

Thousands of workers in Pa. owed back pay

U.S. Department of Labor holding \$16 million

By Michael Korsh
Pittsburgh Post-Gazette

In the aftermath of federal wage and hour investigations, the U.S. Department of Labor has recovered more than \$16 million in back wages that remain unclaimed in Pennsylvania.

More than 16,000 Pennsylvania workers — including over 400 in the Greater Pittsburgh area — have yet to recoup the funds, the

agency said in a news release last week, often due to their inability to notify employees who have changed jobs or addresses.

“Our preference in a normal course of action is to have the employers pay these employees directly — but that’s not always possible,” said Dan Doherty, an assistant district director in the DOL’s Pittsburgh office. “And even when the employers are looking, they can’t always locate these workers.”

To facilitate the funds’ recovery, the department created an online search tool known as Workers Owed Wages, or WOW. The tool, which is available in both English and Spanish, enables workers and their advocates to determine if they are owed wages — and if so, claim them — by answering a brief series of questions.

In Allegheny County, \$1.1 million in back wages remains unclaimed by 1,134 workers, according to an agency spokesperson.

Notable cases of unclaimed funds in the Pittsburgh area include

Christian Home Health Care, which paid \$812,675 in back wages after a worker misclassification and overtime pay investigation. Of that, about \$365,000, or 45%, of the wages remain unclaimed by 369 workers.

Loving Kindness Healthcare Systems also paid nearly \$680,000 in back wages to 93 workers after the agency charged the company with overtime pay violations. About \$21,000 remains unclaimed by 92 workers.

The DOL’s Wage and Hour Division can only hold unclaimed back wages for three years before it is re-

quired to turn the money over to the Department of the Treasury.

“Despite the division’s best efforts, too much of this money remains unclaimed,” the agency said in its release.

For assistance with the Workers Owed Wages system, workers and labor advocates can contact the Wage and Hour Division’s Pittsburgh District Office at 412-395-4996. The agency provides phone assistance in more than 200 languages.

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Sebastian Foltz/Post-Gazette photos

From left front, Andrew Wickesberg, viola; Regi Papa, violin; Juan Jaramillo, violin; and Charlie Powers, cello, rehearse for a Candlelight Concert at the Omni William Penn Hotel on Jan. 18. The show was part of a series put on by the New York City-based entertainment company Fever in cities across the country. Thousands of candles are used at the concerts, which usually feature a string quartet or other small ensemble.

In fight for paid leave, bereavement often left out

By Laura Esposito
Pittsburgh Post-Gazette

When Rochelle Jackson joined the Women and Girls Foundation of Southwestern Pennsylvania in 2017, it was supposed to be an exciting new time in her life.

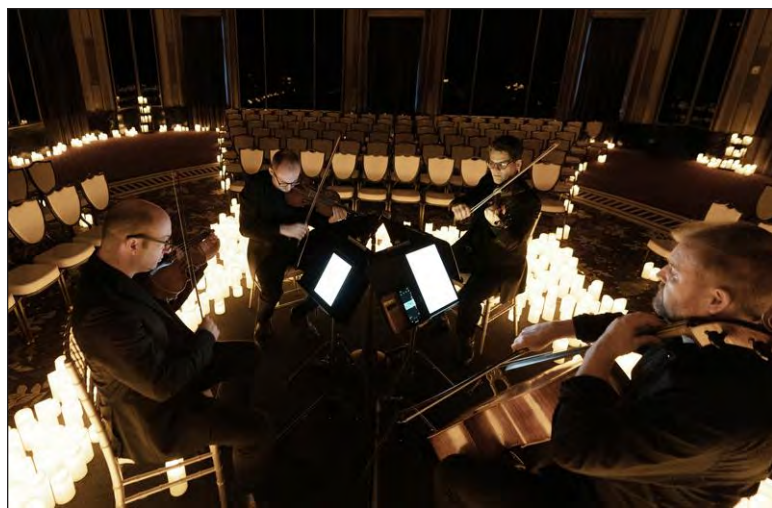
A friend of Ms. Jackson, 53, recruited her to spearhead a new project at the nonprofit organization. With her four children now grown, she could finally commit to the hard work that would entail.

That changed a year later when Ms. Jackson was in the emergency room at UPMC Monroeville with back pains. She remembers stressing that her hospital visit was taking longer than expected; she was going to be late for the Labor Day party her family had planned for that evening.

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Classics by candlelight

‘Immersive experience’ trend of the past few years seems to work



A closer view of the four practicing for their Omni William Penn Hotel show.

By Jeremy Reynolds
Pittsburgh Post-Gazette

An entertainment company has hit on an idea that has actually made classical music profitable again: Play Mozart, but add candles.

That may seem more gimmicky than revolutionary, but it’s working. These concerts belong to a new trend in entertainment in recent years: the “immersive experience.” (Remember that trippy, immersive Van Gogh exhibit from a few years ago?) Something about dressing a concert up with hundreds or thousands of

twinkling candles has caught the listening public’s imagination in a way that playing Beethoven or Bach in a traditional concert hall hasn’t.

Plus, these concerts’ flickering social media ads spread like wildfire when they open in a new city.

Created by the New York City-based entertainment company Fever, the concerts started in 2019 and have crescendoed to more than 180 cities around the world. They kicked off in London, New York City and Dubai but are now spreading to smaller, more regional markets like

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Trae Patton/NBC

Pittsburgh native Loren Allred performs “Never Enough” on the Jan. 15 episode of the NBC competition show “America’s Got Talent: Fantasy League.”

‘Never Enough?’

North Side native aims to win on ‘America’s Got Talent’

By Joshua Axelrod
Pittsburgh Post-Gazette

Jaws dropped, eyes bulged and hands covered mouths during Loren Allred’s first appearance on the “America’s Got Talent: Fantasy League” stage.

The 34-year-old North Side native and “Britain’s Got Talent” alumnus brought the house down using nothing but her powerful voice during Jan. 15’s episode of NBC’s new twist on the long-running talent competition series featuring past contestants from across the “Got Talent” franchise.

Ms. Allred’s soaring rendition of “Never Enough” — the song she originated in the 2017 movie

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GERALD E. ‘JERRY’ MCGINNIS | March 17, 1934 – Jan. 25, 2024

Legendary CPAP inventor and Respiroics founder

By Michael Korsh and Jordan Anderson
Pittsburgh Post-Gazette



Gerald E. “Jerry” McGinnis, a celebrated biomedical engineer who turned a fledgling medical device company founded in his suburban Pittsburgh kitchen into a global empire, died Thursday from complications of Parkinson’s disease. He was 89.

Mr. McGinnis was widely revered as the progenitor of the first mass-produced breathing machine in the United States —

a device that has treated millions around the world who suffer from sleep apnea, a chronic and potentially deadly condition in which breathing starts and stops intermittently during the night.

Respiroics, the medical device

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Arturo Fernandez/Post-Gazette

Respiroics Founder Gerald McGinnis oversaw the first mass production of CPAP machines.

Pa. appeals court blocks independent DAs' opioid lawsuits

Pittsburgh Post-Gazette

Pennsylvania's Commonwealth Court has sided with the Pennsylvania attorney general and halted independent opioid-related lawsuits by district attorneys in Philadelphia and Allegheny County.

In the ruling, announced Friday, the court said the office of Attorney General Michelle Henry has the superseding authority as "chief law officer," a ruling that effectively means the two independent lawsuits against opioid manufacturers cannot move forward.

Ms. Henry said this means a payout to the state of \$1.07 billion from drug manufacturers will proceed.

The Post-Gazette has reached out to county District Attorney Stephan A. Zappala Jr.'s office for comment on the ruling and whether it can be appealed.

The pair of lawsuits came after a joint suit against opioid manufacturers and distributors resulted in a multi-billion-dollar settlement last year involving multiple states. Companies including Cardinal, McKesson and AmerisourceBergen were involved in the settlement.

"The court's decision also affirms that the district attorneys are bound to the terms of the multibillion-dollar opioid settlements led by my office and agreed upon by all 67 counties in Pennsylvania, including Allegheny and Philadelphia, as we have consistently maintained," Ms. Henry said. "Pennsylvania can receive up to \$1.07 billion from those settlements if all counties and other litigating governmental entities, like the district attorneys, participate. This decision moves Pennsylvania closer to receiving that entire amount."

Ms. Henry added that money from the settlement will "bolster resources for people in recovery, pay for lifesaving medications, improve networks of care for families who have lost a loved one, and help remove stigma barriers that often prevent persons in need from seeking help."



Sebastian Foltz/Post-Gazette

Pittsburgh police respond to a report of a body found in a parking lot below the West End Bridge on the North Shore on Saturday.

Woman killed after getting knocked over side of bridge

Pittsburgh Post-Gazette

A woman was apparently struck by a hit-and-run driver on the West End Bridge early Saturday, an impact that knocked her over the side of the span onto the ground below, killing her.

Pittsburgh police reported they were called to the 700 block of North Point Drive in the Chateau neighborhood of the North Side for an unresponsive woman at 8:30 a.m. Police radio calls at the time indi-

cated a person walking to work on the bridge had spotted the body.

A news release said arriving responders found the woman in a parking lot directly below the north side of the bridge. She had sustained significant injuries, including to her head.

She was pronounced deceased by medics at 8:45 a.m.

"The initial investigation indicates that she was on the West End Bridge at approximately 3 a.m. when she was struck by a vehicle.

The impact forced her over the railing to where she was located," the release said.

Authorities said the vehicle involved was a dark blue or black sedan, possibly a Hyundai or a Honda, with silver wheels and damage to the passenger-side window. It was last seen in the area of Chartiers Avenue.

Collision Investigation Unit detectives are investigating.

The woman's identity has not been released.

E. Palestine derailment leads to new rule to protect train crews

By Jonathan D. Salant

Pittsburgh Post-Gazette

WASHINGTON — Railroads will have to provide protective gear for crews on trains carrying hazardous materials under a new rule issued Thursday by the Federal Railroad Administration in response to the chemical spill after a Norfolk Southern train derailed in East Palestine, Ohio, a year ago last month.

The new rule requires railroads to have emergency escape breathing apparatuses on board for employees who could breathe in toxic chemicals in the event of a derailment. The companies must make sure the equipment is properly working and train their employees on how to use it.

A spokeswoman for the Association of American Railroads, Jessica Kahanek, had no comment.

The FRA said the rule was a response to the February 2023 chemical spill after a Norfolk Southern train derailed in East

Palestine, Ohio.

Dozens of cars, many of them carrying toxic chemicals such as vinyl chloride, went off the tracks just over the Ohio-Pennsylvania border in February. That was followed by a controlled release and burn of toxic chemicals, which prompted the evacuation of the Ohio village and sent a plume of black smoke into the skies over Beaver County.

In September, President Joe Biden ordered the Federal Emergency Management Agency to name a federal disaster recovery coordinator to oversee recovery efforts and determine what needs not addressed by the railroad would qualify for federal assistance. The coordinator also would work with state and local governments, the private sector and religious and other community groups.

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Man indicted on federal cyberstalking charge, accused of sending ex thousands of messages

By Megan Guza
Pittsburgh Post-Gazette

A Scott man accused of terrorizing, stalking and threatening his ex-girlfriend for years was indicted this week on federal cyberstalking charges.

Daniel Marsico, 37, is accused of sending thousands of threatening messages to the woman for years after their June 2020 breakup, as well as creating fake lewd social media profiles in her name, kicking in her door and assaulting other men in her life.

The harassment and stalking continued despite attempts at police intervention and restraining orders, according to the grand jury indictment returned Tuesday and unsealed Thursday.

"I know you're awake. All your lights are on," he's accused of texting her in January 2021. "Is someone over there? A guy?? Tell me now or I'll find out. I'm coming over if you don't answer me."

The 22-page indictment offers a window into incessant calls and texts Mr. Marsico is accused of making — thousands in all, the grand jury alleged.

Over one day in August 2021, he sent her more than 100 messages: "I'm coming over after you get off work too. Understand? Call the police. See how much worse that makes things." In another string he's accused of writing: "[Expletive] answer me! I'll go to your house right now and kick that [expletive] door in."

The barrages continued for years, according to the indictment.

When the woman threatened to go to police, according to the indictment, Mr. Marsico allegedly responded: "I don't respect cops or judges. I think they're a bunch of dumb dogs."

An analysis of federally prosecuted cyberstalking cases funded by the National Institute of Justice and published by the RAND Corporation last year revealed a rise in such cases between 2014 and

2020. Cases peaked in 2019 with 80 and then fell slightly in 2020. Data for the past three years was not available.

More than 400 federal cyberstalking cases were filed from 2010 through 2020.

The report found the legal system was unprepared to handle the rise in cases, noting that law enforcement "is seldom about to prioritize or allot substantial resources to cyberstalking." It also cited the difficulty linking digital evidence to suspects as a major hurdle for authorities.

Indeed, according to the indictment, that was something Mr. Marsico was seemingly banking on. In September 2021, he allegedly created a fake Facebook account under the victim's name that included lewd photos he'd taken without her knowledge during their relationship.

When she said she would report him to law enforcement, he allegedly told her that "While [Facebook] is solid evidence. I could be plastering you all over the place and as long as I keep my mouth shut I can't be [convicted]. The internet is a sketchy slope."

Between September 2021 and the end of 2021, he allegedly texted the woman some 1,300 times. He also began threatening and harassing her current significant other, the grand jury alleged. The alleged abuse continued throughout 2022 and 2023, right up until he was taken into custody Wednesday.

Federal law allows for a sentence of 1 to 5 years in prison.

A detention hearing is scheduled for Jan. 29. Prosecutors are asking that Mr. Marsico be held in custody as the case plays out, calling him a danger to the community.

A stalking charge against Mr. Marsico by Scott police has also been pending since mid-2023. A hearing in domestic violence court is scheduled for next week.

Respironics served as a harbinger of Pittsburgh's economic redevelopment

MCGINNIS, FROM C-1

company he founded in 1976, acted as a harbinger of Pittsburgh's economic redevelopment during the late 20th century, as it transitioned from a steel town into an incubator for emerging biotechnology.

At the time, "it became the thing to say Pittsburgh can't survive without steel, unfortunately," said Gene Scarberry, the company's former technical director. "But here was a hope. And Jerry was part of that hope."

After receiving a degree in mechanical engineering from the University of Illinois and a master's degree in engineering from the University of Pittsburgh, Mr. McGinnis worked at Westinghouse, exploring emerging health and medical technology as the manager of its bioengineering department.

One of the studies he took part in was research in producing the artificial heart and another was exploring the ways that people could survive in space.

Later, as the director of surgical research at Allegheny General Hospital, he found himself increasingly drawn to developing technology that could improve patient care, as well as troubled by the potential harms of medical device pitfalls.

His early work in trying to find a way to create a device that would take the tube of the invasive endotracheal place a device that often damaged the windpipe — would lead to the development of his cele-

brated continuous positive airway pressure machine, or CPAP.

"He always looked at the body as a machine. He loved thinking that way and finding ways to help the body," said Audrey McGinnis, his wife of 63 years.

She said much of his work took place at home: in his kitchen as well as his basement.

"He worked 24 hours, and he'd go to bed when the kids went to school," she said.

Known for his commitment to safety, he would follow the development of his devices even after his company was sold to Royal Philips for \$5.1 billion in 2008.

And when he discovered that the Dutch multinational corporation had held back information that the breathing machines were capable of releasing hazardous chemicals into the respiratory system, he grew increasingly angry.

"You act on these right away. You don't wait," he said during a November interview at his home in Plum. "They dragged the name through the mud."

His own foray into the medical device industry would begin in 1971, when he founded Lanz Medical Products.

As a pioneer in sleep medicine, he was frequently strapped for funding, often borrowing money from private lenders and banks. Six years after he launched his company, a fire ripped through the building, destroying everything.

He would eventually have to borrow more money, but managed to rebuild the company. "He had

the guts to put it together, go after it and stuck his neck out multiple times," said Mr. Scarberry.

Over the course of three decades, Mr. McGinnis's company would evolve into a billion-dollar player in the medical device industry before being acquired by Philips.

Even as the manufacturer expanded globally, former company executives and employees said McGinnis's heart for patient care shaped a rigorous culture of quality assurance.

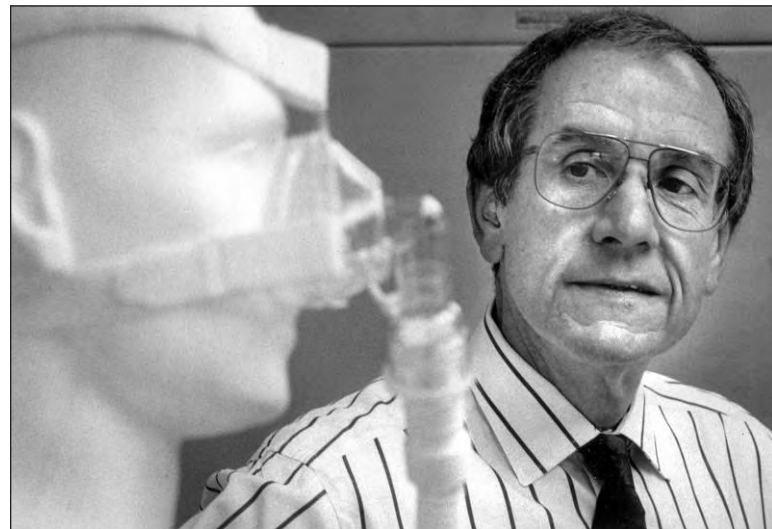
After his company was sold, he never lost interest in the machines that were launched by the company and continued to bear his company's name.

Mr. McGinnis' legacy has been cemented in a medical wing of Allegheny General Hospital, endowed chair in sleep medicine at Harvard Medical School, and more than a dozen U.S. patents — all of which share his name.

He also received numerous honors for his decorated medical career that improved the lives of patients around the world. In 2010, the University of Illinois at Urbana-Champaign, Grainger College of Engineering named Mr. McGinnis to the Engineering at Illinois Hall of Fame.

The following year, the Heinz History Center honored him with the History Makers Award. And in 2016, the Pittsburgh Venture Capital Association presented Mr. McGinnis with a Lifetime Achievement Award.

Nearly 14 years after Royal Phi-



Pittsburgh Post-Gazette

Gerald McGinnis with one of Respironics' CPAP machines in November 1991. Mr. McGinnis, who founded Respironics, died Thursday at 89.

lips bought his company and renamed it Philips Respironics, the global conglomerate pulled millions of its CPAPs and ventilators from shelves after discovering foam placed inside the devices could degrade and potentially send toxic chemicals into patients' respiratory systems.

In the wake of the 2021 recall, an investigation by the Pittsburgh Post-Gazette and ProPublica revealed the company kept secret more than 3,700 complaints about the faulty devices over the course of 11 years.

U.S. lawmakers have since called for a Justice Department crackdown on the company, and the U.S. Government Accountability Office is launching an inquiry of the Food and Drug Administration's oversight of medical device recalls for the first time in years.

Near the end of his life, Mr.

McGinnis grappled with how the recall risked the safety of millions and the threats it posed to the legacy he built across more than a half-century.

"He was such an ethical man, such an honest man — and so, so bright," said his wife.

He is also survived by two daughters and five grandchildren.

"When he came home, he was a dad. He put that all aside," said Ms. McGinnis.

A private funeral is planned. In lieu of flowers, Mr. McGinnis' family is asking that any memorial contributions be made to the Parkinson's Foundation.

Post-Gazette deputy managing editor for investigations Michael D. Sallah contributed to this report.

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