



Oregon School Employees Association

www.osea.org

State Office: 4735 Liberty Rd S, Salem, OR 97302-5036

P: 800/252-6732, 503/588-0121 F: 503/588-8307

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House Committee on Business and Labor
Rep. Paul Holvey, chair

Dear Chair Holvey and committee members:

The Oregon School Employees Association (OSEA) represents about 23,000 workers in nearly all levels of public education, including Head Start programs, K-12 school districts, ESDs and community colleges. OSEA members perform many of the thankless tasks that keep Oregon public schools safe and functional for students, administrators and teachers.

Our members know that it's hard to get by on school employee wages, even in a good year. Due to the "reasonable assurance" test for school employees claiming unemployment insurance (UI) benefits in the summer, they rarely get approved, if they even file. They either stretch nine or ten months of wages over a year or they supplement with other income. In 2020, we saw an exceptional level of hardship, because where the pandemic coincided with a traditional summer break, even though there was clearly no *reasonable* assurance of work for school employees in the fall, many school employees were still denied UI benefits.

It's cliché now to say 2020 was a disaster for the UI system. For our members, even getting paid "Benefits While You Wait" ended up being a disaster: For many, the Employment Department denied their claims months later and asked for more money back than they'd actually paid.

2020 wasn't unexpected for school employees. They already knew that Oregon's current unemployment laws are unfair and unpredictable for school employees and need to be changed. **The bills we're bringing forward this session are designed to make changes that will prevent a potential repeat of 2020.**

Senate Bill (SB) 495 A makes one needed change. Currently, Oregon's educational assistants (EAs) face not only the barrier of "reasonable assurance," but also the danger that they can be miscategorized as "instructional" employees. Instructional employees (i.e., teachers) are cut off from even qualifying for retroactive UI benefits if they have reasonable assurance of a job after the summer but it doesn't materialize.

SB 495 A applies the clarity in Oregon's teacher licensing statute (ORS 342.120) – distinguishing between "instruction" and "instructional assistants" – to unemployment law. This clear distinction reflects what everyone in education knows: Teachers provide instructional services while EAs, like

other classified school employees, support teachers and students in a range of non-instructional ways.

SB 495 A doesn't guarantee anyone unemployment benefits. But for EAs, it provides two important things:

1. **Fairness:** SB 495 A will make sure everyone working as an educational assistant is treated the same, not dependent on an individual determination of how much time they spent doing "instruction" – which isn't even defined in federal unemployment law currently.
2. **Predictability:** SB 495 A will allow educational assistants to know, before they apply and wait for a determination, which set of rules will be applied to them. This matters, because declaring a worker's job "instructional" means that they can't receive summer UI benefits *even if they don't end up with a job in the fall* [ORS 657.221(1)(c)].

OSEA strongly urges this committee to pass SB 495 A to more fairly and predictably apply unemployment law to EAs.

Thank you for your attention,

Bob Estabrook
Government Relations Specialist
bobe@osea.org
503-508-5203

