

March 12, 2023

Mr. Chairman and Members of the Committee,

My name is Lyndsey Jensen. I am a resident of Bismarck, ND. I submit this testimony in favor of SB 2274 for your consideration.

I support SB 2274 for the following reasons: freedom to privacy, freedom from employment harassment, and freedom from medical coercion.

Privacy is important and should be reasonably protected. Covid vaccination does not guarantee that one will not spread Covid and all its variants; therefore, the documentation proving up-to-date Covid vaccination status is not necessary in securing the workplace from the spread of Covid-19.

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA). While Covid-19 vaccination status is not specified, routine testing for the presence of COVID-19 pathogens, antigens, or antibodies could be considered as harassment per the U.S. Equal Employment Opportunity Commission website's definition ([1](#)):

“Harassment is unwelcome conduct that is based on race, color, religion, sex (including sexual orientation, gender identity, or pregnancy), national origin, older age (beginning at age 40), disability, or **genetic information** (including family medical history). Harassment becomes **unlawful** where 1) **enduring the offensive conduct becomes a condition of continued employment**, or 2) **the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.**”

Many places of work require unvaccinated personal to undergo routine testing to detect the presence of COVID-19 pathogens, antigens, or antibodies. These tests are invasive and can be quite painful. This bill would specifically prohibit this common practice.

An employee should not be coerced into a medical procedure or vaccination to keep or to gain access to their field of practice. This is basic boundaries—unless your boss is Michael Scott ([2](#)), he should not be made aware of your medical history nor considered in your medical decisions. Bodily autonomy is important and should be defended.

For these reasons I encourage you to recommend a **DO PASS** for SB 2274. The Michael Scott reference was for comical relief and for your benefit.

Thank you.

Sources:

1. <https://www.eeoc.gov/harassment>
2. <https://www.quotes.net/show-quote/62158>