

# TAILGATING

April 2019

Is Published frequently by IBEW Local 204

Volume 41 issue 4



**IBEW LOCAL 204**  
[www.ibew204.com](http://www.ibew204.com)



## Negotiations

A common question we get since coming into office is, “Why are we not constantly informed during negotiations?” This is a tough one, we want to be as transparent and informative with all of our members as much as we possibly can. The problem is that during negotiations items can come and go. We do not want to tell our members to expect something only to have things change during the negotiations process and then once we get a final package to send out to vote, it’s not in there. This creates problems for everyone involved. We would much rather give you what we know will be on the final package that is sent out to you rather than confuse members. We do our best to inform members as much as we can with facts and only facts. If there are items we would like to get more opinions on it is not uncommon for us to have negotiating team members or us the business agents reach out to those areas to be affected in order to get opinions on the items in discussion. The most important thing is don’t always believe the gossip you may hear and if you want facts, by all means call the hall, we will tell you what we can and we will also tell you if things are going well or not.



Calling all IBEW Brothers and Sisters!! One of our brothers needs you!! Abby Leeper, a junior at Alburnett High School was diagnosed with Crohn's Disease in 2012 and has been dealing with complications recently. Abby's father, Ryan, is an IBEW Local 204 journeyman electrician at the Duane Arnold Energy Center.

In October of 2018 Abby had surgery to remove 14" of her small intestine due to complications from her Crohn's Disease (which she has had since 2012). Two weeks after that surgery, Abby developed an abscess at the area where her bowels were joined together. This complication from her surgery resulted in months of hospitalizations, being only formula fed via an NG tube, having multiple drains inserted into her abdomen and months of antibiotics. Unfortunately all of these therapies didn't heal the abscess or help the intense amount of pain this abscess caused. In fact the abscess just grew larger and moved into her Psoas Muscle. On March 26th her bowel perforated into her abscess. She had another surgery on March 29th to repair/remove more bowel and clean/drain the abscess from within. In about another year she should be healthier and she will have to do another surgery to remove another 10 inches of bowel. Abby is still in the hospital healing from her current surgery and once home, will continue doing IV antibiotics for weeks through her picc line.

The Alburnett 11U baseball team recently held a YETI cooler raffle to raise funds for their team. The winner of the YETI cooler graciously donated it back to the team and they wish to "pay it forward" and do another raffle with all proceeds going to the Leeper family to help with medical costs, travel and other expenses that have accumulated.

Contact Brian Scott @ 319-533-3308 or [brianjamesscott@yahoo.com](mailto:brianjamesscott@yahoo.com) for tickets or donations.

# 5 Tips about Workers' Compensation

By Darin Luneckas

Workers' compensation is a "no fault system". Employees injured on the job don't need to prove an employer was negligent, and an employee can make a claim even if he or she was negligent when the injury occurred. You can file a claim if your injury is work related and occurred during your employment and regular job duties. Those facts should make the workers' compensation process easy, but frequently it's not. If you're not aware of the pitfalls in the system, your injuries can be financial as well as physical.

Here are five things to know when you've been injured at work:

**Always make sure your employer turns in the claim.** Some employers try to dodge a workers' compensation claim by simply ignoring the employee's report of injury. Avoidance tactics can include sending a worker to his or her own doctor and hoping the employer won't get charged with the medical costs that are supposed to be covered by workers' compensation benefits. Usually the worker doesn't know any better and gets stuck with copays and deductibles and risks being fired if their own doctor takes them off work for the work comp injury.

**The insurance company is not your friend.** Most employers have workers' compensation insurance; it is the insurance company and its adjusters who handle your claim. Bottom line – insurance companies are for profit entities. Regardless of how nice or concerned the insurance company's representatives might seem, their goal is to get you back to work as quickly, quietly and cheaply as possible. They are not paid to get you all the benefits you're entitled to under law.

**Make the insurance company show its math.** When a worker is taken off work to recover from an injury, the insurance carrier is supposed to review a worker's earnings' history and follow a specific formula to determine what the carrier should pay the worker while the worker is trying to heal. Frequently the insurance carrier includes improper calculations, even counting past earnings from a time period the employee worked less than the standard 40-hour week in a ploy to drive down the benefits they pay. This is contrary to law. You should demand they show you the "Statement of Earnings" they used, per Iowa Code Chapter 85.40

**If you receive a check at the end of your treatment don't assume it's over.** A common tactic by insurance companies to avoid further liability is to send claimants a brief letter and check (usually about \$5,000 to \$15,000) to "close the case." Often this check covers only what the insurance company's own doctor estimates is required to cover "permanent partial impairment" to your body. What the insurer won't tell is that you have a right for your own doctor to provide a potentially higher rating at the insurance company's cost. The company also won't mention that if your injury qualifies as a "body as a whole injury" (head, neck, some shoulders, back or hip), the amount it sends probably is the tip of the iceberg for what it woes. That's especially true if you're not back to work full time, with the same position and responsibilities you had before you were injured.

**You don't need money to get a lawyer.** Lawyers who handle worker's compensation cases in Iowa use a contingency fee. This means the injured worker never owes the lawyer money unless the lawyer accomplishes the goal of the representation: winning a settlement or persuading a judge to side with the worker and order the other side to pay unpaid benefits. Never be fooled by an insurance representative who says getting a lawyer will be expensive to you. The worker typically keeps two-thirds of every extra dollar gained with the lawyer's help.

\*Darin Luneckas of Luneckas Law P.C. is a Cedar Rapids lawyer who focuses on workers' compensation and personal injury cases.

# Alliant Energy Storm Response

Recently in April there was an ice storm that hit Northern Iowa on Alliant Energy property. Most storm events raise questions, comments and concerns with the membership in how it was handled by the company. This storm was no different. It always seems that each storm that hits on Alliant Energy property is handled like it was the very first storm to hit. That might be the case based off the way it is handled, but let's dive in a little deeper and see what we can do as Union members to protect ourselves and follow and enforce the contract.

One common complaint that comes in after a storm, is that a manager told everyone to be back to work at a certain time and that resulted in a member(s) not getting a full 8 hour rest period. Let's make one thing very clear, **YOU ARE RESPONSIBLE FOR GETTING YOUR 8 HOUR REST PERIOD**. If a manager tells you to get back to the shop at a certain time knowing you will be coming up on your 16 hours at that time, then get to the shop. If that means you have to leave an unfinished job and still have customers out of power then so be it. If you are told to stop at a certain time and you are an hour away from the shop then stop an hour earlier to account for that travel time. If you are at the 16 hour mark and a manager tells you to be back at a certain time prior to getting a full 8 hour rest period then tell that manager when your 8 hour rest period is up and what time you will be back to work. Write this all down on a white board, text the manager, let your foreman know. Whatever it takes, do it. We are responsible for our own safety and our brother's and sister's safety. I know as employees of a utility we are wired to put customer service as a top priority. But, if the Company is going to say you need a rest period and they aren't worried about getting customers back in service then we shouldn't be either. I know that isn't how we are, not only as employees, but as people. The bottom line is there is contract language that needs to be followed. Not only by the Company, but by our members as well.

Another topic that constantly comes up after a storm is employees not being called to go on storm restoration because they are off work on vacation. If an employee is on vacation and is listed as unavailable, then they should not be called or bothered. If an employee is on vacation and listed as available, then they should be called if it is during the day and crews are being dispatched local per the pre-scheduled overtime list. A member should not be punished because they are using up carry over vacation or taking time off from work to do projects around the house. We have to be very careful with this topic though. We have members who go on vacation or take time off and are not in their service area, and they do not make themselves unavailable. We have contract language stating that "Employees will make a Good Faith Effort to remove themselves from the rotating call-out list when they know they will not be available for a call. That means if you are traveling out of town on vacation or time off then you need to make yourself unavailable.

One thing we need to keep in mind is, the harder we make it on the Company to do storm restoration in house, the easier it is for the Company to bring in more contractors. Obviously we have some work to do with the Company to set out some guidelines to follow when dispatching crews for storm restoration. But, the Company has the right to manage or mismanage the business how they see fit. What seems to make sense to you or us may not be what makes sense to the manager. There might be more to the story and I encourage every member to have that conversation with their manager and find out why you weren't sent, why you weren't called, why they made the decisions they did. Any professional would be open to having that conversation and would encourage that dialogue.

As we approach the spring and summer storm season please keep all of this in mind. If you have any suggestions or comments please feel free to contact one of us at the hall and give us your ideas. We want to know what is right and fair for **ALL** members and how we can work with the Company to come up with a better game plan. One thing is for certain, not every member is going to be able to go to every storm.

# May 2019

Sun

Mon

Tue

Wed

Thu

Fri

Sat

			1	2	3	4
5	6	7	8 Unit Meeting Centerville	9	10	11
12 Mother's Day	13	14	15 Unit Meeting Iowa Falls	16	17	18
19	20	21	22 Unit Meeting Council Bluffs	23 Executive Board	24	25
26	27 Memorial Day	28	29	30	31	

## Negotiations Updates

2019: Marshalltown and Emery ongoing, Prairie Energy not scheduled yet, DSO West (formerly named DDC) not scheduled yet.

2020: ULCS, Windstream, Linn County Sherriff Sergeants, Assistant Linn County Attorneys, Cedar County Deputy Sherriff, Black Hills Energy, Alliant IES.

**TAILGATING**

NONPROFIT ORG  
US POSTAGE PAID  
CEDAR RAPIDS IA  
PERMIT NO. 1280

**IBEW, Local 204  
4837 1st Ave SE, Ste 203  
Cedar Rapids, IA 52402-3226**