



# OHIO CHAMBER OF COMMERCE

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**Ohio Chamber of Commerce**  
*Opponent Testimony – House Bill 319*  
*December 10, 2024*

Good morning, Chair Swearingen, Vice Chair Gross, Ranking Member Somani, and Members of the House Health Provider Services Committee, thank you for the opportunity to provide testimony in opposition to House Bill 319. My name is Rick Carfagna, and I am the Senior Vice President of Government Affairs for the Ohio Chamber of Commerce.

For 131 years, the Ohio Chamber has served as the state's leading business advocate and represents 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.

The Ohio Chamber stands today in solidarity with the testimony of our fellow members of the Ohio Alliance for Civil Justice and has also signed onto a separate letter comprised of over 50 trade and professional organizations opposing House Bill 319. This legislation calls for the state to directly insert itself into the employment practices of private businesses and allows for a broad, new cause of action against Ohio's employers. These provisions not only curtail the ability of employers to safeguard the health and safety of the workplace, but also create new vulnerabilities for litigation – all of which drive up costs to Ohio's statewide business community and erode the tenuous stability and predictability under which our state's job-creators operate.

As the Chamber has previously stated, employers have a legal obligation to provide a safe workplace for their workers and customers, with health and safety measures also being paramount to a business's profitability and survival. HB 319 not only prohibits private businesses from imposing a broad range of safety measures, but also prohibits employers from making any alternative workplace arrangements that reflect their unique business operations and needs of their staff.

Ohio's economic climate operates under an at-will employment doctrine, where employers have the broad discretion to end an employment relationship while employees have the freedom to walk away from a job at any time, for any reason.

At this moment, the number one challenge facing Ohio's statewide business community, across all industries, continues to be workforce – the ability to hire and retain good help. Starting this week, there are 164,078 total jobs available on the OhioMeansJobs.com website with 109,008 offering a salary of over \$50,000. At the same time, there are 44,442 continued unemployment claims in our state. These conditions amount to 2.5 open jobs in Ohio for every person that has filed for unemployment.

In this context, Ohio's employers are, by necessity, revisiting their conditions of employment from drug testing to health mandates to maximize the available pool of talent. It is imperative that employers have the freedom and discretion to manage their operations, without undue interference from the government.

Under current law, Ohioans can seek reasonable accommodations or exemptions from vaccination requirements for religious or medical contraindications. Furthermore, it is unlawful for employers to enact any employment policy, including applying vaccination requirements or other workplace health measures to employees, in a way that treats employees differently based upon disability, race, color, religion, sex (including pregnancy, sexual orientation and gender identity), national origin, age, or genetic information, unless there is a legitimate non-discriminatory reason. Finally, Ohio employers must provide for a safe workplace for their employees under guidelines from the Occupational Safety and Health Administration (OSHA).

Given the significant legal standards that employers must meet before imposing broad-based vaccination requirements or other health measures, the Ohio Chamber believes an outright prohibition is not only an excessive government infringement on employers' rights to manage their workplace, but also unnecessary.

Please note that just as the Ohio Chamber has opposed government efforts to prohibit these workplace practices in previous bills, it has likewise opposed government efforts to impose these same practices. At the height of the pandemic, the Ohio Chamber pushed back against the Biden Administration's attempt to require all employers with 100 or more employees to ensure their workforces were fully vaccinated or, alternately, show a negative test at least once a week. Both approaches represent attempts to interfere with decisions that are most appropriately made by employers and are enforced naturally through the free market decisions of their workers.

Chair Swearingen and members of this committee, Ohio's economy depends, in part, on its employers having the right to decide the most effective approaches for building and maintaining a healthy workplace. We urge this committee to not pass legislation that strips private business of these important employer rights while creating new avenues for frivolous lawsuits for Ohio's businesses to defend against. Thank you for your time and consideration.