



## Oregon School Employees Association

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February 21, 2018

Fred Bruyns, Policy Analyst and Rules Coordinator  
Department of Consumer and Business Services  
Workers' Compensation Division  
350 Winter St. NE  
Salem, OR 97301

Re: OAR 436-060-0025 Rate of Temporary Disability Compensation

Dear Mr. Bruyns et al.,

The Oregon School Employees Association (OSEA) represents nearly 22,000 employees working in Oregon school districts, community colleges, education service districts, Head Start agencies, libraries and park and recreation districts. This includes educators in early learning, special and general education, public safety, health and nutrition.

Many of OSEA's school employees working in special education are not provided with the necessary information or supports to avoid injury on the job. OSEA is working with state agencies, the Legislature, school districts and other stake holders to address injuries occurring on the job, and as you know change takes time. Until this issue is fully addressed school employees are being seriously injured on the job. To illustrate, according to Oregon OSHA there are more workers' compensation benefit claims coming from school employees than from workers in the non-commercial construction industry.

Our interest in the temporary rule is to ensure school employees, who have irregular and in most cases seasonal work, get the fairest workers' compensation benefit possible should they be injured on the job. For OSEA members, that means a benefit that reflects their wage at the time of injury and the actual number of hours worked/per week during the school year. The temporary rule addresses 'the wage at time of injury' issue, but does not take into account the seasonal nature of school employees' work.

School employees are often unable to work during breaks from academic terms and years, resulting in as few as 37 weeks worked during a year. OSEA members are at a disadvantage when hour calculations are based on a 52 week average instead of on an average of hours worked during the 37 weeks worked. The impact of the workers' compensation benefit to an injured school employee when the average is based on 52 weeks and not on the actual time worked results in a 30 percent reduction in the number of hours calculated for benefits.

We recently became aware of this issue and did our best to alert stakeholders at the last rule advisory committee meeting on Feb. 1, 2018. It is not our intention to delay the process for the temporary rule but instead to address this issue in the final rule making process.

Thank you,

Soren Metzger, Government Relations Specialist

