



OFF AND RUNNING

'It needs to be addressed now'

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Only about a third of the 1,425 trainers who sought licenses in 2003 indicated on their applications that they were providing workers' comp coverage.

"It's clear that this series has brought the issue to the forefront of the public in general," said LaJuana Wilcher, secretary of the state Environmental and Public Protection Cabinet.

Wilcher said Fletcher plans to ask lawmakers to approve the legislation when they begin meeting in regular session on Tuesday.

A state workers' comp fund, combined with increased regulatory scrutiny, should help prevent problems, Wilcher said.

Racetrack officials said they support expanding coverage, although they hadn't seen specifics of the proposal.

"Count us in," said Nick Nicholson, president of Keeneland.

Bob Elliston, president of Turfway Park, said, "We all have an interest in ensuring that all persons who are working on the racetrack and on our backside are appropriately protected."

However, Elliston said, he wants the plan to be financially sustainable and involve shared responsibility. "I would hate for us to have a knee-jerk reaction that was a shortsighted solution."

Keeneland has already begun checking whether trainers who work there carry workers' comp for backside help, Nicholson said.

For example, he said, this month, the track asked all trainers who use the tracks' stalls on Rice Road to provide proof of insurance for any workers by Monday.

The fund would go a step further, insuring even "free-lance" riders who might otherwise not be covered under a trainer's policy.

"What we've learned is that this is the kind of problem that we should do everything we can to solve as much as we can, and then continue to stay vigilant," Nicholson said. "There's no fi-



DAVID STEPHENSON | STAFF

At Keeneland, outriders caught a horse after its rider fell off during training Friday. The saddle slipped after the rider forgot to check the tightness of the girth.

nal victory here."

Steve Sexton, the president of Churchill Downs racetrack, said Churchill Downs Inc., which also owns Ellis Park, is "100 percent behind" a state fund.

"It's probably the most viable solution that's been out there," he said.

"It's a very legitimate issue. It affects a lot of people, it affects the number one agribusiness in the state, and the respective people who make it go," Sexton said. "And so I would sure like to think legislators would be very receptive to addressing an issue that is imminent, that really can't sit and wait for months and even years to be addressed. It needs to be addressed now."

Working out details

Ludt, of the racing authority, said officials are trying to figure out how much money the fund will need — and, therefore, how much the tracks, trainers and owners would need to kick in.

It's expected that Kentucky's fund,

which would be similar to one created in New York, would require less than the \$2.2 million in annual premiums that New York paid last year.

Jockeys and exercise riders would be considered employees of the fund, for purposes of workers' comp insurance. They would be covered as long as they were working at a sanctioned track or training facility. Safety measures such as outriders and an ambulance on site would probably be required.

Wilcher, the state environmental and public protection secretary, said Fletcher has been interested in improving jockeys' coverage since he met with jockeys last spring before the Kentucky Derby.

After the racing authority's special committee began meeting in November, the administration "moved extremely rapidly" to seek a solution, she said.

"I think it's a track record," Wilcher said.

Thus far, it's unclear how legislators will view the proposal.

Rep. Tom Burch, D-Louisville, who sponsored legislation that established the Racing Health & Welfare Fund, said it's right that tracks take responsibility "because they're the ones that benefit," more than anyone else, from backside workers' work.

"Without them, there'd be no racing," Burch said. "You take the hot walker out, and you take the trainer out, and you take the guy who runs the horse in the morning, take them out of the loop and you've got no racing."

Rep. Susan Westrom, D-Lexington, co-chairs a subcommittee on horse farming. She said she would like to see the authority's recommendations.

"This industry cannot afford another black eye. They contribute so much to our state, but if this is an oversight, it needs to be dealt with," Westrom said.

Sen. Damon Thayer, R-Georgetown, co-chair with Westrom of the horse-farming subcommittee, was less enthusiastic.

"I'm not willing to declare that this is a crisis in Kentucky racing," Thayer said. Thayer, vice president of Breeders' Cup event management, said he favored letting racing deal with the issue as it saw fit.

Even if the new fund is created, Ludt, of the state horse racing authority, said it won't solve the entire problem on the backside. It would not guarantee coverage for grooms and hot walkers, who would still have to be covered under trainers' individual policies.

But the new plan will cover those workers most likely to get injured and those most likely to have no workers' comp, he said.

"It's better than the alternative," Ludt said. "The alternative is what you have."

"There are still going to be people who say, 'I don't have any employees,' then hire a groom. And he's going to get hurt and not be covered. People are still going to fall through the cracks."

About this series

Backside workers at Kentucky racetracks are some of the least-protected in the state when it comes to workplace injuries, and they are some of the poorest in the billion-dollar horse business.

Kentucky law requires that anybody with even one employee must provide workers' compensation coverage. But a loophole allows many trainers to avoid paying for workers' comp — and only about a third of Kentucky's trainers report having the insurance.

As a result, seriously injured backside workers often find they have nowhere to turn.

Reach Janet Patton at (859) 231-3264 or 1-800-950-6397, Ext. 3264, or jpatton1@herald-leader.com.

Glossary

Backside: The stable area on the racetrack. Also known as the backstretch.

Exercise rider: Takes horses out in the morning for breezing (a moderate workout) or a sharper workout at a faster gallop. Free-lancers are paid \$10 a head — more in special cases — and might ride 15 to 20 horses a morning.

Groom: A horse's primary caretaker. Feeds, waters, cleans and bandages the horse and sees that the stall is cleaned out daily. Usually paid between \$300 and \$500 a week. Each groom might care for as many as four or five horses.

Hot walker: Walks the horse to cool it down after a workout. Usually paid \$5 a horse.

What is workers' comp?

Workers' compensation insurance exists to protect employees and employers in the event of disabling injuries on the job. Workers are covered for lost wages and medical expenses, and employers receive protection from liability lawsuits.

Costs to employers vary, depending on their claims history and payroll. In Kentucky, a \$400-a-week groom could cost a trainer between \$1,092 and \$2,496 in premiums a year.

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