a lot or have euphoria," Harmon said. "Any (drug) substances, including

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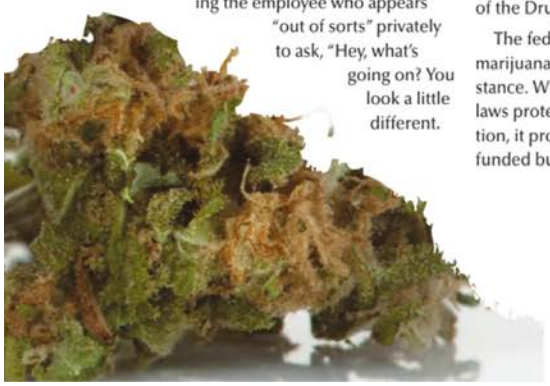
marijuana, have the potential to make people unsafe or unproductive in the workplace. We have people who come (to ARC Manor) for treatment and their sole drug of choice is marijuana. They've gotten DUIs and lost jobs and their life has been negatively impacted."

Harmon said, in her opinion, signs of active intoxication can, in some cases, be similar to someone having a medical issue not related to drug use. So she recommends approaching the employee who appears "out of sorts" privately to ask, "Hey, what's going on? You look a little different.



Are you OK? But if you are going to ask, you have to be compassionate. They could have a medical problem."

Irwin said she believes an employer who has a reasonable suspicion that an employee is under the influence of a drug can send that person home.

If an employee's behavior rises to the level of a drug test, or if employers host random drug tests, Irwin says the type of test could be very important. Employers would need to consult their testing company to inquire about using a test that specifies the level of active THC.

"Employers understand what type of drug testing they do is of critical importance," Irwin said. "You must test active THC to determine active impairment."

The rules are different, Irwin notes, if the employee is governed by the state Department of Transportation. In those cases, any positive drug test — including one that demonstrates only that THC was used at some point — would cause action against a CDL license holder.

Safety issue

Many local employers, like Linda Franiewski, executive director at the Ellen O'Brien Gaiser Center, said they have not reached this point yet because, "to date, the Gaiser Center has not been approached by an employee wanting to use medical marijuana.

As a recipient of federal funding, Gaiser is required to comply with all federal provisions of the Drug Free Workplace Act of 1988.

The federal government still categorizes marijuana as a schedule 1 controlled substance. While the state's medical marijuana laws protect patients from criminal prosecution, it provides no job protection for federally funded businesses.

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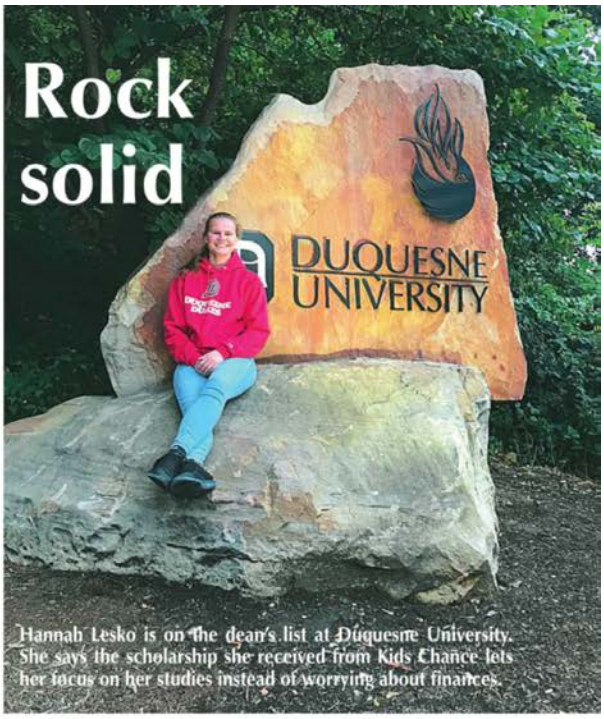

Hannah Lesko is on the dean's list at Duquesne University. She says the scholarship she received from Kids Chance lets her focus on her studies instead of worrying about finances.

Nonprofit helps children of workers seriously hurt, killed, on job continue their education

Hannah Lesko was a first grader when her father — an electrician and the family's main wage earner — fell from a transformer while working in Minnesota.

More than a decade later, Lesko said her father's injuries prevented him from ever returning to work. Yet she was planning for college and wondering how she and her family would afford tuition.

On the suggestion of her mother, Lesko successfully applied for a scholarship from Kid's Chance, a nonprofit agency that grants scholarships to children of workers who have been killed or seriously injured in a work-related accident.

Lesko, now a sophomore chemistry major on a pre-med track at Duquesne University, was awarded $2,500 each year from the program.

"I can't tell you how much that's helped me. I don't have to focus on where that money is going to come from. I can focus on my studies," said Lesko, who is on the dean's list. "When I applied, I thought even if I only get a couple hundred dollars it would be a big deal to me. But they have been able to help a lot of people. And for me, this is a big stress relief."

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The state leg of the organization, Fort Washington (Montgomery County)-based Kids Chance of PA, is one of the oldest and largest of the unaffiliated branches, having gifted nearly $2 million in accumulated scholarships since its 1997 inception.

Last year alone, the non-profit awarded $179,000 to 57 high school graduates for use at college or vocational schools, including Butler County students.

Outreach chairman Peter Pentz said the hardest part of his job is identifying eligible scholarship applicants. Pentz, an Erie-based workers' compensation attorney for more than three decades, said when a person is injured or killed at work, the devastating impacts are long-term and affect an entire family. But, he said, when the traumatic event occurs, how to pay for a child's post high school education isn't typically a first thought.

"Especially if their children are like 5 years old at the time," Pentz said. "Someone who is applying for college now, may have had a parent die 10 or 15 years ago."

Kids Chance is making a push to get eligible students into its databank as soon as possible so that they will be on the radar when they need a scholarship.

Although Kids Chance works with a number of agencies including the Pennsylvania Bar Association and Workers' Compensation division, the nonprofit is all volunteer.

Scholarship funds come through fundraisers and tax-deductible donations from individuals, companies, foundations, the United Way and various workers' compensation organizations.

> "The workers' compensation system is typically an adversarial system, but no one wants the innocent victims to suffer."
> **Peter Pentz**

Volunteers, including the 10-member governing board, come from different backgrounds, ranging from employers and union members to insurance agencies.

"The workers' compensation system is typically an adversarial system, but no one wants the innocent victims to suffer. This is one place we are all on the same side. We all work together at Kids Chance," Pentz said.

"There are innocents in the system. And we often don't realize what affect a vocational injury or death has on anything beyond what's in our vision. This is a way to connect to that side of things and help those innocents who are affected."

Students receive up to $5,000 a year, which they can use for tuition or other needs, like housing or books. Kids Chance also sends each scholarship recipient a care package, including small items like snacks, notebooks and a gas card.

"It's just meant to send a little encouragement to them in their studies," Pentz said.

Recipients are selected by a committee, which confirms circumstance and need.

Kids' Chance of PA President Liz Crum has been involved in the state workman's compensation system in different capacities for more than three decades. Currently a consultant, she retired in 2018 as director of Pennsylvania's Workers' Compensation Office of Adjudication, with management responsibilities for the state workers' compensation judges and the adjudication/dispute resolution system.

"I did not have direct contact with children because in adjudication there only would be the injured worker or widow," said Crum, who became a Kids Chance board member after her retirement from the state.

"But the testimonials I hear from our scholarship recipients really hit home. It's so compelling."

Some students' stories are memorialized on the group's website in written form and video. That website, kidschanceofpa.org, has information on how to donate or nominate a student for a scholarship The 2020 scholarship application deadline is April 15.

"Lets us know we aren't missing anybody," said Pentz, who noted that it is not unusual for the board to later hear thanks from the scholarship recipients. "It's wonderful to see how appreciative they are. They will tell you how important this is and how they might not have afforded an education without help. Kids Chance does good, and it's definitely appreciated."