

Prison must find common ground with employee or face suit

By STEVEN A. MORELLI
Special to The Dallas Post

JACKSON TWP. — A federal fact-finder ruled the State Correctional Institution at Dallas violated an employee's rights by forcing him to work in cigarette smoke even though he has a potentially fatal lung ailment contracted at the prison.

"(The prison) failed to enforce its non-smoking policy and administer meaningful discipline to employees who violated the policy," wrote Marie M. Tomasso, director of the federal Equal Employment Opportunity Commission's Philadelphia district.

The prison also failed to reassign the kitchen worker, William O'Rourke, to a smoke-free area when he contracted desquamative interstitial pneumonitis, a lung disease that becomes fatal with prolonged cigarette smoke exposure, the decision said.

Tomasso scheduled a conciliation conference for the prison and O'Rourke to resolve the issue. If an agreement is not reached, O'Rourke is allowed to sue the state, perhaps with the help of the federal government.

David Tomaszewski, O'Rourke's lawyer, said O'Rourke, a lifelong nonsmoker, won a workers' compensation case in 1997 that decided his work environment at the prison caused his ailment. The prison did not appeal that case.

He had stopped working in July 1997 when diminished lung capacity put him in intensive care. He returned to work in December 1997, but was assigned to an area where he was exposed to cigarette smoke, according to court findings.

O'Rourke lost lung capacity again and stopped working in

April 2001. Now, 10 percent of his lungs have died, according to his doctor, Herbert Patrick of Hahnemann University Hospital. O'Rourke has again recovered enough to return to work, but he is worried his life will be threatened in a smoking environment, Tomaszewski said.

"The dead part of his lungs would get bigger," Tomaszewski said. He is scheduled to return to work on Wednesday.

Kenneth Burnett, prison spokesman, said the state Department of Corrections mandates the kitchen be smoke-free and the prison is in "compliance."

"There hasn't been any smoking there that I'm aware of," Burnett said.

He would not comment about the EEOC determination that the prison violated O'Rourke's rights.

A Jan. 31 conciliation meeting between O'Rourke and the prison was postponed at the prison's request.

In a separate case, O'Rourke is awaiting a hearing to decide how much the prison should pay him for retaliation against him after reporting wrongdoing. The state Supreme Court last year upheld a ruling that the prison violated the whistle-blower's law, and ordered the Commonwealth Court to assess the damages.

The decision said prison personnel started creating a hostile work environment after O'Rourke reported the theft of at least 15,000 pounds of meat. O'Rourke alleged that inmates stole sandwiches, traded them in the prison economy and falsified records, all with prison workers' knowledge.



Meadows to host blood drive

The Meadows Nursing Center, Dallas, will sponsor an American Red Cross blood drive in the center's Multi-Purpose Room, first floor, from 1-6 p.m. on Friday, February 22. Community members are invited to donate at the center. For more information or to schedule an appointment, call 675-8600, ext. 195 or 138.

Shown are Meadows volunteers who will be assisting with the drive from left seated: Helen Mondulick, Barbara Barakat, Louise Lamoreaux, Irene Transue, Mary Law. Standing: Marilyn Gregorski and Betty Sorchik, Meadows Volunteer Coordinators; Colleen Phillips, Sr. Regional Representative NEPA Blood Center; Laurie Popson, Blood Services Coordinator; Lois Keller, Bernie Hill; Donna McCall and Bob Law.

Legal battle

(continued from page 1)

Judge Conahan dismissed Cavanaugh Electrical from the suit this week as having no standing, leaving Marx as the only plaintiff in the suit, but the attorneys for the school district have asked that Marx's complaint be dismissed also.

Attorneys for the plaintiffs are saying that Main Electric was not the "lowest responsible bidder" because of issues surrounding its bonding. Main Electric switched bonding companies in November from Harleyville Insurance to AC-STAR Insurance Co.

Five school board members voted to pass the action to hire Attorney Albert, with Charles Balavage abstaining because Cavanaugh Electrical once employed him. Lois Kopcha and Joseph Kapitula voted no on the motion. Kopcha said she had a problem with the way the hiring was done and that it was in violation of Section 508 of the School Board Code. Michelle Coombs was not in attendance.

"They are Philadelphia lawyers. They are sharp guys, these guys."

Atty. Peter Savage
Lake-Lehman solicitor

In other business, the school board voted to appoint David Gambal of Pocono Lake as Indoor Percussion Director and John Taggart of Hanover Township as Indoor Colorguard Director, effective immediately. The two new band directors have been serving as volunteer coaches for the last five or six years. The new positions were created by the board, at the request of the band members and sponsors, to circumvent the district's liability issues and enable the concert band to practice for competitions once again.

Visitors' comments after the meeting included discussions on the contract negotiations between the teachers' union, Lake-Lehman Education Association (LLEA), and the school

district that started in January. Several audience members expressed dismay concerning the secrecy of the negotiations and asked when they could know what the union was asking for. "Negotiations are ongoing. We are prohibited from giving out that information," Superintendent Robert Roberts explained. "If we did that without the consent of the other party we would be subject to unfair labor practices."

Fritz Chamberlain, a district resident, remarked, "That's taxation without representation," reflecting the opinion of many audience members. The board agreed to consider asking the union to disclose details of the negotiations.

Film series to begin at restored Dietrich Theater

The Dietrich Theater in Tunkhannock will begin showing a series of foreign and independent films at least one week a month in the Murray theater at the Dietrich. Starting February 8, these films are supported by the Humanities-and-the-Arts Initiative, sponsored by the Pennsylvania Humanities Council on the Arts, a state agency funded by the Commonwealth of Pennsylvania and the National Endowment for the Arts.

On February 8, the Dietrich will show the British film, "Innocence," a story Roger Ebert wrote about in his Sept. 7 review. "Here is the most passionate and tender love story in many years, so touching because it is not about a story, not about stars, not about a plot, not about sex, not about nudity, but about love itself. True, timeless love itself." The story of two lovers who meet again after 50 years apart, "it is a grand and uplifting tale of people well up in years who take the risks necessary to break out of lives gone ordinary to reach a higher plane of feelings and awareness."

"Innocence" will be shown at 7:15 Friday and Saturday night. For other times please check listings or call 836-1022. There will be a reception with light refreshments at 6 p.m. There will be a discussion preceding and following the film on Friday night by Dr. Phillip Mosley of Penn State University. Seating is limited; please call 836-0176 to reserve a place.

The second film to be shown the week of Feb. 8 is "Ghost World," an adult film about a teenager. Lonely, ironic, shocking, Enid walks through life as a sardonic observer. This is a risky movie that, for all its darkness, never loses its sense of humor with a happy ending of sorts. For indie buffs, this is a small gem that shouldn't be missed.

In the months to come, the Dietrich will show many independent and foreign films, including "Kandahar," "Lantana," "Italian for Beginners," "Beijing Bicycle," "Monster's Ball," "Waking Life" and many others. Films and dates will be announced as they are confirmed.

Maas opens family practice

Dr. Kurt Maas, M.D. announces the opening of his medical office located at 609 Main Rd. (across from Offset Paperback) effective February 1.

Dr. Maas will be assisted in his practice by Amanda Bobin, RN of Falls.

Office hours are by appointment and can be made by calling 675-8730.

PROPERTY TRANSFERS

The following property transfers were recorded at the Luzerne County Courthouse the week of January 25-31, 2002.

John Shannon per sheriff to Federal Nat'l Mtg., 160 Jackson St., Dallas Borough, \$3,522.

Charles Bufalino III to Molly Sheridan et al, Hillside Condo, Dallas Borough, \$116,000.

Barry Mitchell e tux to Jeffrey A. Zaykowski, Applewood Manor, Dallas Twp., \$252,000.

Janine M. Snyder to John Riccetti et al, Lot 7C Goss Manor, Dallas Twp., \$87,500.

Bruno F. Killias to Gerard Mihalick et ux, 539 Deer Hill Rd., Jackson Twp., \$242,500.

Dale Realty LTD to Joseph D. Dalkiewicz, Lot 12 Sutton Farms, Jackson Twp., \$20,000.

Michael Toman per sheriff to Chase Manhattan Bank, 46B Atherholt Dr., Kingston Twp., \$1,954.

John Smith per sheriff to Bankers Trust Co., 50 Perrin St., Kingston Twp., \$3,549.

R.N. Fitch & Sons, Inc. to Deerfield by Hallmark, Inc., Lot 39 Deer Meadow Est., Dallas Borough, \$47,995.

Wayne Elston et ux to Michael Woosman et ux, 5.00 acres, Dallas Twp., \$136,000.

Dominic Fino et ux to Dominic P. Fino Jr. et ux, see deed, Dallas Twp., \$169,000.

David N. Speranza to Kent Rothenberger et ux, Unit 1A Hillside Condo, Dallas Twp., \$112,000.

Robert G. Nave et ux to Aaron Wade Anselmo et ux, Lot 127 Idlewood Dr., Dallas Twp., \$162,000.

Linda Toma et al to Christian C. Hampel, 83 Hildonia Ave., Dallas Twp., \$130,000.

Richard J. Racusin et ux to Joseph J. Sabatini et ux, Lot 42, Sutton Hills, Jackson Twp., \$130,000.

Cendant Mobility Services to Darren G. Archer et ux, Lot 59 Sunrise Estate, Kingston Twp., \$220,000.

Harry R. Carey et ux to Nola S.

Holland, L134 Midway Manor, Kingston Twp., \$125,000.

John Bosak et ux to Christine G. Calabrese, Lot 11 Hillcrest View, Kingston Twp., \$96,000.

Margaret R. James estate to Timothy A. Sayer, 1 acre, Lehman Twp., \$65,000.

Jack H. Meeks et ux to Jean M. Miller, 125 Pinecrest Ave., Dallas Borough, \$127,500.

Barry Adelman to Mike Obeid et ux, Orchard West U403, Dallas Borough, \$72,000.

Joseph Ryan et ux to Robert A. Jesse et ux, Lot 3 Burndale Housing, Dallas Borough, \$133,000.

John A. Consalvo to Joseph R. Nardone et ux, see deed, Dallas Borough, \$270,000.

Lo-Meadows, Inc. to Jack D. Moran et ux, see deed, \$281,713.

Marvin Mead agent to James Roccograndi et ux, 1.75 acres, Dallas Twp., \$172,500.

Robert Menig et ux to Scott Harpersberger et ux, 3, 4, 6 Goss Plot, Dallas Twp., \$115,000.

Alexander Apaliski et ux to John C. Carminati et ux, see deed, Harveys Lake Bor., \$95,500.

David B. Hislop et ux to Susan Kaufer, see deed, Kingston Twp., \$135,000.

THE DIETRICH THEATER

60 East Tioga St., Tunkhannock is pleased to inform you of another great line-up of INDEPENDENT and FOREIGN FILMS!

February 1 thru 7th:
BREAD & TULIPS & NOVOCAINE then

INNOCENCE & GHOST WORLD
These two films, one about age, one about youth, are being sponsored by the PA Humanities Council and PA Council of the Arts. On Friday, Feb. 8th we are pleased to have a guest lecturer with a discussion about each film. Light refreshments will be served.

PLEASE CALL 836-1022 or 836-0176 for further details and to be put on our mailing list. Check our new website at www.dietrichtheater.com

ALSO ON VALENTINE'S DAY - Feb. 14, for one day only - 2 & 5 p.m., we will be showing CASABLANCA! \$3.00 per ticket.

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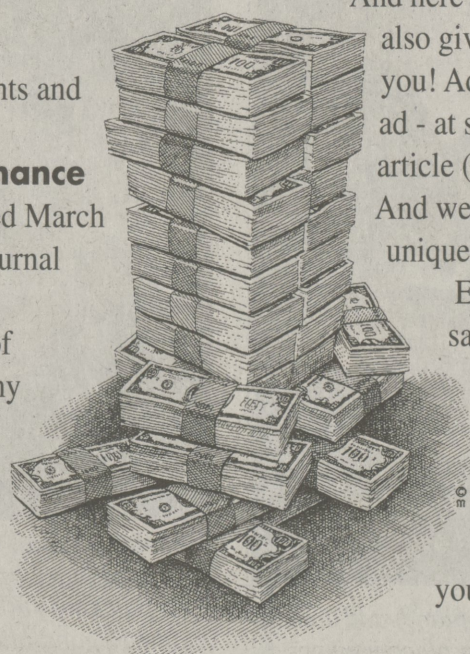
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Per\$onal Finance

Tabloid Size section (5 col. by 13") will appear in the **March 7, 2002** issue of **The Dallas Post** and **The Abington Journal**

and the March 10 issue of the **Sunday Dispatch**

Reserve your space by Friday, February 22 and get spot color free!

Ad deadline for all papers: Friday, March 1

Article deadline for all papers: Tuesday, February 26

Call your account executive:

Post - 675-5211, Journal - 587-1148, Dispatch - 655-1418