

TESTIMONY BEFORE THE  
SENATE GENERAL GOVERNMENT BUDGET COMMITTEE  
OPPONENT TESTIMONY ON H.B. 218

Chairman Peterson, Vice Chair Cirino, Ranking Member Craig, and members of the Senate General Government Budget Committee, thank you for the opportunity to provide remarks on H.B. 218. On behalf of the Ohio Business Roundtable, I am testifying as an opponent of this legislation.

By way of background, the Ohio Business Roundtable (OBRT) is comprised of over 90 presidents and CEOs of Ohio's top companies, 70 of which are headquartered in the state and one third of which are Fortune 1000 companies. Collectively, our members employ nearly 500,000 Ohioans and generate a revenue totaling over \$1.4 trillion.

Over the course of the past few months, you and your House colleagues have heard from many in the medical community about the dangerous implications that this bill would have for public health. While many of our members do agree with those assessments, that is not the reason I am here before you today. The larger issue for my members and Ohio's general business community is the clear government overreach that this legislation will inflict on Ohio businesses, big and small.

The at-will employment doctrine has long been law of the land, and rightly so for those of us who believe in the autonomy of businesses to enter into contracts without government interference. The basic tenets of U.S. employment law are freedom to contract, employer independence, and the understanding that both employers and employees should have the liberty to decide where to work or whom to employ.

Last week, you heard from proponents of this legislation that HB 218 *would* in fact allow a private business to require the COVID-19 vaccine. However, this is a disingenuous statement. Since the bill requires businesses to include exceptions that are so broad – such as philosophical opposition – the practical reality is any employee can opt out of a private business's vaccine employee policy with little

effort. That same private business could be on the hook for a discrimination lawsuit for simply executing their right as an employer to implement important safety measures meant to protect their employees, customers, and others. The employers' right to manage their workplace free from undue interference from all levels of government must be protected.

Let me be clear: We do not support the state or federal government mandates on either side of the vaccination issue. We oppose the Biden administration's proposed business vaccine mandate as yet another government attempt to take over the private sector.

But however well intentioned, House Bill 218 represents the same government overreach. Though it takes the opposite policy position on the vaccine issue, this bill is another unwarranted intrusion of the free market, and the future unintended economic consequences will be significant. When government tries to run private businesses, nobody benefits. Business owners should each retain the right to carefully evaluate the unique circumstances they face and make their own determinations about what is best for keeping the workplace safe and healthy.

As you hear from proponents of this bill, the argument will be made that the choice of getting a COVID-19 vaccine only impacts the individual making that decision. Nothing could be further from the truth. Let me give you an example from one of our member companies of how these decisions affect Ohio employers. Our member is currently dealing with five employees who have been diagnosed with COVID-19. Three of those employees received a vaccine, all of which are recovering at home with mild symptoms. The two employees who did not receive the COVID-19 vaccine are currently in the hospital; one of which is in the Intensive Care Unit. Not only are those two employees unable to work for the foreseeable future, but the cost of their care in the hospital will average around \$42,000 per person, with costs exceeding six figures for those in the ICU. Since the employer is paying for their employee's insurance, that is a cost the employer must ultimately bear.

The decision to not get vaccinated will result in an increase in health insurance premiums for all employers and employees. This to me is a perfect illustration of the impact of the individual's decision to not get vaccinated, the consequences are enormous for everyone – especially the employer – and is another reason why employers should retain the ability to do what they believe is best to manage their workplace.

Ohio has the third most regulations of any state in the nation, bested only by California and New York. I appreciate the legislature's diligent work in recent years to thoughtfully review these restrictions with the goal of drastically reducing the number. House Bill 218, however, results in yet another regulation on the books that Ohio businesses must adhere to, and would arguably be the most far-reaching one yet. I hope to continue working with the legislature to free our businesses of these burdensome regulations so that we can become a *more* competitive state in the global economy, not less.

The reality is we are seeing one of the tightest labor markets in our lifetime; employees have more choices than ever. Regulations such as those in HB 218 will impact Ohio's competitiveness relative to our peer states. As we yet again deal with the consequences of losing another Congressional seat – a true measure that we are falling behind some of our key competitors – now is not the time to tie the hands of Ohio's employers with additional regulations.

Chairman Peterson, House Bill 218 is in direct conflict with at-will employment and the premise that government should not tell Ohio businesses how to operate. Passage of this bill is dangerous for both Ohio employees and employers and will prove to be detrimental to our goal of becoming more economically competitive. The Ohio Business Roundtable respectfully asks that the committee reject this bill and allow businesses to make decisions to protect their workforce free from government intervention.

Thank you for the opportunity to testify. I am happy to attempt to answer any questions committee members may have.

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President & CEO  
Ohio Business Roundtable