

JPI

WORKING

for you

Fighting for Workers' Rights

Winter 2022

JPI

JUBELIRER, PASS & INTRIERI, P.C.
Attorneys-at-Law

www.jpilaw.com

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For more than 75 years, the attorneys of Jubelirer, Pass & Intrieri have served as trusted allies for those we represent.

- Labor and Employment Law
- Workers' Compensation
- Personal Injury
- Social Security Disability
- Estate Planning and Administration
- Driver's License and DUI Issues
- Civil Litigation

Jubelirer, Pass & Intrieri has served as legal counsel for more than 80 local and national labor organizations in various industries in both the public and private sectors. The lawyers at JPI have represented working people and their families in a variety of legal proceedings.

JPI has a well-established track record protecting and enforcing workers' rights. Our attorneys are honored to have been named among Pennsylvania Super Lawyers, Pittsburgh's Top-Rated Lawyers, and Best Lawyers in America.

JPI has been designated as a Top-Tier Law Firm by *U.S. News & World Report*.

**Let us serve you and
your family.**



JPI LAW WELCOMES ITS NEWEST ATTORNEY JUSTIN ROMANO

Justin is an accomplished attorney with over 12 years of experience, successfully representing clients in cases ranging from auto accidents to antitrust. His practice areas include personal injury claims, contract disputes, labor and employment matters, class action lawsuits, and counseling small businesses. Justin has developed a significant criminal defense practice, advising clients facing the most serious charges at trial, direct appeal, and Post-Conviction Relief Act claims. He regularly represents clients in trial and appellate court proceedings throughout Pennsylvania, West Virginia, and other jurisdictions. This well-rounded experience gives Justin the ability to provide our clients with a wide range of legal services.

Justin attended Penn State and Duquesne Law School. He is an avid reader, concert-goer, and die-hard Pittsburgh Pirates fan. He also enjoys playing racquet sports and has ridden his bicycle through every Pittsburgh neighborhood.

Justin is active in the community serving on several boards and as an elected committee person for the 8th Ward of the city of Pittsburgh. He is also an adjunct professor at Duquesne University School of Law and is a regular speaker at legal seminars. Justin is currently serving a three-year term on the Pennsylvania Disciplinary Board's Hearing Committee.

For more information, visit our website at www.jpilaw.com.



FULL TORT AND LIMITED TORT IN PENNSYLVANIA: **WHAT'S THE DIFFERENCE?**

As a Pennsylvania driver, you are given a choice between two types of insurance coverage. The first is known as "Full Tort" insurance and the second is known as "Limited Tort" insurance. The Pennsylvania Motor Vehicle Financial Responsibility Law, passed in 1990, provides Pennsylvania drivers and motor vehicle owners with this choice between "Limited Tort" and "Full Tort."

While limited tort insurance coverage is typically slightly less expensive than full tort insurance coverage, the choice between the two types of insurance policies can have significant consequences if you are injured in a car accident caused by the negligence of another person. Every Pennsylvania driver should understand the difference between limited and full tort insurance options before signing a car insurance contract.

If you choose the full tort option, you and all household members covered by the policy have an unrestricted right to seek financial compensation for both economic and non-economic loss. Examples of economic loss are medical expense and wage loss that were not compensated as first party benefits under your policy. Most importantly, you retain an unrestricted right to seek financial compensation for pain and suffering resulting from your injuries.

If you choose the limited tort option, you may not be able to collect any compensation for pain and suffering unless the injuries fall within the definition of "serious injury" or unless one of the exceptions apply. Under the Pennsylvania Motor Vehicle Financial Responsibility Law, a "serious injury" is an injury resulting in death, or serious impairment of bodily function or permanent serious disfigurement. The determination as to whether an injury constitutes a serious impairment of bodily function is decided on a case by case basis. Oftentimes, individuals will suffer injuries which require surgery resulting in lengthy absences from work. However, if their injuries eventually heal and they resume normal activities, the injury will not be deemed serious, and they cannot recover for pain and suffering. Common exceptions that allow an individual who has selected the limited tort option to still recover for pain and suffering are the following:

- If the party responsible for the accident is convicted or accepts ARD for driving under the influence of alcohol or a controlled substance;
- The responsible party is operating a motor vehicle registered in another state;
- The responsible party has failed to maintain automobile liability insurance as required under the Pennsylvania Motor Vehicle Financial Responsibility Law; OR

- If the injured individual was an occupant of a motor vehicle other than a private passenger motor vehicle. This exception arises when the occupied vehicle was insured by a corporation, as opposed to a natural person.

In our opinion, the full tort insurance coverage is always worth it. Full tort coverage allows you to recover the full extent of both your economic damages and non-economic damages, such as pain and suffering. Full tort provides peace of mind, and gives the injured individual an opportunity to recover for all losses attributable to the motor vehicle collision.

In addition to selecting the full tort option, it is also important when purchasing automobile insurance coverage to make sure you have adequate uninsured (UM) and underinsured motorist coverage (UIM). Uninsured and underinsured motorist insurance protects you and your family members in the event the responsible party did not have liability insurance, or their liability insurance limits are insufficient to pay for all of your damages attributable to their negligence.

If you would like our office to review your automobile insurance policy coverages so we can suggest changes when you renew your policy, please call us. Our review is free of charge.

For more information about JPI, go to jpilaw.com/practice-overview.html

PENNSYLVANIA INHERITANCE TAX: FREQUENTLY ASKED QUESTIONS

One of the first questions asked by those who are preparing their estate plan is “how will my property be taxed at the time of my death?” Most of us need not worry about federal estate tax since the federal government will only impose an estate tax if your estate exceeds 12.06 million dollars. The same, however, cannot be said about Pennsylvania inheritance tax because it applies regardless of the size of your estate.

Also, at some point, you may be requested to serve as the personal representative or executor of an estate of a loved one or friend who is a resident of Pennsylvania. As the representative of the estate, one of your primary responsibilities will be to satisfy any outstanding Pennsylvania inheritance taxes.

Whether you are planning your own estate, or you have been asked to serve as an executor of an estate, a knowledge of Pennsylvania inheritance tax is essential. Factors to consider are as follows:

What is the inheritance tax rate in Pennsylvania?

The rates for Pennsylvania inheritance tax are as follows:

- 0 percent on transfers to a surviving spouse, to a parent from a child aged 21 or younger, and to or for the use of a child aged 21 or younger from a parent;
- 4.5 percent on transfers to direct descendants and lineal heirs;
- 12 percent on transfers to siblings; and
- 15 percent on transfers to other heirs, except charitable organizations, exempt institutions and government entities exempt from tax.

Property owned jointly between husband and wife is exempt from inheritance tax.

Who are direct descendants and lineal heirs for the purposes of inheritance tax?

Direct descendants include all natural children of parents and their descendants (whether or not they have been adopted by others), adopted descendants and their descendants and step-descendants.

Lineal heirs include grandfathers, grandmothers, fathers, mothers and their children. Children include natural children (whether or not they have been adopted by others), adopted children and stepchildren.

Is there a discount on inheritance tax?

Inheritance tax becomes due at death and must be reported and remitted before nine months



pass from the date of death. If payment is made within three months of the date of death, a 5 percent discount of the tax paid or the tax due, whichever is less, applies.

What property is subject to inheritance tax?

All real and tangible personal property of a PA resident decedent, including but not limited to cash, oil and gas rights, automobiles, furniture, antiques and jewelry located in Pennsylvania at the time of the decedent's death, is taxable. All intangible property of a resident decedent, including stocks, bonds, bank accounts, loans receivable, etc., is also taxable, regardless of where it is located at the decedent's death. In the case of a nonresident decedent, all real and tangible personal property located in Pennsylvania at the time of the decedent's death is taxable. Intangible personal property of a nonresident decedent is not taxable.

Jointly-owned property with right of survivorship, except between husband and wife, including but not limited to real estate, securities and bank accounts, is taxable based on the decedent's interest in the joint property. This interest is calculated by dividing the value of the joint property by the number of joint owners at the time of the decedent's death. Joint property is taxable even in situations where the decedent's name was added as a matter of convenience. Further, if the decedent created the joint interest in the property within a year of his death, the full value of the property is taxable in the decedent's estate, less \$3,000.

Can funeral expenses and the decedent's unpaid bills be deducted from the amount subject to tax?

Yes, unsatisfied liabilities incurred by the decedent prior to death are deductible against the taxable estate. In addition to debts incurred by the decedent or the estate, costs of administration of the estate and funeral and burial expenses are deductible, including attorney fees, fiduciary fees and the cost of the burial lot, tombstone or grave marker.

For the sake of convenience, I put my mother's name on my savings account. Recently my mother died, and now I am told I have to pay inheritance tax on my own money. Is this true?

Under inheritance tax law, since the account was jointly owned, you and your mother had equal access to the account. Therefore, in this case, the survivor is taxed on one-half of the amount in the account.

Is an inheritance considered taxable for PA personal income tax purposes?

No, inheritances are not taxable for PA personal income tax purposes.

Who files the inheritance tax return?

Inheritance tax returns must be filed within nine months of a decedent's death by the person named in the will as personal representative or, if no Will exists, the individual approved as administrator by the Register of Wills. If no personal representative or administrator is named and property or transfers exist, then the person(s) receiving the property must file and pay the tax.

Where is the inheritance tax return to be filed?

If the decedent was a Pennsylvania resident at death, the inheritance tax return must be filed with the register of wills in the decedent's county of residence.

If the decedent was not a resident of Pennsylvania but had assets located in Pennsylvania, the inheritance tax return must either be filed with the register of wills of the county where assets are located, or directly with the PA Department of Revenue.

If you have questions regarding Pennsylvania inheritance tax for your own estate planning needs, or as the representative of someone's estate, please give us a call.

LABOR HISTORY: FRANCES PERKINS – DRIVING FORCE BEHIND THE NEW DEAL

Many remember the New Deal—a series of reforms, laws and regulations designed to lift the United States out of the Great Depression and improve the lives of working families—as President Franklin Delano Roosevelt’s signature achievement and an inflection point in U.S. history. However, there is a lesser-known historical figure largely responsible for designing many of these programs—some of which survive to this day. An architect of many crucial New Deal programs, Frances Perkins rose from humble beginnings to become the Labor Secretary under FDR and the first woman to ever serve as a cabinet secretary. In so doing, she

left an indelible mark on labor history in the United States.

Born and raised in New England in the late 1800s, Frances Perkins enrolled at Mt. Holyoke although it was unusual for women to attend college at the time. One particular course in American economic history had a profound impact on her life’s trajectory. Shocked by the dangerous conditions and long hours workers in factories were forced to endure, she was inspired to advocate for laws and regulations which

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LABOR HISTORY: FRANCES PERKINS – DRIVING FORCE BEHIND THE NEW DEAL *(continued)*

would protect the health, safety, and livelihoods of working people. Ms. Perkins’s early career working with the unemployed and indigent convinced her further that she would dedicate her life to the betterment of working families.

In 1911, Ms. Perkins later witnessed, in horror, a devastating fire at the Triangle Shirtwaist factory in New York City which tragically claimed the lives of nearly 150 garment workers. Upon reflection later in life, she would proclaim this to be “the day the New Deal was born.” Ms. Perkins went on to study, investigate, and advocate not only for fire safety in the workplace but also other threats to the health and well-being of

industrial workers everywhere. She soon became a renowned expert in the field and her work led directly to the enactment of comprehensive laws in New York governing the health and safety of workers and unemployment compensation.

Her years of service, lobbying, and advocacy in New York served Frances Perkins well when President FDR appointed her to serve in his cabinet at Secretary of Labor in 1933. In that

capacity, Ms. Perkins was a fierce, dedicated, and forceful advocate for a broad range of programs that benefited workers and the middle class. Amongst them were the 40-hour workweek, a minimum wage, workers’ compensation, abolition of child labor, social security, and massive public works programs to increase employment opportunities. As a result of her efforts, many landmark elements of the New Deal were enacted into law and survive to this day.

Ms. Perkins was a fierce, dedicated, and forceful advocate for a broad range of programs that benefited workers and the middle class.