



Chair Taylor, Vice Chair Bonham, and Members of the Committee,

For the record, my name is Tracy Ann Nelson, and I serve as the Executive Director of the Oregon Education Association (OEA). We represent more than 42,000 educators and education professionals across the state, including teachers, education support professionals, bus drivers, paraeducators, school counselors, nurses, librarians, and higher education faculty and staff.

I submit this testimony in support of HB 3789 as amended by the -A6 amendment. This legislation addresses a specific and harmful practice: individuals or entities falsely presenting themselves as union representatives to influence, confuse, or mislead workers.

The bill clearly defines this type of impersonation as using fraud or misrepresentation to issue communications that appear to be authorized by a labor organization, when in fact they are not—with the intent to interfere with or undermine the labor organization's operations.

Under the -A6 amendment, unions may bring a private right of action on behalf of members who have been misled. Civil penalties of up to \$6,250 per incident may be pursued—mirroring the fine for a Class A misdemeanor—and the case must be proven in circuit court under judicial standards. The amendment also reinforces that labor organizations are responsible for identifying their own authorized representatives, without requiring third-party oversight through PECBA, which does not regulate external actors.

Importantly, the bill includes both verbal and written communications within the scope of enforcement. This is essential, as misrepresentation often occurs through in-person canvassing, mailers, or scripted phone calls.

To illustrate why this legislation is necessary, I want to share an incident reported by several members in a Wilsonville neighborhood.

On Saturday, November 26, 2022, around 9:00 AM, an individual began knocking on doors in an area known to be home to many educators. He introduced himself as "from OEA" and claimed to be "just checking in on members." He was not affiliated with OEA in any capacity. He distributed opt-out materials and urged educators to leave their union.

He asked for individuals by name, presented himself with an air of authority, and became verbally aggressive when questioned. One household reported that a young child answered the door and was left frightened. Other reports described the individual shouting, entering backyards, and creating fear and confusion among residents.



Educators later confirmed that this person had visited only the homes of known public school employees and used language and formatting similar to OEA communications. His impersonation—claiming union affiliation—was central to his strategy of gaining trust and access.

This is not a question of political speech. It is a question of accountability for deception. Workers should never have to question whether the person at their door—or on the other end of an email or mailing—is legitimately representing their union.

Union members depend on their organizations for legal support, contract interpretation, and workplace advocacy. Being misled into opting out of membership can result in the loss of critical protections—especially for those who are economically vulnerable, marginalized, or for whom English is not a first language.

HB 3789-A6 is a thoughtful, measured approach. It preserves free speech and due process while providing unions with a clear civil remedy for deliberate impersonation. It reinforces internal governance, respects the role of the courts, and closes a troubling loophole that currently leaves workers exposed.

We urge your support for HB 3789-A6 to protect Oregon workers, uphold transparency, and ensure that representation means exactly what it says.

Thank you for your time and consideration.