

February 27, 2015

Keith Wiggins
In Support of House Bill 2764

Dear members of the Committee:

My name is Keith Wiggins and I am here today to tell you my story and show support for my attorney who was there for me when I needed her. I was a solid employee for my company operating heavy equipment. In September 2011, I was working with a crew setting a concrete driveway in Lincoln City with substandard hauling equipment. It was super dangerous and I was very vocal about the trailer being a safety risk with its dead airbrakes and other issues. Sure enough I ended up falling through the rotted out decking of the heavy equipment trailer I had to work with, causing me snap my knee. SAIF approved an expedited surgery and since it was the end of construction season I just wanted to get it done to have the winter to heal and get right back at it by spring. Unfortunately, my first surgery on Halloween that same year was botched, when the surgeon took two of my own hamstring tendons to help graph my knee instead of one like he was supposed to.

I should have been healing, but by April/May, my doctor said I wasn't doing very well. At the same time, my employers' attitude was changed towards me horribly, with my bosses' wife disputing the number of hours I worked (on my claim) and wanting me to lie and change it. She wanted me to say I never lifted anything over 50 pounds, but I know those bags of concrete are at least 80 pounds and we load them ourselves. That's what we do. I wasn't willing to lie, but I did want to get back to work so I asked my doctor to please release me, specifically to "operate only" – meaning operate equipment only, NO labor. And that's what he agreed to do.

This is where everything got messed up. My employers did not receive a modified work release for me but a release for Full duty. I showed up at work prepared to operate the equipment only and they accused me of being a liar, flat out. I said give me 15 minutes to clear this all up and they wouldn't hear it. I called my attorney straight away. I knew this was going to get complicated, as SAIF immediately cut off my time-loss benefits. And even though my attorney proved at my hearing that it was the doctor's mistake – he didn't truly release me for full duty – SAIF still gave me the run around and denied my time-loss benefits. And I needed work. I wanted to get back to it, but couldn't bend my knee back. I went to see a new surgeon in January of 2013 and it took him 5 minutes to see what went wrong with the first surgery. I went back in for corrective surgery in April of 2013.

All along my attorney was trying to reinstate my time-loss benefits and get some back pay. I went almost 8 months with nothing. Not a penny. SAIF simply walked away from their responsibility because of a retaliatory firing. My attorney finally did get me some back time-loss payments, but I was frankly shocked to learn that her fee for all the work she did for our hearing was only \$1,500. \$1,500 that came out of my back-pay benefits. Now how does that make any sense at all?

I hope this committee will do something about this broken system and help support injured workers and the attorneys who fight for their rights for almost no pay at all. Please vote Yes on House Bill 2764. Thank you.