



House Bill 218: Opponent Testimony  
Ohio Senate General Budget Committee  
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Chairman Peterson, Vice Chair Wilson, Ranking Member Craig, and members of the Ohio Senate General Budget Committee, my name is Don DePerro and I'm the President and CEO of the Columbus Chamber of Commerce. Thank you for the opportunity to submit written testimony in opposition to House Bill 218 today.

As a leading voice for businesses in central Ohio, the Columbus Chamber represents over 2,100 member businesses across the 11-county Columbus Region. For our members, and business community, by and large, House Bill 218 encompasses a perilous infringement on an employer's ability to manage their business and to make sound and strategic decisions that impact the wellbeing and safety of their workforce, customers, and partners.

The Columbus Chamber has long been an advocate for promoting an employer's ability to manage their workplace—free of any undue interference from all levels of government. We strongly believe that Ohio's business owners should have the freedom to operate their business, to make tactical decisions regarding the protection of their workforce, and to develop health and safety policies and practices that meet the needs of their respective workplaces and industries.

House Bill 218 is a broad-ranging proposal that would utterly weaken employer autonomy and cause severe disruption to our state's health, economy, and way of life. Furthermore, workplace vaccination requirements are nothing new, especially in healthcare settings. For many years, hospitals and other healthcare providers have required employees to be vaccinated against illnesses such as influenza and Hepatitis B.

It is already unlawful for employers to enact any employment policy, including the application of an employee vaccination requirement, in a way that treats employees differently based on 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.

Therefore, the U.S. Equal Employment Opportunity Commission (EEOC) cautions employers who have a mandatory vaccine requirement to consider how such a requirement may disparately impact certain employees based on characteristics protected under federal law, as some individuals or demographic groups may face greater barriers to receiving a COVID-19 vaccine than others.

In general, a COVID-19 vaccine mandate does not run afoul of workplace anti-discrimination laws such as the Americans with Disabilities Act (ADA), the Genetic Information Nondisclosure Act, and Title VII of the Civil Rights Act of 1964—as one's choice to be vaccinated is not a protected class.

If an employer does set a hard requirement, employees can ask for an exemption for medical or religious reasons. However, employers must provide reasonable accommodations for any worker who refuses a vaccine for religious or disability-related reasons unless the accommodation poses an undue hardship to the employer's operations. This means an employer's process of communicating with the employee about their individual situation is very important.

Moreover, an employer's proactive efforts to suggest alternative accommodations may also reduce the risk of a discrimination claim. Accommodations might include allowing an unvaccinated employee to wear a face mask while at work, work at a social distance from co-workers or nonemployees, work a modified shift, get periodically tested for COVID-19, or work remotely. Those who have a disability or a sincerely held religious belief may also be entitled to a reasonable accommodation under civil rights laws, so long as providing that accommodation does not constitute an undue hardship for the employer.

Many employers are likely to give workers some options if they don't want to take the COVID-19 vaccine. At this point, many employers are currently choosing to inform, educate, and encourage their employees to consider the vaccine. In each situation, the employer must determine whether an accommodation would enable the unvaccinated employee to perform the essential functions of the job without posing a direct threat to anyone in the workplace.

Furthermore, the Columbus Chamber believes House Bill 218 undermines the freedom of Ohio's business owners and removes their right to make a decision that is in the best interest of their respective enterprise. Employers, not the government, should have the freedom to operate their businesses, to make decisions about protecting their workforce, and to develop the health and safety policies and practices that meet the needs of their respective workplaces. House Bill 218 encroaches on this fundamental freedom.

Thank you for your consideration, and I respectfully urge you to reject House Bill 218 as harmful to the Ohio business community, employer autonomy, and the economic well-being of our state.