



"I rode for 25 years as a jockey. I've had every bone in my body broke. If you ride long enough, you're going to get hurt."

Clyde Bramble, who lost his right arm from above the elbow after a training accident



PHOTOS BY DAVID STEPHENSON | STAFF

Bramble checked his mail, including medical bills, in the trailer where he is living, near Tampa Bay Downs in Florida. He dreams of getting his own stable of horses and starting to win again.

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Kentucky courts have declared many horse workers on the backside to be "independent contractors" — even in cases in which trainers use the same workers every day. As contractors, the workers are not entitled to worker's comp benefits or other protections commonplace in most jobs.

"Suppose you got a guy who cleans stalls for 10 people," said the Rev. Tom Farley, race-track chaplain at Turfway Park and Ellis Park. "He's got a whole day's work, but no employer. He's got no coverage at all. That's what really concerns me. ... I see people getting hurt."

It's impossible to know how many Kentucky horse trainers carry no workers' comp, but two statistics aren't encouraging:

- In 2003, only about 500 Kentucky trainers — a little more than a third of those licensed — indicated that they carried workers' comp insurance when they applied for licenses. That left 925 trainers who didn't indicate they had coverage.

- Even fewer — 16.5 percent — filed specific policy information with state racing regulators to prove they had coverage.

David Switzer, executive director of the Kentucky Thoroughbred Association, which represents horse owners and trainers, said the numbers aren't good.

"We need to work on workers' comp, there's no doubt about it," he said.

Switzer attributed the large number of trainers who reported no workers' comp partly to "mom and pop" stables — the hundreds of small operations with few horses and no employees outside the owners' families.

Indeed, most trainers — even some with sizable stables of a dozen or more horses — declared in their applications that they had no employees.

Several lawyers question whether backside workers meet generally accepted tests for being called contractors, such as using your own tools or setting your own hours. And although using contractors is a perfectly legal practice in Kentucky, workers' advocates say it's unfair to backside workers.

"It's an issue that requires social attention. I think we're doing these people wrong," said Don Todd, a Lexington horseman and attorney who has represented injured stable workers. "What other industry is there that doesn't have workers' comp for its labor force? ... The industry has the means to pay for it — they've just chosen not to do it."

"It's traditionally something irresponsible employers do," said Douglas Stevick, the managing attorney for Southern Migrant Legal Services in Nashville, which often represents agricultural workers in labor cases.

"It is a way of shifting costs that are routinely borne by employers onto workers. And you can bet that if it's legal, they're going to do that."

The trouble is, free-lancers looking to work for \$10 a ride often don't know that the cost of medical coverage or disability insurance has been shifted onto them.

As a result, any major injury leaves them unable to pay, and helpless without charity or government programs, such as Supplemental Security Income and Medicaid.

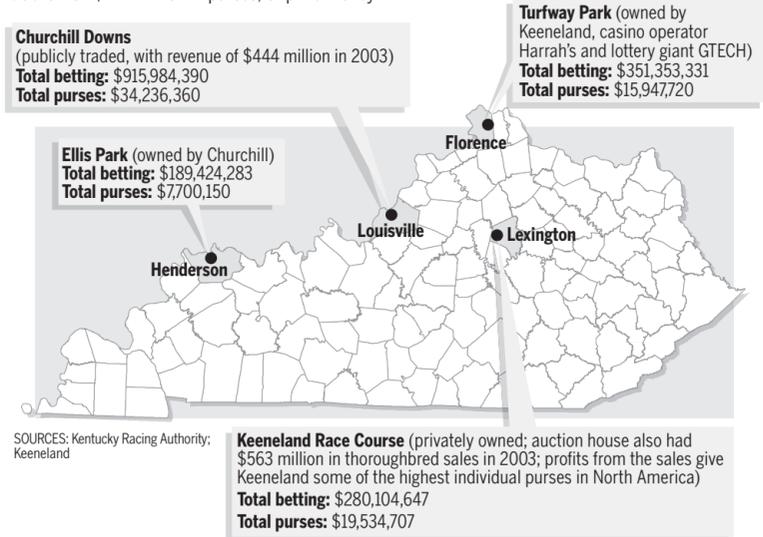
And backside work can be riskier than racing itself.



Bramble's riding helmet, left, is still caked with dirt and blood from his accident at Turfway Park. The cap is from the Don Mac-Beth Memorial Jockey Fund, a California-based charity that helps injured jockeys and exercise riders. It paid Bramble's \$300 rent for six months.

Running for big money

In 2003, these four Kentucky racetracks saw \$1.74 billion in total "handle" — the amount bet at the four tracks plus the amount bet elsewhere on races held at these tracks. Horse owners and trainers at these tracks won \$77.4 million in purses, or prize money.



CAMILLE WEBER | STAFF

Getting hurt is 'part of the game'

Ask typical backside workers whether they have ever been seriously hurt on the job, and many will say no, but then they'll recite a litany of injuries.

Broken legs, arms, feet and ankles; dislocated shoulders and knees; concussions; cuts and punctures; and even finger amputations — all are reported in records of public ambulance runs to Kentucky tracks.

The records show 260 injuries from January 1999 to March 2004 at four facilities: Keeneland and its training center in Lexington, Turfway Park in Florence and Ellis Park in Henderson.

That's about one a week on average — and the numbers don't include Churchill Downs, which uses a private ambulance service for most of its injuries and which refused to release any statistics to the Herald-Leader.

Exercise riders, like Clyde Bramble, are particularly vulnerable.

"Free-lance exercise riders get hurt; that's your tough luck," said Kathy Lowery, a mid-level trainer, at Turfway Park. "Lots of them

get broke arms and broke legs. That's part of the game." As for insurance, she said, "That's your problem."

Better off in Idaho

Unfortunately for Bramble, he was hurt in the "horse capital of the world," not the potato capital. Idaho, with only 83 racing days a year and just one commercial track, offers more benefits for backside workers than Kentucky does.

New York and New Jersey extend workers' comp to jockeys and exercise riders. In California, all backside workers are automatically considered employees of any trainer — be it for one 10-minute ride or for 10 years. That means they all are eligible for workers' comp.

In Kentucky, however, the issue of increasing benefits for backside workers is barely on the official radar screen.

"Do trainers run without workers' comp? Yes. Has it been seen as a problem, that it's risen to a significant thing? I would say no," Keeneland president Nick Nicholson said.

"I think it might be the kind of situation that has fallen through the cracks."

Representatives of Keeneland, Churchill Downs, which owns Ellis Park, and Turfway all agreed that the question needs study.

But not one of Kentucky's regulatory agencies — the Kentucky Horse Racing Authority, the Labor Cabinet, the state Occupational Safety and Health agency and the Department of Workers' Claims — has examined the issue in any major way.

The General Assembly meets next month, and at least one state official says it's time for a broad look at the issue.

"The question that needs to be answered is whether this session that's coming up should address this issue," said LaJuana Wilcher, secretary of the Environmental and Public Protection Cabinet, which regulates racing as well as workers' comp.

Until now, many state racing officials have been more concerned about studying whether state government should play a role in boosting the \$100,000 accident coverage for jockeys.

Whether to improve that coverage became an issue last fall, when several jockeys protested current benefits by walking out during racing at Churchill Downs.

The protest was sparked by the case of Gary Birzer, a jockey who was paralyzed in July after an accident at West Virginia's Mountaineer Park.

Birzer's case made national news, but few people have heard how Birzer got his start.

As a teenager, he lived on a small farm in Ohio, working as a gallop rider and learning the ropes from a veteran horseman named Clyde Bramble.

Working at coming back

"He taught me pretty good," Birzer said in an interview. Bramble taught Birzer to stay calm and centered when things get wild, he said. "He helped me out with that a lot."

In the spring of 2003, the men worked together at Mountaineer, Bramble training and Birzer riding. "Did pretty good," Birzer said. "There for a while, we were winning quite a bit."

Now, life has changed profoundly for both. "Way life goes," Birzer said. "We both know the risks, and we just accepted it ... for the love of horses."

Bramble doesn't talk much about his pain, either. He saves that for Jesus.

"I rode for 25 years as a jockey. I've had every bone in my body broke. If you ride long enough, you're going to get hurt," Bramble said. Then, almost wistful for a gamble he might have won: "This just something ... I could have went over and not hit that pole."

Bramble is looking for a way to get his life back on track.

Just before Christmas, he finally headed down to Tampa, taking some horses to his stepbrother James L. Nicholson. Bramble said he knows racing won't be the same.

"I used to get on my own horses and train them. I just knew them better. I knew 'em really good. And if something's wrong with them, I could fix it," he said. "Now I have to ask an exercise boy."

But he said he wants to get a stable together, take horses back to Mountaineer and start winning again.

"This is really the worst shape I've ever been in," he said. "I need to get my life going."

