



WVFDA FACT LINE

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October 2009

NFDA LEADERSHIP CONFERENCE

The NFDA 2009 Leadership Conference was held at the Chateau on the Lake Resort in Branson Missouri, July 26-29. It is the only event of its kind to offer current and aspiring funeral service leaders the opportunity to explore issues and share experiences with colleagues from around the country.

Conference attendees from WVFDA were Susan Mace, Jeff Fraley, John Taylor, Roger Cooke, Ira Handley and NFDA President John Reed.

The conference's keynote speaker discussed the challenges inherent as volunteer boards and association staff work together to build strong, productive relationships. She shared information about what successful associations have done to create and maintain success; discussed the characteristics of a strategically-focused board's role and responsibilities; and the importance of trust and transparency.

NFDA General Counsel T. Scott Gilligan presented a workshop that examined the methods and procedures modern organizations use to streamline meetings. There were also programs relating to non-profit organizations and state preneed laws.

Meeting with friends and peers who have similar roles and responsibilities, our delegation came home with new, ready-to-implement ideas to better assist them both as funeral di-

rectors and association volunteers.

In the changing face of funeral service our Association is working hard to better serve our members.

ANNUAL WVFDA ADVOCACY SUMMIT

The Annual WVFDA Advocacy Summit will be held February 9-11, 2010 at the Marriott Hotel, Charleston. It is very important to our Legislative efforts that you attend.

There will be continuing education, a visit to the Capitol during the Legislative Session, and a Legislative reception. All are of extreme importance.

The Senators and Delegates attending our Legislative Reception expect to see their Funeral Director from "back home." This gives us a great opportunity to talk one on one with those who make Legislative decisions.

Your attendance is needed, important to our efforts, and we **urge** you to attend.

Please remember — "Politics is not a spectator sport."

DISTRICT STRUCTURE COMMITTEE

Association President Susan Mace has appointed an Ad-Hoc Committee to study and make recommendations on the purpose, structure, and alignment of our Districts due to

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a rising concern regarding the participation, involvement, and lack of District activity.

The Committee held its first meeting on September 15, 2009 and began discussions of the mission, purpose, structure, boundaries, leadership development, and District Governor's job description.

The Committee is composed of the following:

- John H. Taylor, Chairman and WVFDA President Elect
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- District 1, James W. Lowry
Telephone: 304-741-3090
E-Mail: jwlembalmer@yahoo.com
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- District 4, Brian L. Smith
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- District 5, Jared S. Jenkins
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E-mail: fredljenkins@hotmail.com
- District 6, Robert G. Rose
Telephone: 304-232-5110
E-mail: info@kepnerfuneral.com
- District 7, Dora Chapman Wright
Telephone: 304-523-9424
E-mail: chapmansmortuary@wvdsi.net

The Committee welcomes input from all members. If you have ideas, comments, or suggestions, contact either the Committee member from your district or Chairman John Taylor by telephone or e-mail.

IN MEMORIAM

CHARLA JEAN HANDLEY

Charla Jean Rakes Handley, 35, of Hamlin and Danville, WV died suddenly on Tuesday, October 6, 2009.



She was the wife of John T. Handley of Handley Funeral Homes, members of the West Virginia Funeral Directors Association, WVFDA District I, and National Funeral Directors Association.

The thoughts and prayers of the West Virginia Funeral Directors Association are with the Handley family.

WORKERS' COMPENSATION DEATH BENEFIT

The Insurance Commissioner has directed that pursuant to West Virginia Code 23-4-4(a) that in the event a work related injury causes death, the amount of funeral or cemetery expenses shall be raised from the current \$5,000.00 to the amount of \$7,000.00 for all funeral and cemetery services provided on or after September 1, 2009.

This represents a \$2,000.00 increase over the amount set in 1995.

WV PRENEED FUNERAL TRUST

The WV Preneed Funeral Trust has posted, as of August 31, 2009, a year to date performance rate of 4.18% net of all fees and taxes.

The following was originally printed in the August 2005 *Fact Line* and is reprinted here for your information purposes.

Participating funeral homes can view Preneed contract information on line. If you are a par-

ticipant in the West Virginia Preneed Funeral Trust, you can view contract Trust balances, payment histories, and payment status for installment contracts.

GETTING STARTED—

1. Go to www.administrativesystems.com.
2. On the home page, click on **Customer Login**.
3. In the **Create an Account** dialogue box, click on **Create an Account**.
4. Complete the requested information and click on **Submit**.

By the next business day (usually much sooner during business hours) we will contact your funeral home to verify that access has been requested and activate your account. You will receive an email verifying that your account has been activated.

CALENDAR OF EVENTS

October 25-28, 2009
128th NFDA Annual Convention & Expo
Boston Convention & Exhibition Center
Boston, MA

December 9, 2009
WVFDA Board & Trust Board Meeting
Marriott Hotel
Charleston, WV

February 9, 2010
WVFDA Board & Trust Board Meeting
Marriott Hotel
Charleston, WV

February 9-11, 2010
Midwinter Meeting - Advocacy Summit
Marriott Hotel
Charleston, WV

March 8-10, 2010
2010 NFDA Advocacy Summit
Renaissance Mayflower Hotel
Washington, DC

May 5, 2010
WVFDA Board & Trust Board Meeting
Marriott Hotel
Charleston, WV

June 6-10, 2010
WVFDA 116th Annual Convention
Marriott Hotel
Charleston, WV

July 11-14, 2010
2010 NFDA Leadership Conference
Hyatt Regency Chesapeake Bay Resort
Cambridge, MD

October 10-13, 2010
129th NFDA Annual Convention & Expo
New Orleans, LA

BEREAVED CONSUMER'S BILL OF RIGHTS ACT OF 2009 INTRODUCED

(Source NFDA)

Representative Bobby Rush, D-Ill., introduced the *Bereaved Consumer's Bill of Rights Act of 2009* (H.R. 3655), which would require the Federal Trade Commission to initiate a separate rule that would cover cemeteries and all other sellers of funeral goods and services.

According to the text of the bill: "The Federal Trade Commission's Funeral Industry Practices Trade Regulation Rule dictates consumer protections in the funeral home, but does not cover the practices of cemeteries, crematoria, or sellers of monuments, urns or caskets... State laws are inconsistent and frequently too



weak to provide adequate consumer protections, creating a need for minimum federal standards in the area.”

NFDA is carefully analyzing the bill and its implications for funeral service. While it does impose some modest requirements on funeral homes, it appears that it contains provisions that NFDA has long-argued were necessary, given a dramatically changed marketplace in which consumers can purchase funeral goods and services from sellers that are lightly or even unregulated by state or federal law.

We will continue to keep you informed about the status of this bill in the coming weeks and months. If you have questions, comments or concerns about this bill, please contact NFDA Senior Vice President of Advocacy John Fitch at 202-547-0441.

ASCAP INSPECTING FUNERAL HOMES WITHOUT MUSIC LICENSES

(Source NFDA)

A funeral home in a small town in South Dakota recently opened the door to an unwelcome visitor during a funeral service – an ASCAP inspector who was checking up on funeral homes that do not have music licenses. ASCAP, along with BMI and SESAC, are the three music-licensing organizations in the United States.

After determining that the South Dakota funeral home was allowing copyrighted music to be performed during the funeral service, the ASCAP inspector gave the funeral home a choice: pay for an ASCAP license for 2009 or face a copyright infringement suit with penalties of up to \$30,000. The funeral home had no choice but to pay for the ASCAP license for the final four months of 2009.

That individual license cost more than the an-

nual music license fee available through NFDA, which gives a funeral home a blanket license for all music in the ASCAP, BMI and SESAC libraries. Not surprisingly, the South Dakota funeral home that alerted NFDA about the inspection quickly signed-up for the NFDA music license for 2010.

When NFDA contacted ASCAP officials about the inspection, ASCAP verified that it has targeted funeral service for enforcement after discovering significant numbers of funeral home locations that were not licensed. Several NFDA members have also reported receiving letters from ASCAP regarding federal copyright law and the music license requirement. If a member has all of its locations licensed through NFDA, they should disregard the letter; if they are not licensed through NFDA, they should contact NFDA immediately to renew their license.

Members of NFDA are eligible to purchase a comprehensive music license covering all three music-licensing organizations, ASCAP, SESAC and BMI, for \$223 – the lowest price available anywhere. A license must be purchased annually for each funeral home location in order for the business to be properly licensed and comply with federal copyright law.

To learn more about music licensing or to purchase a license, please visit www.nfda.org/about-nfda/membership-information or call NFDA at 800-228-6332.

WVFDA Mission Statement

WVFDA's mission is to serve its members and the public by furthering the profession of funeral service through enhanced educational opportunity, involvement in the public and private areas, and development of communications with its membership and all involved with the profession.

**OSHA STEPS-UP
ENFORCEMENT EFFORTS**
(Source NFDA)

In late July, OSHA officials conducted inspections of two different funeral homes in Illinois. Both inspections were the result of a complaint, and focused on formaldehyde exposure. In both citations, initial penalties in the amount of \$1,575 were issued for each funeral home based on serious violations of OSHA's Formaldehyde Standard. Each funeral home was cited for:

- Failure to monitor employees to determine their exposure to formaldehyde.
- Failure to assure that all employees who are assigned to work in places where there is exposure to formaldehyde participate in a training program (except where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above .1 ppm).

Even though these inspections were triggered by complaints – most likely from an employee – it clearly shows the stepped-up enforcement efforts by OSHA under their new more aggressive approach to protecting the health and safety of workers and workplaces. Now that funeral homes and formaldehyde are on their radar scope, NFDA expects more inspections, including those not initiated by a complaint. NFDA will monitor this situation closely and act when it is warranted.

NFDA has a number of tools and resources – including a FREE OSHA Hotline, 800-633-2674 – to help you comply with all OSHA standards; for more information, visit the NFDA Website or call your personal NFDA member services representative at 800-228-6332.



CLASSIFIED

- Three (3) Firms seeking Licensed Funeral Director
- Three (3) Individuals seeking Licensed Position

Please send all inquiries to the Association office.

Telephone: 304-345-4711 or
800-585-2351 (toll free in WV)
Email: RPrice0851@aol.com

NOTE: Listings must be renewed every three months.

**Congratulations West Virginia
2009 Pursuit of Excellence® Award Recipient!**

The National Funeral Directors Association would like to thank the following firm for their display of outstanding service to families and communities, while maintaining the highest professional and ethical standards through participation in the Pursuit of Excellence program:

Dodd & Reed Funeral Home, Inc. – Webster Springs

Visit www.nfda.org/pursuitofexcellence or call your personal NFDA member services representative at 800-228-6332 for program details.



THANK YOU

We wish to thank those companies who have placed a business card advertisement in our newsletter. Your support of our Association is appreciated.

The cards published in this newsletter are those who have, as of the time of this newsletter going to print, purchased a business card advertisement in **WVFDA Fact Line**.



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