



*BEFORE THE SENATE JUDICIARY COMMITTEE
INTERESTED PARTY TESTIMONY ON HOUSE BILL 606*

Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to provide interested party testimony for House Bill 606 (HB 606). My name is Kevin Shimp and I am the Director of Labor and Legal Affairs for the Ohio Chamber of Commerce.

The Ohio Chamber is the state's leading business advocate, and we represent over 8,000 companies that do business in Ohio. Our mission is to aggressively champion free enterprise, economic competitiveness and growth for the benefit of all Ohioans.

In our efforts to champion economic competitiveness and to rebuild Ohio's economy following the pandemic, the Ohio Chamber supports many aspects of HB 606 because it provides our members with legal protections from lawsuits seeking damages for alleged exposure to the coronavirus. However, we cannot support the As Passed by the House version of HB 606 because the legislation contains a problematic and detrimental workers' compensation presumption.

Under the presumption, a COVID-19 diagnosis will presumptively be work related for employees of retail food establishments and food processing establishments as well as first responders. This presumption will automatically make the employee eligible for workers' compensation benefits and shifts the burden to the employer to prove the diagnosis was not work related.

The Ohio Chamber believes creating a presumption that a COVID-19 diagnosis arises out of employment is unnecessary because Ohio's current occupational disease statute already makes employees eligible to receive workers' compensation benefits for a COVID-19 diagnosis. In fact, as of June 16, the Bureau of Workers' Compensation has allowed 150 state fund workers' compensation claims for COVID-19 with only 60 denied claims.

This high percentage of allowed claims shows there is no reason to change the current statutory scheme since it is already providing medical treatment and time off benefits for the vast majority of claimants. Additionally, the current process with no presumption in place preserves the right of an employer to push back against claims they do not feel are work related and assures workers' compensation benefits are only paid out to individuals who contracted the disease during their employment.

The Ohio Chamber opposes the workers' compensation amendment – which was added on the House floor following a bi-partisan vote out of House Civil Justice Committee – because it asks our member companies who are already struggling due to the pandemic to trade civil liability certainty for a higher risk of facing runaway workers' compensation costs. This trade does nothing to support businesses who are ready to do their part in restoring Ohio's economy, so we urge this committee to strike the amendment from the legislation and favorably report a bill that grants all employers qualified immunity from coronavirus lawsuits and is free from additional workers' compensation liability.

Thank you for your time, and I will be happy to answer any questions from the committee.