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February 14, 2023

Senator Michael Dembrow, Chair  
Senate Committee on Education  
Oregon State Capitol  
900 Court St. NE, Hearing Room B  
Salem, OR 9730

**Re: Written Testimony of Sarah Drescher in Support of SB 283-3**

Chair Dembrow and Members of the Senate Committee on Education:

My name is Sarah Drescher and I am a partner at Tedesco Law Group, a labor law firm that represents labor unions across Oregon. Our education clients include the Oregon School Employees Association (OSEA), the Oregon Education Association, the American Federation of Teachers, and independent higher education faculty bargaining unions. I submit this testimony on behalf of OSEA.

Classified school employees are the backbone of our education system. They are the worker bees that allow our schools to operate. They often start as volunteer parents in the classroom. They include instructional assistants, food service workers, custodians, bus drivers, and secretaries. As a whole, they tend to be the lowest paid workers in the public education system. And yet they are some of the most hard-working, dedicated public servants in this State. They work in these positions because they truly care about the students they serve.

Many school employees don't have any job security established by Oregon law. Currently, classified school employees are only entitled to appeal their termination or demotion to the school board – the same entity that imposed the termination or demotion. Otherwise, they are treated as at-will employees under Oregon law.

Although labor unions have made great strides in gaining job security for classified school employees through collective bargaining, there are still nearly 50 school districts and education service districts in Oregon where public school employees lack “just cause,” the well-established standard for discipline and discharge in public employment. Employees can go on strike in an effort to force employers to provide job security, but we should not, as a matter of

public policy, expect our public education workers to sacrifice their wages and benefits by going on strike to gain the job security they rightfully deserve.

Section 6 of Senate Bill 283-3 would ensure that classified employees receive the same job security enjoyed by the vast majority of organized public workers in Oregon by requiring school districts to have “just cause” before imposing discipline or terminating their employment.

Thank you for your strong leadership on this legislation, which will establish sound public policy, reduce labor strife, and have a lasting impact on the lives of public school employees. The current legislation could be improved by including classified employees who work in education service districts, public charter schools, and early learning programs. Adding those employees to Section 6 of the bill will ensure that job security is equally protected for all classified education workers in Oregon.

I commend the Committee’s effort to recognize the tremendous strain on special education workers by ensuring they receive a wage differential that recognizes the complex and demanding working conditions in special education. Section 3 of the bill could be strengthened by defining “significant special education support” as a majority or 51% of an employee’s work hours. As currently written, employees must spend 75 percent or more of their work hours providing services to special education students to receive the wage differential. Reducing the threshold to a majority or 51% of an employee’s work hours will reduce the likelihood that the differential can be undermined by simply creating a schedule where these workers spend a small amount of time each day doing something other than providing special education services. It will also apply the differential to a larger population of workers, which will improve the ability to recruit and retain school employees with important skill sets for working in special education.

Lastly, Section 5 of the bill will ensure that classified school employees are not required to work less than 5 hours per day as a cost-saving measure for school districts. Because a school district’s financial contribution to an employee’s medical insurance and other benefits typically depends on the employee’s work hours, a school district can reduce costs by creating more positions that have fewer work hours. This has a negative impact on classified school employees who receive reduced wages and pay more for their benefits. Ensuring that classified employees have the right to work 5 hours or more per day will provide them with a living wage and insurance benefits needed to support their families. To ensure compliance with this section, subsection 3(b) should be changed from “may” to “shall.” This change would strengthen the prohibition on coercing employees to accept positions with reduced work hours.

Sincerely,

/s/ ***Sarah K. Drescher***

Sarah K. Drescher