



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 members of the committee:

The Oregon School Employees Association (OSEA) represents more than 22,000 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.

Although most of OSEA's members face significant challenges in accessing unemployment insurance (UI) in a normal summer, their experience during the summer of 2020 – as for every Oregonian seeking UI – was truly horrible.

Experience around the Benefits While You Wait (BWYW) program, which the Oregon Employment Department (OED) rolled out to help address the crisis, provides critical examples of how easily “non-claimant fault” overpayments are created. These experiences help to show why the changes to statute in Senate Bill (SB) 172 are so critical.

While it remains unclear exactly how school employee claimants were identified to receive BWYW, OED has indicated that approximately 2/3 of the school employees still in the adjudication pipeline circa September 2020 had received BWYW payments. Those workers hadn't provided any more information to OED than other school employee claimants, yet they were now liable for significant overpayments if adjudication on their claims went against them. And, in many cases, it did.

We will set aside whether the communication with those BWYW payments was adequate, especially given the complex circumstances of school employees during the summer. We will also set aside the insult added to injury when overpayment notices demanded \$600 weekly supplements be “repaid” when workers had only received \$504 because of OED's own withholding. But as a core premise, expecting unemployed workers to not use BWYW payments – when they've already been without work and awaiting payments in the first place – is simply not realistic.

OED's effort to reduce the burden on claimants associated with an overworked UI system is commendable. It's clear though, as shown through later hesitance to waive overpayments for

claimants who obviously had no fault, that OED's existing tools for managing overpayments are not adequate. And while 2020 represented a crisis-scale challenge, it put into clear focus aspects of the existing system which need changing. Claimants' rights around overpayments, and particularly having clearer communication about those rights, are one of the most pressing fixes that the Legislature needs to make immediately.

As part of broad and ongoing efforts to improve Oregon's UI system, in light of all we learned in 2020, **OSEA strongly supports SB 172 and the eight amendments to make these changes retroactive, delivering as much help as we can to Oregonians who have faced extra struggles because of our UI system.**

Thank you for your attention,

Bob Estabrook
Government Relations Specialist
bobe@osea.org

