

Representative Susan McLain
House District 29



Testimony in favor of House Bill 496 - 4/27/21

Chair Holvey, Vice-Chairs Graber and Bonham, members of the committee, thank you for your time. For the record my name is Susan McLain and I represent House District 29, spanning Western Washington County.

I come to you today, not just as a member of the Oregon Legislature, but as a teacher of over 42 years. I have seen the dedication and commitment of school employees across the board. Not everyone who looks after our kids is a teacher, but all school employees contribute to a positive learning environment, and thus deserve our admiration and respect.

But they also need more than just our appreciation - they need an **Unemployment Insurance** system that supports them. And as the pandemic has highlighted, the current system is not sufficient to meet their needs quickly, or in some cases at all. For example, referencing the example Bob Estabrook just mentioned, **53 instructional assistants from an Early Intervention / Early Childhood Special Education program were laid off** from their regular positions last summer due to a reduction in force. They were only notified on their last day.

Because the location of an employee's worksite – or rather, who owns that worksite – can determine the ability to receive unemployment benefits and because some of the employees work at ESD facilities, and others work in specific school buildings, there are **different rules** regarding their UI eligibility - **simply based on their placement in either a school or an ESD facility.**

Under current UI law, ESD employees who work in ESD facilities are not considered to be working in “educational institutions.” However, workers with the same employer, doing exactly the same work, have **an additional barrier to unemployment benefits applied if they are assigned to work in a school building: *the reasonable assurance test***. That test is problematic when applied to traditional school employees, as we’ve seen, **but it is absurd for it to be applied to ESD employees in an EI/ECSE program, and used to deny benefits to employees based on their assigned worksite.**

It’s terrible that it took the pandemic and all of the challenges of 2020 to highlight this unfortunate quirk in UI law, but it’s essential that we pass **SB 496 A** to resolve this issue going forward. I strongly recommend your support of **SB 496 A**.