



**Special Committee on Government Overreach and the Impact of COVID-19 Mandates
Testimony in Opposition to COVID UI Eligibility and Written Waiver Provisions
Presented by Eric Stafford, Vice President of Government Affairs, Kansas Chamber**

Friday, November 12, 2021

Madam Chair and members of the committee, my name is Eric Stafford, Vice President of Government Affairs for the Kansas Chamber. The Kansas Chamber represents small, medium and large businesses of all industry segments across the state. We appreciate the opportunity to testify in opposition to the two bills this committee is considering.

Our members understand the complexities surrounding the government response to the COVID pandemic. As we stated previously to this committee, our members largely had no intention of mandating the COVID vaccine for their employees. Some have provided thoughtful feedback to us that doing so would create a climate where individuals feel discriminated against based on masks or vaccines and that's why they feel it's best to let their employees privately decide what's best for them.

Then President Biden issued his mandates and here we are with employers stuck in the middle, getting hammered by both the federal government, and now the state. We've been told all that's under consideration is unemployment benefits for those who lose their job over vaccination status. It's a simple piece of policy. But as we read the draft for 22rs2356, that bill creates a brand-new cause of action, expanding liability for employers who can now be sued by their employees if the employer does not grant a waiver based on medical or religious beliefs.

These proposals place employers in a tough position to decide which terrible option is the best- choose to not enforce the mandate and grant waivers to all requesting employees and face fines that could reach the hundreds of thousands of dollars from OSHA, or enforce the mandate the federal government put in place and face lawsuits by their employees who now have a new statutory right to sue (while they have the new right to UI benefits).

We did not ask to be placed in this position. This was thrown on us by an administration that has no sympathy for the burdens it places on employers in our country. They have no care for the destruction their heavy regulatory burdens are placing on the economy. Our organization will do whatever we can to support our Attorney General of Kansas as he fights through the legal process in opposition to the Biden mandates.

In addition to this new, expanded liability employers will face under these bills, 22rs2357 creates a new eligibility clause for unemployment insurance if someone loses their job for failure to become vaccinated as required by the federal government and/or their employer. Reading the language out loud- "**declined to accept work** that requires compliance with a COVID-19 vaccine requirement **as a condition of employment**"- this is a slippery slope of granting benefits if an employee refuses to do something as required by the employer. This policy creates an environment that encourages bad behavior by individuals who could turn in a frivolous claim for an exemption only to be entitled to UI and a lawsuit against their employer if the employer cannot accommodate the employee. If you think we have a worker shortage now, wait until this bill becomes law.

COVID accommodation requests by employees will follow the same accommodation processes established in accordance with Title VII and the ADA. There's no reason for treating terminations following COVID vaccine accommodation requests differently from terminations following any other Title VII or ADA accommodation request. There is no reason to single out this group (seeking accommodations from COVID vaccine) for special treatment and provide UI benefits if their employer cannot accommodate the request. The UI system is there for people losing their job during economic downturns- not for individuals who refuse to accept conditions from employment in an at-will state.

In closing, we ask that you don't place employers in the position you are in these bills. We didn't ask to be here. Support the Attorney General's legal fight to overturn the federal mandate and let employers and their employees manage this together. Thank you for the opportunity to testify and I'm happy to answer questions at the appropriate time.