

Mindy Hardwick
580 N. Laurel
Mailing Address: P.O. Box 1391
Cannon Beach, OR. 97110

March 18, 2021

RE: HB 3130 Substitute Teachers are Public Employee

Dear Representative Weber,

As one of your constituents, I want to fill you in on a bill (HB 3130) in the House Committee on Business and Labor and urge you to consider it. I believe this legislation, backed by OSTA (Oregon Substitute Teachers Association), restores a proper employee-employer relationship between substitute teachers and school districts by stating that all Oregon substitute teachers who work in public schools are public employees, regardless of whether the school district has delegated its hiring and payroll to a third party.

I was a substitute teacher in the Astoria, Warrenton and Seaside School District during the 2018-2019 and 2019-2020 school years. During that time, I subbed almost daily in the three school districts on the North Oregon Coast. When I began my substitute teaching job, substitutes were either employees of the district such as Seaside or managed by a local NWesd. However, that changed in the winter of 2019 and we became outsourced employees of National company ESS—something that still stands today.

When school districts outsource substitute teachers to private, temporary agencies, it negatively affects substitutes by making them no longer eligible for PERS. While only a small percentage of substitute teachers work the 600 hours to qualify for PERS, they are the long-term and career substitute teachers who work nearly every day and are essential to providing a high-quality education to Oregon students such as I was on the North Oregon Coast. HB 3130 assures that these dedicated teachers can participate in PERS, even if they work in school districts that outsource.

If these teachers can no longer participate in PERS, many may choose to work in other districts where their days will count for PERS. If they do, this will lower the quality of education in the outsourced school districts, and continued use of outsourcing may diminish those districts' ability to attract teachers who are qualified to do long-term assignments. Unlike regular school districts, the outsourcing agencies, especially EDUStaff, advertise on billboards along the interstate to bring in people whose restricted licenses do not allow them to do long-term assignments. This is how ESS gets their substitute teachers for the North Oregon Coast by plastering signs outside the schools and on wire fencing surrounding the school's ball fields such as at the former Seaside High School.

ORS 342.610 has been the salary law since 1975 for substitute teachers in all of Oregon school districts who do not have collective bargaining. Only Eugene, Portland, and Beaverton have collective bargaining for substitute teachers. These teachers pass PERS' test of being school district employees by having their work controlled by the school principal, following the schools' lesson plans, and using school equipment. They do not advertise in the yellow pages or run their teaching careers like private businesses; they are school district employees rather than independent contractors. Substitute teachers perform their jobs on school property, during school hours, under the direction and supervision of the school principal.

There may be some advantage for school districts to delegate aspects of their substitute teacher management to a third party, but this should not negate the right for eligible substitute teachers "in service to" the public schools (ORS 238.015 (1) to participate in PERS.

Thank you very much for your support of HB 3130.

Sincerely,
Mindy Hardwick
Oregon Substitute Teacher
North Oregon Coast (Seaside, Warrenton and Astoria)