

Open Forum BBS 6/22/2021

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My name is Krista and I am a resident of El Dorado County. I am here today as a member of the Freedom Coalition of El Dorado to make clear that we object to the implementation of any County Mandate that would require employers to track and record their employees, independent contractor's and/or vendor's vaccination status. My concerns have arisen in response to Cal OSHA's most recent meeting on June 17, 2021, and to the "Employer Mandates" as set forth in Santa Clara County's May 18, 2021 Order that requires exactly that. In Santa Clara County, the County has essentially attempted to "deputize" individual business owners with the power and the obligation to go and collect employees, vendors, and independent contractor's private health information and record it, or face criminal and civil liability. In other words, this is a creative "work around" to force private citizens to enforce government mandates because the state and the counties understand that it would be unconstitutional for them to do so directly. This is happening in counties & businesses across the State.

It is our position that mandating businesses under color of law to track and record vaccination statuses is unconstitutional on a number of levels. Moreover, employers face substantial civil liability in the event that they do choose to comply with such an ordinance. Under CalGINA, it is illegal for the workplace to force employees to show their health information as a condition to work. CalGINA provides that all persons within the jurisdiction of this state are entitled to full and equal accommodations in all business establishments regardless of their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, or sexual orientation. While there are ongoing arguments as to whether or not Messenger RNA vaccines constitute "genetic information" on their own, there is a strong consensus that the pre-screening questions required prior to taking the experimental SARS-COV-2 shot absolutely constitute a violation of the above-stated statute. Additionally, CalGINA, allows for an employee to seek **unlimited damages** if they have been the victim of genetic discrimination. The vaccines are also only approved under an EUA, so any pushing of the vaccines or offering employee incentives (such as not wearing a mask if vaccinated), can be viewed as coercion which carries hefty penalties.

Based on what we are seeing, the regulations from OSHA & participating counties will make it impossible for employers in El Dorado County to follow the law. They are in between a "rock and a hard place" so to speak. Undoubtedly, once employers are sued (and they will be), they will cross-claim against the County for forcing them to take actions that violate their employees' and independent contractors' rights. The result will be an endless stream of ongoing & increased litigation against the County, and deservedly so. The County should not be creating animosity and litigation between citizens and the government, which is the obvious and logical end game for any County that takes action similar to Santa Clara.

The possibilities for control are endless, and as we have learned over the course of the past 18 months, this is not only a slippery slope, but this state has proven time and time again that one thing really does lead to another. That is why we are drawing a line in the sand here. Employers must never be permitted, let alone forced to track and record employee vaccination status or anything else pertaining to their health. That is what the Chinese Communist Party does.

This is America, not a communist regime. Accordingly, we are asking you to take unequivocal and immediate action not only to never adopt any policy or ordinance similar to Santa Clara County, but to enact law that would operate specifically to prohibit such a policy from ever going into place.

Thank you.

Encl – Resolution from San Benito County