

Dear Chair Riley and committee members:

I am an Special Education Instructional Assistant for the Jefferson School District. I live in Jefferson.

My coworkers and I know that it can be hard to get by on school employee wages, even in a good year. In 2020, we saw a lot of hardship among people like us. Not everyone filed for unemployment benefits because we didn't know if we'd be approved. Some people who applied were approved, but some were denied – even though no one had “reasonable assurance” because of the pandemic. Even getting paid “Benefits While You Wait” didn't help a lot of people – the Employment Department denied their claims months later and asked for the money back. It is painfully clear that Oregon's current unemployment laws are unfair and unpredictable for school employees like me.

Senate Bill (SB) 495 would make the system more fair for educational assistants by applying the same set of rules (ORS 657.221) to all educational assistants, regardless of the exact tasks they do. SB 495 would give a clear definition of which employees are “instructional” under unemployment law (i.e., teachers), and which are “instructional assistants,” who should be treated the same way as all other classified school employees. This definition is already used by the Teacher Standards and Practices Commission (TSPC) uniformly throughout Oregon. This bill doesn't guarantee anyone unemployment benefits. But it does provide two important things:

1. Fairness: SB 495 will make sure everyone working as an educational assistant is treated the same, not dependent on an individual determination of how much time they spend doing instruction – which isn't even defined in unemployment law currently.
2. Predictability: SB 495 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 unemployment benefits even if they don't end up with a job to return to in the fall [ORS 657.221(1)(c)].

I strongly believe that this change will reduce work and inconsistency for the Employment Department, and it will create a more fair and predictable situation for educational assistants and their employers. Please pass SB 495.

Sincerely,
Wendi Kienzle