

Testimony of Brandon Ostrow

In support of SB 22

Government Oversight And Reform Committee

February 3 2021

Madame Chair Roegner, Vice Chair Mc Colley and ranking member Craig as well as honorable members of the committee:

Thank you so much for taking the time to hear my testimony today.

I am here today to testify in support of Sb22 on behalf of myself, and my wife, as well as many family members and friends across the state of Ohio living through situations just like mine. The Covid pandemic has affected many people across the state in ways, that prior to its onset I'm certain none of Ohio's constituents would have ever imagined, or otherwise ever considered or condoned. From the restriction of free travel, to months of curfews, mandatory masking, the restricting of access to medical care, closures of businesses and schools and even the banning of visitation to our very own family members during holidays, or at assisted living facilities. Never before have we seen such broad and unchecked power exercised upon the citizens of Ohio, with little to no avenue for scrutiny, oversight, or any tangible way to reign in the powers and orders of the governor or health director; even to such a point where orders that had questionable legal standing were openly flouted that "this is what we are doing, the lawyers will figure out how we did it."

These kinds of brazen overreaches are what ultimately led to the loss of my wife's job. She suffers with anxiety and depression, and the recent strides and promotions she had been making in her job were a large part of her personal pride and happiness. She had been successfully defending herself for a number of months to her HR department on behalf of her EEOC protected status. The Covid closures gave her employer an easy and timely opportunity for a no fault layoff that would be difficult to challenge under EEOC claims, even though we had months of evidence showing harassment on behalf of the employer. She has been home now unemployed for 10 months, searching for a job every week, fighting deeper and deeper financial anxiety, and while also looking at losing hope she will find a worthwhile position to replace the job she formerly provided well for our family with and enjoyed. Because of the sudden mass increase in Unemployment the market is now flooded with more experienced workers, willing to work for lower wages and for less hours in order to simply secure some form of reliable income as their unemployment benefits shrink or come to an end. Our story is not a unique one.

I believe Sb22 could have prevented the plight of my wife, and many others in situations just like hers. It would create a bipartisan committee which could weigh the values and concerns of a wide variety of political views, economic positions and individual rights and freedoms and juxtapose them with

immediate health and safety concerns. It would also allow for adjustments to be made once we have had time to see the long term implications of actions taken by the governor or health authorities, such that, the committee or the assembly as whole could prevent tangible injury to the constituency that may outweigh the preventative good of future or existing orders. Sb22 would provide a much needed "sunset clause" limiting the duration of emergency orders, so that an ever moving goalpost, a dangling carrot promise of a return to normal, will never again be leveraged against the people of Ohio. We will be able to know with confidence that the orders are indeed for our immediate safety and being made only by declaration for necessary speed of action and not to circumvent or bypass the otherwise normal and necessary government oversight and approval processes. Sb22 Also importantly closes a loophole by which the governor or health director may reissue a new order struck down by the committee or assembly which is substantively identical to one which has expired or been restrained or removed. This is an important addition because it prevents the issuing authority from simply making superficial changes to orders, in order that they might bypass the very intention of the creation of this regulatory committee, or the assembly as a whole. In effect this provision makes it clear that the voice of the people is significant. If as constituents, we do our part to make our voice heard to the committee or assembly and the committee and assembly respectively exercise their authority to reign in overreaching, ineffective, or unnecessary orders that those checks and balances cannot simply be brushed away at the next stroke of the pen, but the spirit of the decisions reached actually have to be recognized, enforced, and maintained as intended. Nowhere in our government did the founders ever grant "ultimate authority" to any single person, none the less an appointed, unelected and largely unaccountable position. Not to the seat of the Presidency, to Supreme Court, to Speaker of the House, or any member of Congress. Not to Governors, Mayors, or any other office to my knowledge.

Please vote yes on SB22 and restore checks and balances to government in the way which the founders intended. Restore the representation of the voice of the people, essential to the definition of a Constitutional, Representative Republic.