



## Legislative Testimony

### OREGON DEPARTMENT OF CORRECTIONS

February 14, 2023

The Honorable Floyd Prozanski, Chair  
Senate Committee on Judiciary

#### **Subject: Senate Bill 779**

Chair Prozanski and members of the committee, my name is Gail Levario, and I serve as the Assistant Director of the Oregon Department of Corrections (DOC) Employee Services Division. I am providing written testimony regarding Senate Bill (SB) 779.

#### **What the Bill Does:**

This bill requires any law enforcement unit who employs more than 50 police officers, corrections officers (COs), parole and probation officers, regulatory specialists, and reserve officers to require all new applicants to possess a bachelor's degree. This educational component would be added as a minimum qualification required for consideration of employment. For those who employ fewer than 50 police officers, corrections officers, parole and probation officers, regulatory specialists, and reserve officers, all new applicants would be required to have two years of post-secondary education. There is no 'grandfathering clause' for current employees.

This means that, upon passage of this 2023 act, all current employees who do not have the minimum of a bachelor's degree, will have four years to obtain one (for those organizations with 50 or more employees). Should the employee not meet this requirement in the four-year time frame, the agency must terminate that individual's employment regardless of time, rank, experience, or special qualifications.

#### **Potential Impacts**

While a significant portion of DOC corrections officers do not possess post-secondary education, their knowledge and experience is true wisdom.

Should the agency be required to terminate the employment of those unable to meet the educational requirements, DOC institutions would be severely understaffed, negatively impacting those the agency serves. Additionally, recruiting new COs would be significantly challenging, as all public safety agencies would be focused on the same pool of potential candidates. The U.S. Census shows only 12.5% of the population currently holds a bachelor's degree. In some of DOC's communities (Umatilla and Pendleton in particular), the existing candidate pool has already been exhausted, even without adding additional minimum requirements as outlined in this bill.

This also disproportionately affects communities of color, as most who apply to DOC do not have post-secondary education credits or a degree. The implementation of this bill could further promote exclusion of those from marginalized communities.

The bill is unclear as to who is responsible for the costs associated to ensure current employees can obtain a bachelor's degree. In fact, many staff indicate they came to work for DOC specifically because they could not, or did not want to, attend college – much like many who serve in the U.S. military.

In addition, it is unclear whether employees would be compensated for, or allowed to, complete their educational requirements during work hours since it would be a new requirement by the state for employees to remain employed. There is no language in the bill which allows for exceptions due to the employee being unable to complete classes/degree due to work requirements (such as mandatory overtime). Logistically, there may not be enough staffing to allow employees to rotate through college curriculum and attend classes during their already precious down-time.

The fiscal impact of this bill will be significant, as there is no stagger component – all employees have the same timeframe to complete a post-secondary degree, which means all those employees unable to meet the requirement would be terminated on the same day. This puts the safety and security of adults in custody, adults on supervision, DOC staff, and communities at risk.

Conservatively, if most DOC staff were terminated because of their inability to meet this educational threshold, at least half of the state prisons would likely need to close – or at a minimum, the population of adults in custody would need to be reduced by half – due to lack of people to staff and supervise AICs.

To summarize, during a staffing crisis, this bill could see over 2,000 corrections employees needing time and money to complete their degree within a four-year window. Many people take longer than four years to graduate – especially when working full-time in a job requiring mandatory overtime, and while being a responsible family member that often includes children at home.

In the last year, DOC has worked to remove many barriers for applicants choosing corrections as their career. This legislation would result in a significantly lower number of applicants for the agency.

*Submitted by:*

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