

IBEW**LOCAL UNION 589****INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS**

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July, 2001

TO: All IBEW Local Union 589 Members**SUBJECT: My Rights When I Am Injured On-the-Job**

It is unfortunate but the LIRR has taken a position concerning safety and accidents that is preying on uninformed members. To ensure that our membership is protected and versed as to your rights when injured, please read this information and follow it closely. Know your rights for your own sake and that of your family.

MY RIGHTS WHEN I AM INJURED ON-THE-JOB

I JUST INJURED MYSELF

Q. Do I have to go to the railroad doctor?

A. Yes, you must visit the railroad doctor within 24 hours of your injury. However, you may first get medical treatment from the nearest medical facility or your own doctor. If you are unable to travel, you or a member of your family must call the Medical Department at (516) 248-3400 and so advise them; you must also get a note from your doctor attesting to this fact. Failure to do so could delay payment of benefits. Note: This also applies to reoccurrences.

Q. Who should I report the accident to?

A. Report the accident to your immediate supervisor who will fill out an accident report. You are entitled to a copy.

Q. Do I have to make a statement before medical treatment is received?

A. No.

Q. Do I have to make a statement on the phone?

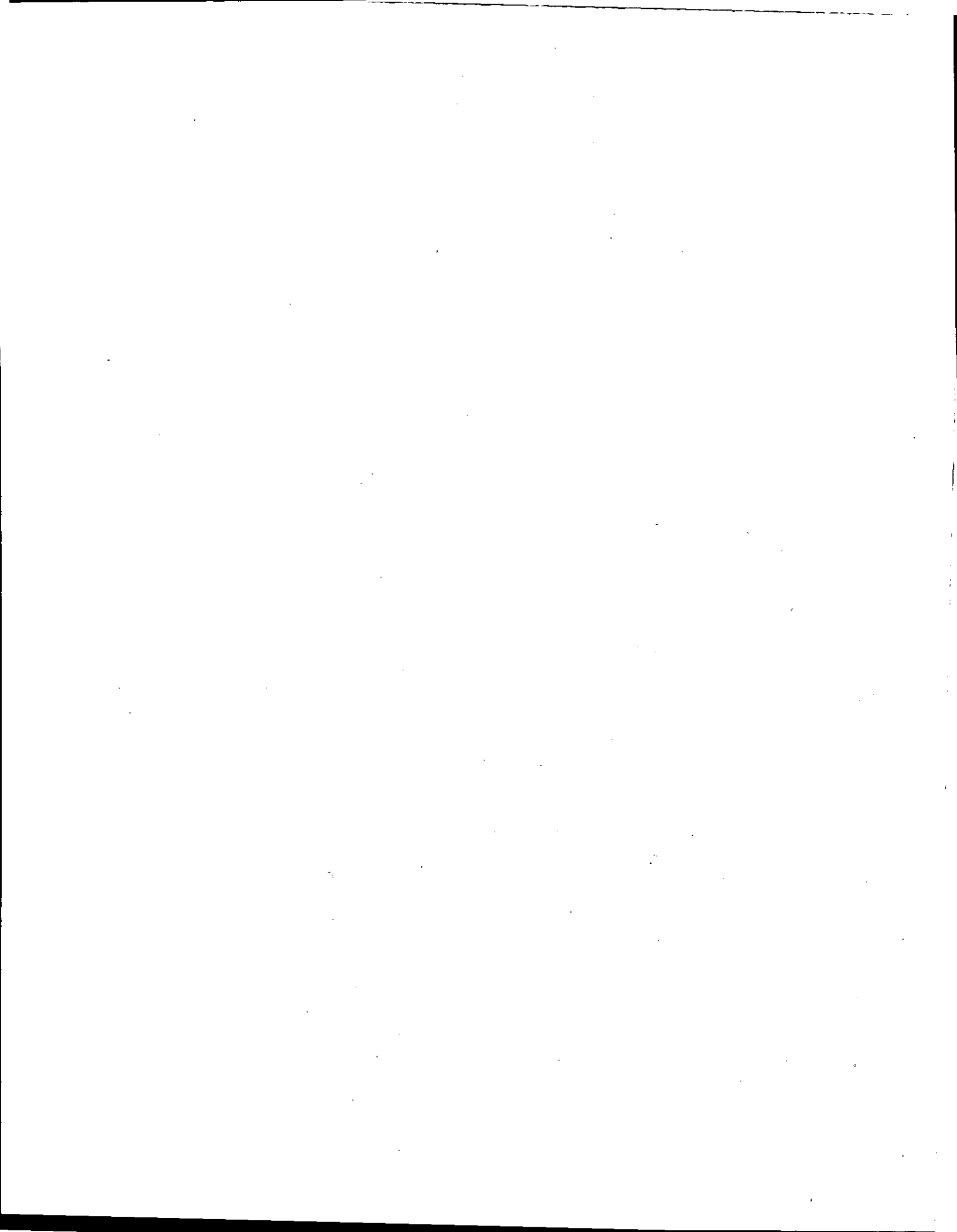
A. No.

Q. Do I have to make any statement?

A. Yes, but you have a right to (1) a union representative or (2) letting your lawyer read it before you sign it.

Q. Do I get a copy of my statement?

A. Yes, both you and your union representative are entitled to a copy of your statement. Remember, you have to request your union representative; he is not there automatically. Do not sign anything unless you, your union representative or lawyer read it; you have that right under the law.



HOW DO I GET PAID?

Q. *What forms do I fill out?*

A. You have to fill out only one LIRR sick leave form. Pay particular attention to How, When and Where the accident occurred. The form should state on-the-job accident and make sure the doctor fills out the back. Your department will submit continuation forms thereafter.

Q. *Do I lose the first day?*

A. No, you are paid for all days when you are out of work due to an on-the-job injury.

Q. *Do I have to file for Railroad Retirement sickness benefits?*

A. Yes. Under the provisions of Rule 77, Sick Leave Allowance, paragraphs (1)(1) and (2), you are required to timely apply for Railroad Retirement benefits after the 4th day. If you are entitled to Railroad Retirement benefits, the LIRR will supplement your pay in the amount of \$50.00 per day after the 4th day as set forth below while you are waiting for the Railroad Retirement check to arrive.

Q. *What are the required waiting periods for Railroad Retirement sickness benefits?*

A. Benefits are normally paid for the number of days of sickness over four in 14-day registration periods. However, during the first 14-day claim period in a benefit year, which begins on July 1st and ends June 30th, benefits are only payable for each day of sickness in excess of seven which, in effect, provides a **one-week waiting period**. But only one seven-day waiting period is required during any period of continuing sickness, even if that period continues into a subsequent benefit year.

Although Railroad Retirement benefits will not be paid for this waiting period, your filing for Railroad Retirement benefits will allow you to meet your first waiting period in that benefit year if you have not already done so due to sickness not related to an on-duty injury. Once you meet this initial or first waiting period, benefits are then paid after the 4th day for all subsequent claims filed in that benefit year. Failure to file the initial claim for Railroad Retirement benefits will result in loss of benefits for claims filed after the initial waiting period.

Q. *If I do not qualify for Railroad Retirement benefits, how will I be paid?*

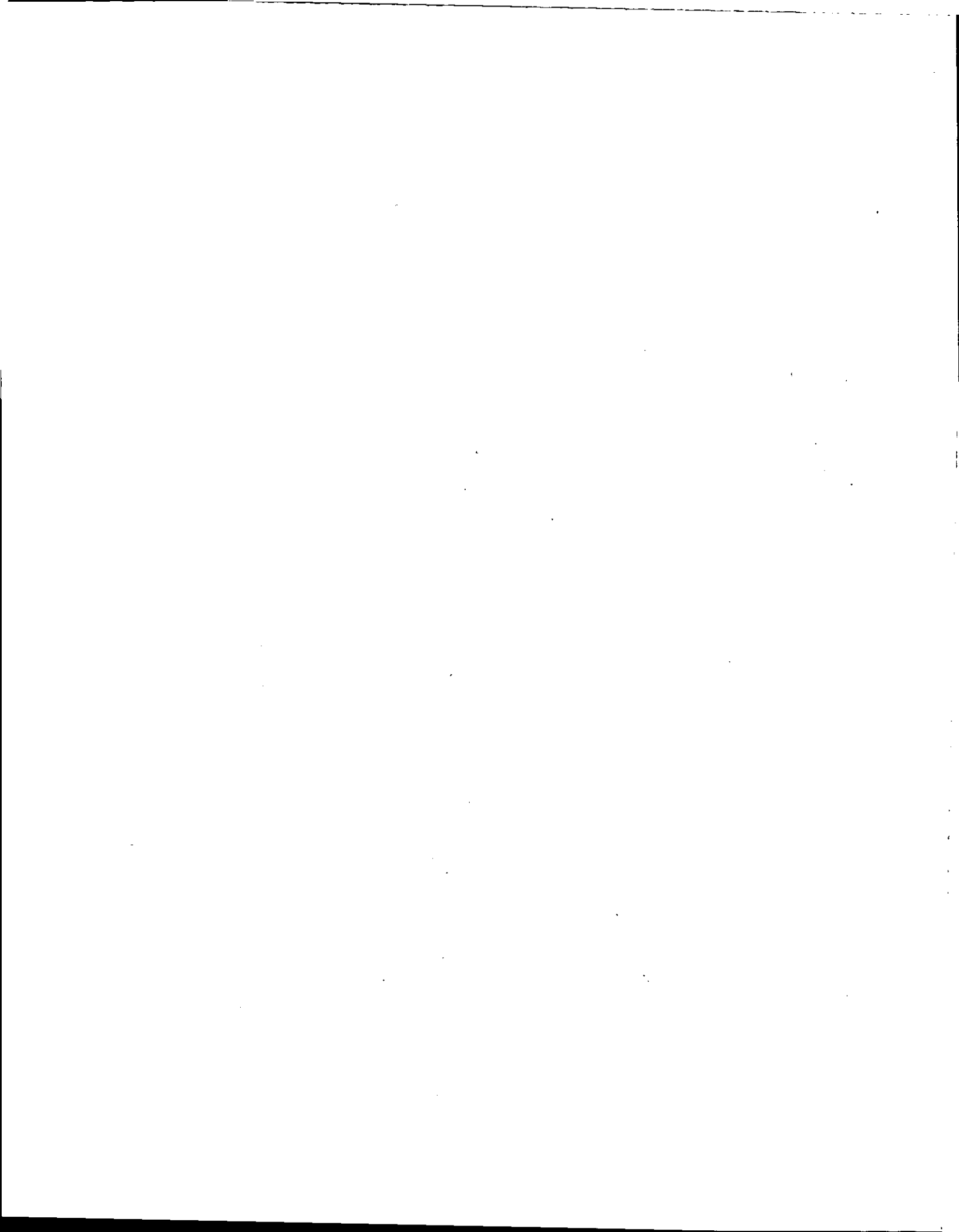
A. The LIRR Benefits Department has programmed the RRB waiting period into its computer program. In that an on-going record of all sick leave claims is kept on record, the LIRR is made aware of employees who are filing their initial and subsequent claims and provides wage payments accordingly.

Q. *How long will the LIRR supplement my pay with the Railroad Retirement sickness benefits?*

A. This supplement will continue for 8 weeks.

Q. *Do I have to pay this supplement back to the LIRR and, if so, how do I pay it back?*

A. Yes, you must pay it back. After the 8th week, the LIRR will start deducting the amount it advanced you in the same amounts as it was advanced. For example, if in the 1st week it supplemented your pay \$150 and in the 2nd week \$350, then in the 9th week it will deduct \$150 and in the 10th week \$350 and so on, if applicable.



Q. *What if I exhaust my Railroad Retirement sickness benefits?*

A. The LIRR will make up the difference and you will be made whole. You must notify the LIRR Benefits Department yourself of this.

Q. *How long can I collect Railroad Retirement benefits?*

A. Normally 26 weeks, but benefits can be extended depending upon years of service.

Q. *How long do I receive full pay?*

A. Indefinitely.

Q. *Are my days deducted from my sick leave bank when I am out injured?*

A. No.

Q. *Do I have to take my vacation if scheduled?*

A. No, you can reschedule it.

Q. *What if I am a new employee or for other reasons do not qualify for Railroad Retirement sickness benefits.*

A. A new employee, even for just one day, will receive the same benefit. However, if you do not qualify for Railroad Retirement sickness benefits because of your length of service or any other reason, you must notify the LIRR Benefits Department yourself of this. Call extension 6827.

WHAT ABOUT THE BILLS?

Q. *Who will pay the doctor, hospital and prescription bills?*

A. The LIRR will pay for doctor, hospital and prescription bills that you incur. These bills should be mailed to the LIRR Claims Department, Jamaica Station, Jamaica, NY 11435.

Q. *What if I am out injured and the railroad doctor notifies me to come in for an examination, do I have to go?*

A. Yes, unless your doctor gives the LIRR a statement which says that you cannot travel.

Q. *Should I contact a lawyer?*

A. This is entirely up to you; it is your right.

WHAT ABOUT RETURNING TO WORK?

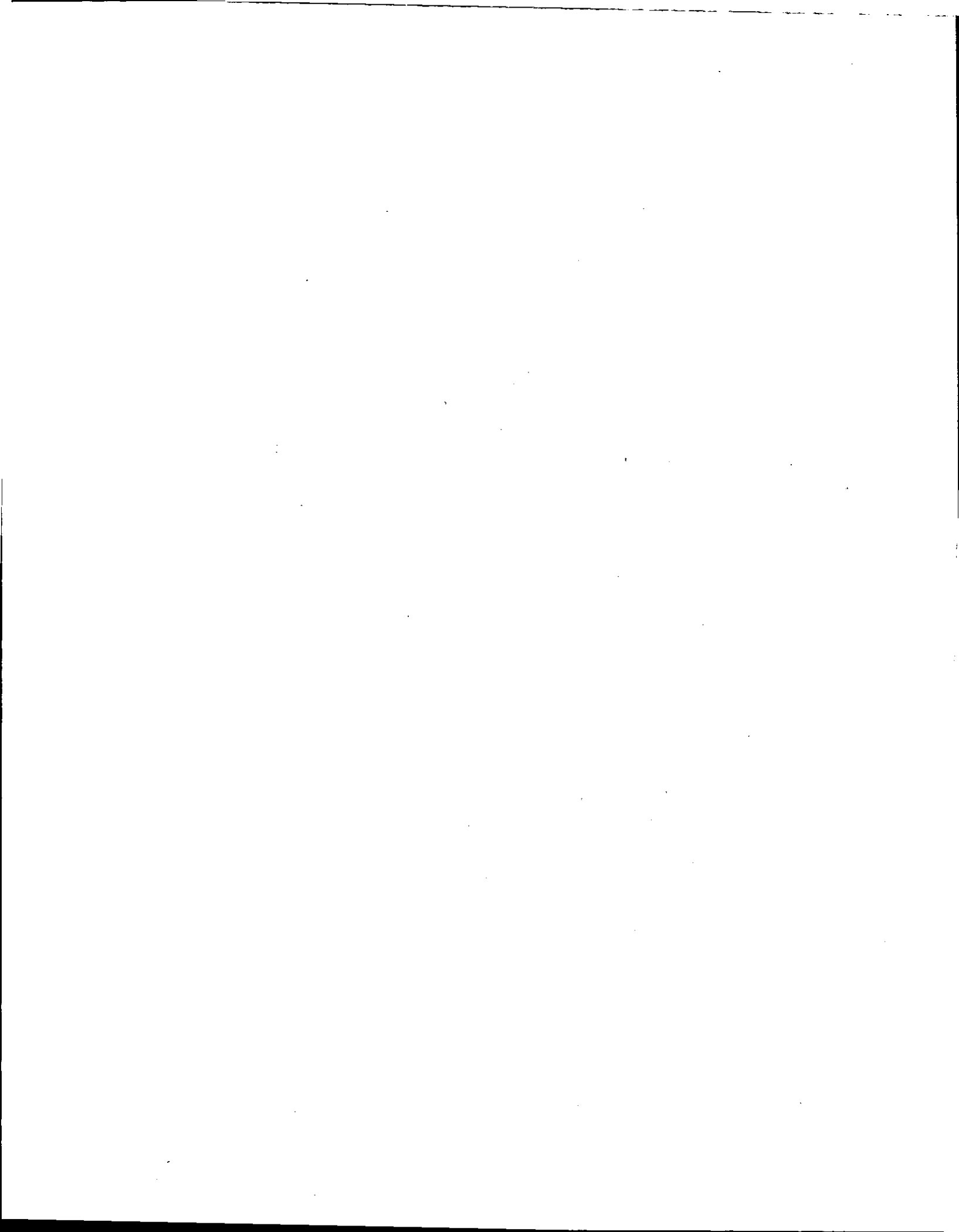
Q. *Do I have to go to the LIRR doctor before returning to work.*

A. Yes.

WHAT ABOUT SETTLING MY CLAIM?

Q. *How do I make an appointment to settle my claim?*

A. Tell your Local Committeeman that you want an appointment to settle your claim. Give him your name, IBM number and date of the accident. He will call the union office. The office will set up an appointment and you will be notified by the LIRR or a union representative when to go to the Claims Department.



Q. *Will a union representative meet me there?*

A. Yes.

Q. *What am I entitled to when I settle my accident claim?*

A. By law, if the LIRR was at whole or in part responsible for your on-the-job injury, you are entitled to collect lost wages and bills incurred. Any additional compensation would depend upon the extent of the injury and whose fault it was.

Q. *Will I have liens against my settlement?*

A. Yes. Under Section 21 of the Sick Leave Agreement (Appendix B in the Rule Book), the LIRR has a lien against your settlement for the amount of sick benefits it paid to you. Likewise, the Railroad Retirement Board has a lien for the amount of benefits it paid to you.

Q. *How long do I have to settle my claim?*

A. There is a 3-year statute of limitation for settling your claim with the LIRR without legal counsel. If using legal counsel, the suit must be instituted within 3 years of the date of your accident.

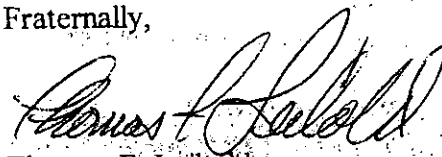
IMPORTANT

Compensation paid to an employee due to an on-duty injury is exempt from federal, state and city taxes. To determine the amount of compensation paid to you the previous year as a result of your on-duty injury, you must request this information by writing to the LIRR Benefits Department. This letter, which should be written in the early part of January, must contain your name, employee number, social security number, date of accident and occupation. Allow 4 to 6 weeks to receive a response.

This information is also provided to you on the check statement when you settle your claim in the LIRR Claims Department.

Remember - work safely, use all safety equipment when necessary and report all safety violations to the proper authority. If you have any questions, ask your union representative or call the union office at (516) 433-7810.

Fraternally,



Thomas F. Leibold
General Chairman

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