

Letter in Support of HB 3130 March 22,
2021

Dear House Committee Chairman Holvey and Members of the Business and Labor Committee:

My journey as a substitute teacher started in 1981. I patched together my time with a series of other jobs with community classes and recycling education. I was never able to solely substitute teach as I never got health insurance and other benefits needed to support a family. I was lucky when I found a part-time job where I had the opportunity to earn benefits and teach at the same time. My life has been a continuum of working 2 jobs. One as a substitute teacher and another as a public servant. I accrued PERS as a public employee and as a teacher. I always earned my 600 hours.

That all changed in 2017 when one of my friends called me urging me to read my email and follow the directions they had sent me. Substitute Teaching had been privatized in Marion County. I had to apply to a company I had never heard from and be accepted as a substitute teacher to do the same job I had done for over 30 years. No longer would I get PERS but I could sign up to get a 401 k retirement plan that I would have to fund myself. If I did not sign up for this company I would lose my teaching job.

Until 2017, every time I filled out a payroll form, I had to note whether I was PERS eligible and then make sure that it was recorded on my pay stub. I could check my PERS account to make sure that I was credited with those hours.

I still work for the same districts doing the same job that I have done for years. I get a classroom, a lesson plan, wear a badge and spend the day making sure that everything goes smoothly. At the end of the day, I leave the teacher a note about how the day went and make sure that the room is orderly. I return the keys to the office and check for more jobs. I love meeting students and having them challenge me for all the Ok's that I say.

Today everything is not OK. I am told that there is a substitute teacher shortage so I need to work for an outsourcing agency. Jobs are harder to get. During the school shut down, it was hard to find online work so I turned to tutoring to support myself. I learned that the school districts already supplied money to cover my lost PERS accruals. I still work for the school district, not the outsourcing company. I am responsible for my own training and licensing requirements. HB 3130 clarifies that the school districts –not the temp agencies-- are the rightful employers and supervisors of the substitute teachers. HB 3130 requires no new money. The school districts have already supplied enough money to the education companies to cover PERS for all of the substitute teachers who might qualify. These companies have not reported the substitute teachers' hours to PERS, forwarded the districts' contributions, or deducted employees' contributions from paychecks. HB 3130 is a mandate that will restore PERS retirement payments to the qualifying teachers for their employee contributions. PERS has no rule that retirement money must come directly from a school district. I urge you to support HB 3130 to restore PERS retirement pay to the hardworking career substitute teachers who provide seamless education to Oregon children.

Sincerely yours,

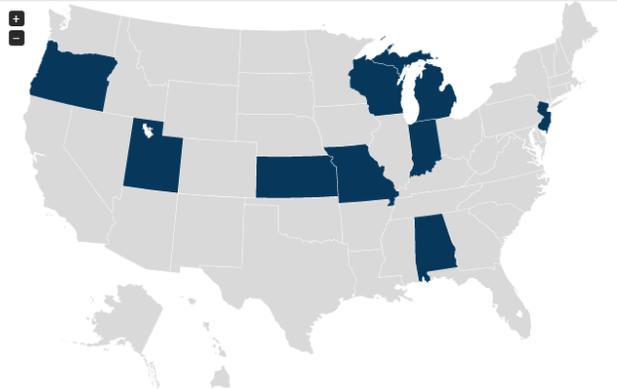
Leslie Polson, 930 Garnet St NE, Salem, OR 97301 Brian Clem is my Representative

Brief Background on the 2 Staffing Companies in Oregon

EDU Staff Benefits

States where EDUStaff has employment opportunities

Please select a state shaded in **BLUE**



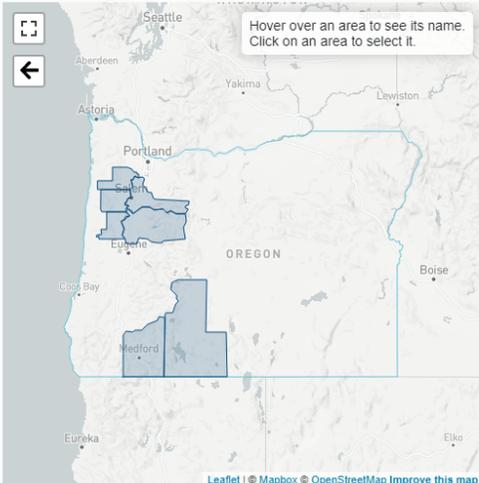
Available States
Alabama
Indiana
Kansas
Michigan
Missouri
New Jersey
Oregon
Utah
Wisconsin



877.974.6338 [START APPLICATION](#)

Applicants ▾
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Counties in Oregon

- [Benton](#)
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- [Linn](#)
- [Marion](#)
- [Polk](#)
- [Yamhill](#)

M - F | 7:30 AM - 4:30 PM
4120 Brockton Dr SE, Suite 200
Grand Rapids, MI 49512
Phone: 877.974.6338
Fax: 877.974.6339
[EDUStaff Live Support - Offline](#)

The screenshot shows the EDUStaff website. At the top left is the EDUStaff logo. To the right of the logo is the phone number 877.974.6338 and a 'START APPLICATION' button. Below the logo is a navigation menu with four items: 'Applicants', 'Employees', 'Districts & Colleges', and 'About Us'. The 'About Us' section is expanded, showing the following content:

About Us
 As one of the nation's largest educational staffing providers, EDUStaff provides comprehensive substitute services for public school districts along with adjunct and distant learning professors for community colleges. EDUStaff places over 20,000 educators and support staff on a daily basis.

Background of EDUStaff:

- EDUStaff was formed in 2010 by a group of likeminded individuals, believing that a substitute services model could be more effective and comprehensive, yet reasonably priced.
- Our goal was to develop a servanthood-driven service model that would significantly stand out in the school district community.
- The success of this model quickly saturated Michigan and is now growing in several states across the country.
- A 100% retention of EDUStaff's satisfied public school clients reveals evidence of our proven service model.

Heartbeat and Success of EDUStaff:

- Our core values encompass: Servanthood, Excellence, and Wholeheartedness.
- A corporate culture of employee loyalty, retention, and ownership of the "EDUStaff Way" in serving our partnering school districts and contracted staff
- Our employees are empowered to treat school districts and substitutes as we hope to be treated ourselves.
- Delivery of a comprehensive and flexible service model, yet reasonably priced.

Services of EDUStaff:

- Significant concentration on advertising, marketing, and recruiting.
- Proven and successful metrics-driven servicing model tailored to each school districts' needs.
- Conducting "best practices" at our partnering school districts to enhance performance.

The footer contains the following information:

M - F | 7:30 AM - 4:30 PM
 4120 Brockton Dr SE, Suite 200
 Grand Rapids, MI 49512
 Phone: 877.974.6338
 Fax: 877.974.6339
 EDUStaff Live Support - Offline

Who are employees?

2-1 Employee Classifications For purposes of this handbook, all employees fall within one of the classifications below:

Regular: Employees who are hired to be a non-substitute employee for a specific educational institution. These employees may hold a contract through EDUStaff to perform a certain job function working up to 40 hours a week, on a salary or hourly basis. These employees may or may not be offered sponsored benefits through their educational institution.

Substitute on call: Employees who are working when needed, when they choose, and can work with limited notice. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance), they are ineligible for any company or educational institution sponsored benefits. They are eligible to participate in an employee-paid MEC health plan.

Part-time: Employees assigned to a specific educational institution/building to work a position with scheduled hours on a weekly basis. Part-time employees are not eligible for company or educational institution sponsored benefits, but do receive legally mandated benefits, and are eligible to participate in an employee-paid MEC health plan.

Seasonal assignment: Employees such as coaches or adjunct professors who work for a period of time on an as needed basis by the educational institution and may or may not be under contract. While they do receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance), they are ineligible for any company or educational institution sponsored benefits, although they are eligible to participate in an employee-paid MEC health plan.

Note that EDU Staff has contracts with adjunct professors not in Oregon but in other parts of the US. They also have employee contracts for schools.

Section 3 – Benefits 3-1 **Benefits Overview Voluntary 401(K) Plan:** The EDUStaff voluntary 401(K) plan is available to all new and existing employees. This is an opportunity to redirect earnings to a savings plan based on mutual fund investments on a pre-tax basis. An employee can enroll in this plan immediately upon approval of employment or any time thereafter. There are rules regarding contribution limits and amounts. Please visit our website under the “Benefits Tab” on your Access account. EDUStaff does not offer a company matching contribution.

This is the substitute for PERS retirement. What portion of the Oregon Payroll is allotted for retirement? Note that EDU Staff does not match unlike PERS.

Medical Minimum Essential Coverage (MEC) Plan: EDUStaff offers a basic “MEC” plan for all employees. This plan meets the requirement for carrying coverage mandated by the Affordable Care Act. It is a preventative only plan. Please visit the EDUStaff website and view this information and eligibility requirements under the “Benefits Tab” on your Access account.

Other Coverage: EDUStaff also provides staffing services to certain educational institutions that employ “regular” (see Employee Classifications) employed individuals for certain employee types/segments. Some of these employee types are offered educational institution sponsored benefits, such as medical, dental, vision, and other group-based products. If you are employed in one of these segments, you will be given an informational packet concerning these benefit options and applicable enrollment documentation. 12

This section merely highlights certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from Human Resources. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised periodically).

In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook. Further, EDUStaff, LLC (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as

full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility, and entitlement. While the Company intends to maintain these employee benefits, it reserves the absolute right to modify, amend, or terminate these benefits at any time and for any reason. If employees have any questions regarding benefits, they should contact Human Resources.

401(k) Advantage, LLC 401(k) Plan ("Plan")

IMPORTANT NOTICE TO PARTICIPANTS

If I do not make an investment election, how will my contributions be invested?

The Plan Fiduciary has decided to include a Qualified Default Investment Alternative (QDIA) under the Plan. This decision will not change any investment elections you have already made. This notice will explain more about what this may mean to you.

Your Plan allows you to direct the investment of some or all of the contributions made on your behalf in a number of investment choices. If you fail to provide investment direction, your Plan's Fiduciary will invest plan contributions in a QDIA established under the Plan. The Plan Fiduciary has chosen the Compass EMP Moderate Portfolio Ret Opt as the QDIA for contributions made to your Plan account(s). Contributions invested in the QDIA are subject to gains or losses like other investment choices available under your Plan.

Subject to your Plan's distribution rules, you may withdraw defaulted contributions invested on your behalf by your Plan's Fiduciary in the QDIA or make transfers from the QDIA to any other investment choice offered under the Plan on any business day without any penalties or fees, such as redemption or liquidation fees. However, the QDIA will be assessed an investment management fee and Contract asset charges, if applicable (the Expense Ratio for this fund will be 1.43 of assets). In addition, Plan service fees may be charged on any withdrawal or distribution of your account balance from the QDIA.

When you fail to give investment direction after having been provided the opportunity to do so and the Plan's Fiduciary invests contributions on your behalf in the QDIA, you are considered to have exercised control over the investment of assets in your account(s). Neither the Trustees of your Plan nor your Employer or the Plan's Fiduciary will be liable to you for any loss that is the result of such investments.

Here is information about the Compass EMP Moderate Portfolio Ret Opt:

Risk and Return Characteristics:

The investment choice(s) listed invest in a combination of domestic and foreign stocks, bonds, U.S. treasuries and money market securities.

Investment Risk:

The values of stock change in response to general market and economic conditions and the circumstances

of individual issuers. The values of bonds change in response to changes in economic conditions, interest rates and the creditworthiness of individual issues.

Investment Information:

The Compass EMP Moderate Portfolio Ret Opt, a TLIC separate account invests a portion in the Compass EMP Multi Asset Balanced Portfolio (Class A shares), a mutual fund, and a portion in the Compass EMP Multi Asset Growth Portfolio (Class A shares), a mutual fund.

Investment Strategy:

This investment seeks to achieve capital appreciation; current income as a secondary objective. The fund is a moderate asset allocation fund aiming to produce positive returns regardless of the direction of the financial markets. The rules based asset allocation methodology is designed to provide diversification among numerous asset classes, markets and economies around the world. The investment fact sheet will provide you more information about the investment objectives, risk and return characteristics, and fees and expenses of the QDIA and the other investment choices available to you. To view the investment fact sheet, you may go online at www.TA-Retirement.com, or call (800) 401-TRAN (8726).

Who do I contact if I have questions about the Plan?

If you need a copy of the SPD or have any additional questions, please contact TAG Resources who may be reached at (865) 670-1844, 1341 Branton Blvd., Suite 101, Knoxville, TN 37922.

Plan recordkeeping and administration services are provided by Transamerica Retirement Services Corporation ("Transamerica" or "Transamerica Retirement Services"), which is headquartered in Los Angeles, CA.

Policies:

5-4 Use of Social Media EDUStaff, LLC respects the right of any employee to maintain a blog or web page or to participate in social media/networking platforms, including but not limited to Facebook, Snapchat, Instagram, Twitter, and LinkedIn.

However, to protect Company interests and ensure employees focus on their job duties, employees must adhere to the rules outlined here. Employees may not post on a blog or web page or participate on a social media/networking platform during work time or at any time using Company/educational institution equipment or property. All rules regarding confidential and proprietary business information apply in full to blogs, web pages, and social media/networking platforms. Any information which cannot be disclosed through a conversation, a note, or an email also cannot be disclosed in a blog, web page, or social media/networking platform.

Discussing confidential information or posting derogatory/disparaging comments is prohibited. Whether an employee is posting something on his or her own blog, web page, social media/networking platform, or someone else's, if the employee mentions the Company/educational institution and also expresses either a political opinion or an opinion regarding the Company's/educational institution's actions that could pose an actual or potential conflict of interest with the Company/educational institution, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the Company's/educational institution's position. This is necessary to preserve the Company's/educational institution's good will in the marketplace.

OSTA EDU Staff employees cannot express a political or an opinion regarding the company on their website, blog or other social media account without a disclosure.

3-3 Compensation Work schedules may fluctuate for each employee based on the employee type and the type of job accepted. Please be aware that each individual educational institution sets its own rate

of pay per employee type. It is the policy of EDUStaff to accurately compensate its employees and to do so in compliance with all applicable state and federal laws and regulations. A confirmation number is required in order to receive compensation for each assignment completed (automated dispatch system users only). Throughout the academic year, educational institutions may request a substitute teacher to work in one position for an extended number of days, called a long-term assignment. Working for several educational institutions, in different assignments, for any number of consecutive days is not considered a long-term assignment. If an educational institution provides a pay increase after a certain number of days, it is the duty of the employee to keep track of the number days and contact the educational institution when the specific day is reached. EDUStaff does not have the ability to change rate of pay on behalf of the employee, it must come from the educational institution. EDUStaff works closely with the educational institutions to post compensation rates on our website, although from time to time the educational institutions may provide certain enhanced pay rates and bonus structures for individuals or employee types on an as needed basis to help enhance fill rates and “exceptionalism in the classroom.”

This note supports who the employer is for PERS reporting. It is the institution that sets the rate and supports the analysis of who the actual employer is.

A confirmation is set by the requesting agency.

5-10 Conflict of Interest It is EDUStaff’s policy that employees, and others acting on EDUStaff’s behalf, must be free from conflicts of interest that could adversely influence their judgment, objectivity, or loyalty to the company in conducting EDUStaff business activities and assignments. A conflict of interest occurs when an employee is involved in multiple interests. One of these interests could possibly corrupt the motivation for an act in the other. EDUStaff requests that all employees refrain from any conflict of interest involving EDUStaff, educational institutions and their personnel, and students. When in doubt if an activity meets our ethical standards, check with Human Resources.

5-5 Personal Phone and Computer Use EDUStaff employees are only to use the educational institutions assigned or available electronic equipment for business purposes and only during working time. Personal phones and mobile devices must be on silent or turned off during working time. You must notify your assigned supervisor, or an EDUStaff representative, in the event of any personal emergency which may require you to respond to a call/text/email throughout the day.

You may use your personal cell phone or mobile device during any allotted break or lunch period, providing the period is not in the presence of students or in designated “no cell phone” areas. When working in a classroom, there will often be a computer available for use. The educational institution’s computer may be used for educational purposes only and not for personal use. Refrain from any activity which includes obscene, pornographic, profane, abusive, defamatory, derogatory, discriminatory, or illegal content, or any activity which violates the educational institution and/or EDUStaff’s policies.

EDUStaff and the contracted site has the right, but not the obligation, to examine the content of the users' documents or email or track websites visited by users. Under no circumstances should an employee take a picture/video of a student(s) for any reason. Failure to comply with this will be subject to disciplinary action, up to and including discharge.

Many teachers depend upon phone communication to receive jobs. A teacher adhering to this policy will lose jobs. Also texting the regular teacher about questions on the lesson plans or other class procedures, the math problem has a mistake, missing assignments from students who have returned to class from an absence is a common practice in high school so it is difficult to communicate with the instructor with this policy.

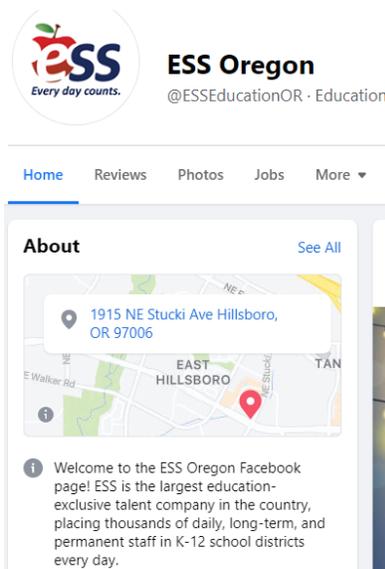
5-6 Inspections EDUStaff, LLC reserves the right to require employees while on Company property, or on educational institution property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Company or educational institution property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases, and other personal possessions or places of concealment, as well as personal mail sent to the Company or to an educational institution. Employees are expected to cooperate in the conduct of any search or inspection.

5-8 Solicitation and Distribution EDUStaff prohibits the solicitation, distribution, and posting of materials on or at an educational institution, except as may be permitted by this policy. The sole exception to this policy is charitable and community activities supported by the educational institution. Distribution of literature of any kind on the educational institution's premises is prohibited at any time. Employees may not solicit other individuals (including educational institution staff or students) during work times.

Prohibitions against Union and Association Organizing. Employees of EDU Staff are not allowed to share OSTA info or Union Info during work time. It does not allow unpaid time such as breaks or lunches.

5-18 Employee Performance Feedback Educational institutions may send EDUStaff an **Employee Performance Feedback (EPF) form regarding an employee's performance or conduct**. Issues raised in the EPF form may be used as a basis to improve your performance. Although EDUStaff must accommodate all exclusion requests upon receipt, we also have a responsibility to make sure our employees are not unfairly excluded. If an EPF form is submitted regarding your performance or conduct, EDUStaff will notify you of the feedback and possible exclusions via email. You may reply to that email with your version of events, but a reply is not required. Do not contact the educational institution or any of its staff directly. If deemed necessary, EDUStaff will advocate for you with the educational institution. Additionally, any violations of EDUStaff policies identified in the EPF form may lead to discipline, up to and including discharge.

5-14 Publicity/Statements to the Media. All media inquiries regarding the position of the Company as to any issues must be referred to the President of EDUStaff, LLC. Only the President of EDUStaff, LLC is authorized to make or approve public statements on behalf of the Company. No employees, unless specifically designated by the President of EDUStaff, LLC, are authorized to make those statements on behalf of Company. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Company must first obtain approval from the President of EDUStaff, LLC



ESS is a national company

Cost Savings & Avoidance

Whether its payroll expenses, pension contributions, or one of many insurance costs, we take it all off your district's plate. Additionally, we eliminate rising costs to your general fund and decrease indirect costs by freeing up invaluable district resources.

Blog on Benefit of Substitute Teacher Staffing Agency

<https://ess.com/blog/articles-substitute-teacher-staffing-agency-ways-to-save-time-money-slp/>

ESS was founded 20 years ago with the vision of providing administrative relief to school districts and professional working opportunities to qualified educators. Beginning in 2000 with just 17 partner districts and 150 substitute employees, the ESS program quickly became the premier solution for school districts and substitutes nationwide. We are now partnered with more than 750+ districts in 29 states, serving 3,500,000 students daily and filling 40 different types of substitute and permanent

positions in 15,000 assignments each day. As the largest education-exclusive staffing provider in the country, our history and depth of service position us to provide the most effective solutions to all school districts.

2018

Our Brand became ESS and our services expanded to Delaware, our 21st state.

We won Forbes America's Best Large Employers for the second year in a row.



2017

We acquire EMS SubDesk in Oregon, SubTeachUSA in Arkansas, and PCMI in Michigan, bringing our client list to over 700.

2016

We partnered with districts in South Carolina, Tennessee and Rhode Island bringing our total vacancies filled to 1,719,500.

2015



Private equity firm, Nautic Partners, LLC, added to resources with significant investment.

2014

The Impact Award was created, recognized top-performing employees.

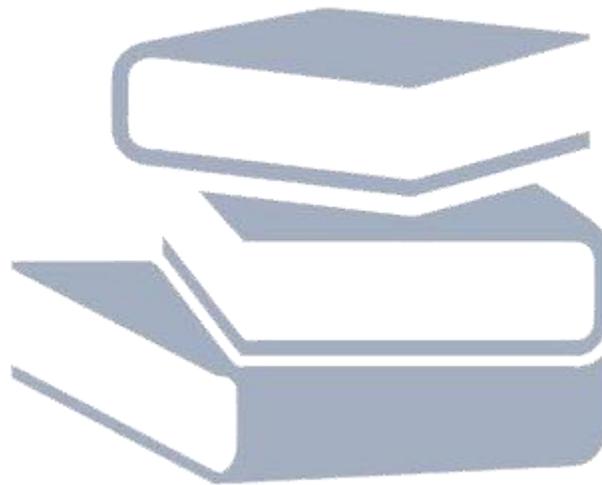
We expanded into Connecticut, Georgia, and Virginia

2013

We broaden our services into Pennsylvania and received the Best Place to Work award along with four other industry awards.



2011



Developed our first copyrighted training manual.

2010

Established sister company, MissionOne, to focus on providing paraprofessional staffing to districts.

2006

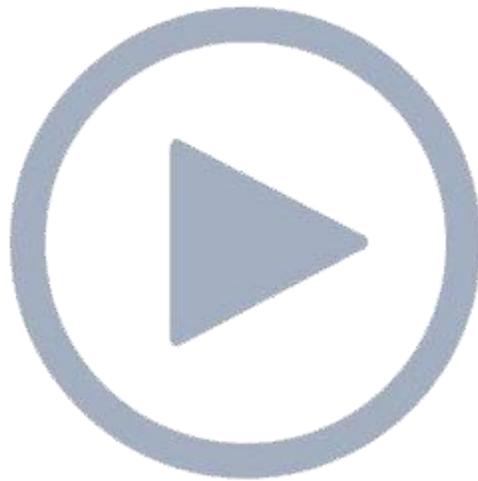
Began offering a full-service program and started staffing long-term substitutes.

2003

We have expanded into our 7th county in New Jersey with our 65th school district partnership.



2000



Source4Teachers, was founded as a secondary source of substitute staffing.

