

Mr. Chairman and members of the Committee, my name is Arik Spencer, and I am the President and CEO of the Greater North Dakota Chamber. GNDC is North Dakota's largest statewide business advocacy organization, with membership represented by small and large businesses, local chambers, and trade and industry associations across the state. We stand in **opposition** to House Bill 1391.

GNDC believes the Legislature should enact pro-business policies and timely processes that improve the legal and regulatory environment. HB 1391 does the opposite by creating a new protected employee classification, which will expose employers to increased legal liability.

Under existing law, employers are required to provide reasonable accommodations for an employee's needs as they relate to being in a protected class as long as the accommodation does not:

- A. Unduly disrupt or interfere with the employer's normal operations;
- B. Threaten the health or safety of the individual with a disability or others;
- C. Contradict a business necessity of the employer; or
- D. Impose undue hardship on the employer, based on the size of the employer's business, the type of business, the financial resources of the employer, and the estimated cost and extent of the accommodation.

You can see this information on page 4, lines 17-23 of HB 1391.

The North Dakota Human Rights Act already protects employees from having to disclose vaccination status by making it illegal for employers to ask interview questions that can expose a disability unless it is job-related and consistent with a business necessity.

Should HB 1391 pass, employers in critical industries, such as the healthcare sector, would be required to assess whether someone's lack of vaccine poses a direct threat to the employee, other employees, or customers/patients. If it does, the employer would not have to accommodate the employee.

Whether the employer accommodated the employee or not, this new protected class needlessly exposes employers to legal liability from the employee if the employer cannot make an accommodation or if a co-worker, customer, or patient contracts an infectious disease and asserts the business was negligent for not requiring vaccinations.

We urge a DO NOT PASS on HB 1391

