

Issue 29 - August 2022



OVB LAW & CONSULTING NEWSLETTER

Monthly Newsletter - Your Legal Nook!



Firm Updates:



Cheers!
Congratulations to Atty. Samantha Huddleston Baker on her recent nuptials. Our Best Wishes to the Newlyweds.

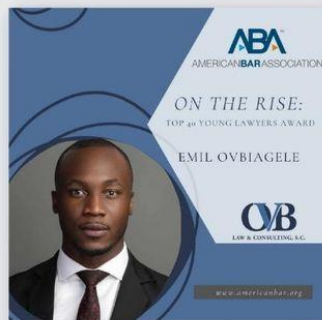
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Tune in to the first installment of Bottom Up, a WisLawNOW Podcast. Don't miss out on this monthly podcast focusing on the issues of interest to all young lawyers in Wisconsin, and beyond!



Attorney Emil Ovbiagele was selected as a recipient of the American Bar Association's 2022 "On the Rise-Top 40 Young Lawyers" Award. Each year, this award recognizes 40 young lawyers across the nation who exemplify high achievement, innovation, vision, leadership, and legal and community service.

"THE ZONING AGENCY IS EMPOWERED TO IMPOSE CONDITIONS TO ENSURE THAT THE PROPOSED CONDITIONAL USE IS COMPATIBLE WITH SURROUNDING USES"

MARY PERANTEAU,
"CONDITIONAL USE PERMITS: STRATEGIES FOR LOCAL ZONING PROCEEDINGS"



WHAT IS A SPECIAL USE PERMIT?

Have you recently acquired a new building, or are you seeking to open a new business in a location that previously operated a business very different from yours? If so, it is important to remember that property use is governed by your municipality's zoning code. Local zoning codes identify permitted uses of land and buildings and regulate other aspects of land use—including building design and landscaping. Every property owner must ensure that their property complies with the local zoning code or risk being fined and shut down for noncompliance.

If you have reviewed your local zoning code and desire to use your property for a purpose that is not permitted under the code, you may still have options. Many municipalities allow property owners to apply for special use permits or use variances that permit the property owner to use the land for an otherwise limited or prohibited use. For example, gas stations often require special use permits in the City of Milwaukee due to the hazardous nature of the business and the areas they often occupy. Similarly, parking lots sometimes require use variances if the proposed location is not properly zoned for parking lots. Use permits and variances are often reviewed on a case-by-case basis and require the property owner to be knowledgeable about the applicable zoning code, their proposed use, and plan of operation, and the process to apply for a special use permit or use variance.

A specialized attorney at OVB Law & Consulting can help you identify what limitations apply to your property and/or business and develop a plan to obtain the approvals necessary to use your property as desired.

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THE LEGAL RAMIFICATIONS OF WORK INJURIES

A workplace injury happens every 7 seconds in America, and over 4.7 million people experience a work-related injury per year. All these workplace injuries can result in some serious legal implications for both the employee and employer. For instance, often when an employee is injured at work, matters such as worker’s compensation and medical work restrictions can be at play, both of which may fall under state and federal laws governing worker’s compensation, disabilities, and medical leave. Understanding when and what laws may be applicable is crucial to properly handle workplace injuries.

It tends to be commonly known that a work injury may lead to a worker’s compensation claim. Worker’s compensation is essentially a method by which an injured employee can apply for compensation to cover the medical and other costs associated with the injury. However, work injuries that occur due to an individual’s own negligence or because of the use of illegal drugs or alcohol are not covered by worker’s compensation. Although it is federally mandated that every state provides worker’s compensation insurance (with the exclusion of Texas), worker’s compensation is dealt with on a state-by-state basis. As such, if you are an employee who suffered a work injury and are seeking help with worker’s compensation, you should contact an attorney within your state to assist you. We at OVB Law & Consulting, S.C. do not offer assistance with workers’ compensation claims, but we can guide in the right direction for those who are better suited to assist you. Where we can assist with workplace injuries is in navigating the employment discrimination laws which may be triggered due to an employee’s injury.

Regardless of whether an injury occurred at work or outside of work, when an employee is injured, they might have medical restrictions or otherwise need time off work while the injury heals which requires accommodation from work. There are certain laws that govern workplace accommodation and medical leave, including the Americans with Disabilities Act (a federal law protecting the rights of individuals with disabilities) and the Family and Medical Leave Act (a federal law providing leave rights to employees when certain circumstances are met). Whether an employee is qualified to take leave under the FMLA usually is clear cut, as depends on how long the employee has been employed with the particular employer. Whether an employee with an injury falls under the ADA, however, tends to be subject to more of a grey area.

Under the ADA, a disability is a condition that “substantially limits” an individual’s major life activities. Typically, a minor or temporary injury such as a sprained muscle or cut will not be considered a disability under the ADA. Whereas, longer-lasting injuries such as spinal injuries or amputations will generally fall under the ADA. If an employee’s injury does fall under the ADA, then the employer is required to provide “reasonable accommodations” to aid the employee in continuing to perform their job duties. What constitutes a “reasonable accommodation” tends to be a legal determination which depends greatly on the particular circumstances of the injury, the job position, the accommodations available, etc. Failure to provide a reasonable accommodation can have serious consequences for the employer as it could lead to civil claims against the employer for violating the ADA and otherwise discriminating against the employee on the basis of their disability. As such, it is extremely important that employers handle accommodation requests with extreme caution.

Whether you are an employer or an employee, navigating the requirements of disability and medical leave laws can be a difficult task given that the appropriate response varies depending on the facts of each situation. Our team at OVB Law & Consulting is uniquely skilled in being able to serve both the employer and employee needs in these types of cases. As such, whether you are an employee looking for advice on responding to employee requests for accommodation or are an employee looking for representation for potential violation of your rights, we are available and eager to assist.



"THE MILWAUKEE BAR AVERAGES OVER
2,500 LAWYER REFERRALS PER YEAR"

MILWAUKEE BAR ASSOCIATION



MILWAUKEE BAR REFERRAL SERVICE, WHAT IS IT?

The Milwaukee Bar Association ("MBA") offers a conducive referral service to help individuals who are seeking legal representation. The best part? It's free! Attorneys in Milwaukee and throughout southeastern Wisconsin opt into receiving these referrals and they enjoy the steady flow of potential clients. Before they may join, they must be in good standing with the MBA, currently have malpractice insurance, and specialize in one or more areas the agency accepts. This ensures each lawyer is vetted and will uphold the standards the MBA requires for each member they have in their referral database.

The MBA also has lawyers on hand who specialize in felony criminal cases and criminal appeals, but the requirements to join are slightly different. The attorneys who would like referrals for criminal cases must submit to the association to demonstrate they have handled cases previously and show promise to deliver.

When individuals call the MBA to find representation, many have questions and do not necessarily need the representation requested. In that case, they are referred to local nonprofits who are skilled in either finding resources to help or answering the questions themselves. These nonprofits can help give callers an idea of what kind of case they may have, any potential outcomes, and if litigation is necessary.

The MBA will typically get back to an individual within 12 business days, and they average over 2,500 lawyer referrals per year! At OVB Law & Consulting, S.C., we thoroughly believe in this service and have seen firsthand how it benefits our community since it is a free service dedicated to connecting potential clients with amazing lawyers in our Milwaukee Community.

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