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Ohio Matters

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125TH ANNUAL MEETING HIGHLIGHTS

On April 18, the Ohio Chamber of Commerce hosted its 125th Annual Meeting, with keynote speaker Ohio State University Football Coach Urban Meyer. The meeting was held at the Sheraton on Capitol Square, along with the ever-popular Chamber Day at the Capital and the Legislative Reception.

The Annual Meeting was led by Chairman of the Board of Directors Larry Kidd, who is starting the final year of his two-year term.

"It's not often an organization can celebrate 125 years of existence," Kidd said while opening the meeting. "This is a great accomplishment, and we have our members to thank for allowing us to reach this milestone."

Ohio Chamber President and CEO Andrew E. Doehrel opened the meeting.

Chair-elect of the Ohio Chamber of Commerce Board of Directors Jeff Walters delivered the Financial Report and the report of the Nominating Committee.

Chairman of the Ohio Chamber of Commerce Board of Directors Larry Kidd served as the meeting's host.

Kidd talked about what the Ohio Chamber has accomplished in just the first part of the year and the plans for the rest of the year. In March, the employer opioid toolkit — *A Dose of Reality for Employers* — was launched. It has received national attention, including that of U.S. Secretary of Labor Alexander Acosta, who came to Columbus to meet with business leaders on this issue. The image campaign "Ohio Business … Good for Life" is under production, and Ohioans should start seeing ads after Memorial Day.

Kidd reported that while the chamber is preparing to move into its new headquarters in the former Columbus Dispatch building later this summer, the current headquarters is in contract with a buyer. Finally, Kidd told the audience that all members would be invited to a reception at the new headquarters on Nov. 8, followed by the Ohio Chamber's first-ever Member Gala celebrating 125 years of the Ohio Chamber and its members.

Jeff Walters, chair-elect of the Ohio Chamber of Commerce Board of Directors, delivered the financial report and the report from the Nominating Committee.

"For 2017, the Ohio Chamber had another solid year," said Walters. "Dues and events such as our Annual Meeting and the Policy Conference at Salt Fork are the lifeblood of the Ohio Chamber, and we appreciate the support of everyone here today. The annual audit of our books was done by GBQ and completed this past February. The auditors gave the chamber an unmodified opinion stating that our financials were in order. The Audit Committee, a subcommittee of the Ohio Chamber's Executive Committee, accepted the report on April 2, 2018. The chamber's dues and program revenue for 2017 was just over $3 million. Expenses were consistent with budgeted amounts. Net assets increased approximately 10 percent because of dues, and program revenue increasing slightly, in addition to improvements in the 2017 investment market conditions."

From the Nominating Committee, the following people were nominated and approved as members of the Ohio Chamber of Commerce Board of Directors.

Northwest District
Rusty Orben, CSX Transportation Inc.
Jordan Pace, Plante Moran

Northeast District
Frank Carrino, Westfield Group
Ryan Hartong*, The Timken Group

Southwest District
Jill Jansen, Procter & Gamble
Tom Lagos, Lagos & Lagos

Southeast District
Richard Brandt, The Logan Clay Co.
Larry Kidd, Reliable Staffing Services

Central District
Kevin Hinkle, Anthem BlueCross/BlueShield
David Koren, Columbia Gas of Ohio Inc.

At-Large
Steve Bennett*, U.S. Bank
Thomas Button, Park National Bank
LaVawn Coleman, Grange Insurance Cos.
Katie Grayem*, AEP Ohio
Aneezal Mohamed, Commercial Vehicle Group
Robert Reder, Glatfelter
Mary Schell, The Wendy's Co.
Steve Shepard, PNC

Keynote speaker Urban Meyer, head football coach for The Ohio State University

Tim Snyder, Humana
Amy Spiller*, Duke Energy
Curt Steiner, Steiner Public Relations
James Zimmerman*, Taft Stettinius & Hollister LLP

*Denotes a new director

Following the business meeting, we presented two local chambers of commerce with awards (see separate story), and then keynote speaker head football coach at The Ohio State University Urban Meyer took the stage.

Speaking to the business-friendly crowd, Meyer explained how he has implemented "Real Life Wednesdays" as a way to prepare players for life after football. This program teaches the players things like how to pay rent, balance a checkbook and buy insurance, how much it costs to have a child and even how to interview for a job.

"We are teaching them how to be an adult," Meyer said.

The coach asked those in the audience to volunteer to allow a player to shadow them or allow players to serve internships at their companies. Meyer requires all players to create a career plan, and by shadowing a business person or participating in an internship, they are learning what they do or do not want to do after graduation. This past school year, 35 players held internships. Businesses interested in participating can contact OSU Director of Player Development Ryan Stamper.

Regarding leadership, Meyer said that company leaders have to be aware of their company's culture.

"You, as the leader in the company, have to set the culture," he said. "The

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You voiced your concerns.

We listened.

The employer opioid toolkit was developed to help you.

We're All for Ohio.

Ohio's employers are asking what they should do about the opioid crisis in their own workplaces. The Ohio Chamber of Commerce convened a task force to explore the options. One task force recommendation was to arm employers with a toolkit of resources to help them be better prepared to prevent and respond to the problem. With the help and expertise of member company Working Partners®, and financial support from member company Anthem, we have developed *A Dose of Reality for Employers*, an employer opioid toolkit containing several resources available free to any company doing business in Ohio.

To access the toolkit, go to www.ohiochamber.com/opioid-toolkit.

OHIO CHAMBER of COMMERCE

125TH ANNUAL MEETING HIGHLIGHTS

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leader has to set clear expectations as to what your culture is and live it."

He said he learned that, in order to be a good leader, he needed to do the following.

- Get in good physical shape — eat well, work out and get enough sleep.
- Take care of yourself — you can't take care of others unless you take care of yourself.
- Be mentally sharp — be prepared to act.
- Be emotionally prepared — your emotional mindset impacts everything else.
- Incorporate spirituality — your life will be better balanced.

When asked what he worries about, he said, "I don't want to let the great state of Ohio down."

The day ended with the always popular Legislative Reception. Members of the Ohio House and Senate were invited to attend to meet with members of the Ohio Chamber.

The 125th Annual Meeting and Legislative Reception was another great success thanks to those who attended and to the presenting sponsor, The Ohio State University. Our next big member event will be Thursday, Nov. 8. We will be holding an open house at our new headquarters, followed by a Member Gala at the Renaissance Hotel. Mark your calendars and watch your mail and email for more information.

2018 CHAMBER DAY AT THE CAPITAL A SUCCESS

In conjunction with the Ohio Chamber's Annual Meeting, the Ohio Chamber's Chamber Action Alliance held another successful Chamber Day at the Capital for the organization's key stakeholders.

At the meeting, over 60 local chamber executives and their member companies were on hand to participate in programming tailored to give their organizations information and resources as they plan advocacy initiatives for the next 365 days.

The agenda included the following topics.

- Ohio Chamber Employer Toolkit Presentation on the Opioid Epidemic
- Ohio Chamber Research Foundation presentation on the organization's mission and how chambers of commerce can get involved
- Political presentation including an overview of the redistricting ballot issue
- Legislative update with members of the Ohio Chamber's Government Affairs team

Additionally, Andy Piccolantonio and Laz Picciano from our membership team were on hand to discuss a new membership initiative for local chambers of commerce. The Ohio Chamber of Commerce Affiliate Program is a way of offering Ohio Chamber programming through local chambers to help increase membership acquisition and retention. This new program is for companies with 10 or fewer employees and is a way to further strengthen the link between the Ohio Chamber and local chambers of commerce.

For more information on this Affiliate Program, contact Laz Picciano at (614) 629-0926 or lpicciano@ohiochamber.com.

For additional information on Chamber Day or the Chamber Action Alliance, contact Rich Thompson at (614) 629-0923 or rthompson@ohiochamber.com.

Ohio Chamber of Commerce Vice President, Communications Julie Wagner Feasel

Executive Director, Ohio Chamber of Commerce Foundation, Katie Koglman

Ohio Chamber of Commerce Project Manager Laz Picciano

Ohio Chamber of Commerce Legislative Staff Director, Energy & Environmental Policy Zack Frymier; Director Tax & Economic Policy Jeff McClain; Director, Labor & Legal Affairs, Don Boyd; Director, Ohio Small Business Council Kevin Boehner; and Vice President, Government Affairs Keith Lake

Ohio Chamber of Commerce Director, Political Programs, Rich Thompson, and Assistant Vice President, Membership, Andy Piccolantonio

Attendees at Chamber Day

ASHLAND AREA AND GREATER SPRINGFIELD CHAMBERS OF COMMERCE HONORED

On Wednesday, April 18, at the Ohio Chamber of Commerce Annual Meeting, the Ashland Area Chamber of Commerce and The Chamber of Greater Springfield were awarded the 2018 Leadership in Grassroots Excellence & Best Advocacy Campaign Awards, respectively.

The Chamber Action Alliance (CAA) is the statewide grassroots advocacy coalition of Ohio chambers of commerce coordinated by the Ohio Chamber. The CAA determines statewide policy issues facing the business community, educates and empowers pro-businesses advocates to take action, and champions a business-friendly climate throughout Ohio.

Every year, the CAA selects two local chambers that exemplify the purpose of the CAA, to recognize a local chamber's hard work and service to local and statewide communities.

This year, our speaker, Urban Meyer, head football coach at The Ohio State University, was on hand to congratulate the award recipients and pose for pictures.

The CAA awarded The Chamber of Greater Springfield the 2018 Best Advocacy Campaign Award for the nonpartisan Candidates College that it holds every other year for people interested in running for political office. Accepting the award on behalf of The Chamber of Greater Springfield were members James Lagos and John Brown. Sen. Bob Hackett and Rep. Kyle Koehler presented the chamber with commendations.

The Ashland Area Chamber of Commerce received the 2018 Leadership in Grassroots Excellence Award for its extraordinary efforts and commitment to advocating on behalf of Ohio businesses. The Ashland Area Chamber was recognized for its continuous efforts in informing its membership on key issues impacting Ohio's business climate through direct advocacy to legislators, dynamic programming on issues that are important to the business community and by actively participating in Ohio Chamber Action Alliance lead initiatives.

Ashland Area Chamber of Commerce members with OSU Football Coach Urban Meyer

Ashland Area Chamber of Commerce CEO Barbara Lange, along with some of her staff and members, were on hand to receive the award. Senate President Larry Obhof and State Rep. Darrell Kick presented the chamber with commendations from the Ohio House and Senate.

For more information about the Chamber Action Alliance and how to get involved, email rthompson@ohiochamber.com or call (614) 629-0923.

Sen. Bob Hackett, James Lagos and John Brown, of The Chamber of Greater Springfield, with OSU Football Coach Urban Meyer

By Keith Lake, Vice President, Government Affairs

ACTION ON KEY BUSINESS PRIORITIES REMAINS ELUSIVE

By the time you're reading this, the Ohio General Assembly is likely to have wrapped up its activity for the first half of 2018. Lawmakers will be back home in their districts, attending to constituent matters and campaigning for re-election if they're on the ballot in November.

It's a good time to take stock of the progress made on some of the Ohio Chamber's public policy priorities. And remember — the Ohio Chamber's priorities are determined by our members, primarily through our eight standing committees.

While there were significant achievements in 2017 that make Ohio a better place to do business, including two common-sense reforms of Ohio's complicated municipal income tax system and a change requiring workers' compensation injury claims to be filed within one year instead of two, there's less to boast about in 2018.

Of what are perhaps the two most important wins for employers so far in 2018, neither occurred at the Ohio Statehouse. First, in February, a Franklin County Common Pleas Court judge ruled in favor of the state of Ohio in a case brought by about 160 municipalities challenging the pro-business municipal income tax changes made in recent years. These include a provision allowing businesses to opt in to a centralized municipal tax filing process, resulting in significant compliance cost savings.

While the decision was a huge victory, the municipalities have already filed an appeal, so this battle is not yet over. The Ohio Chamber will file an amicus brief in support of the Department of Taxation as it defends the lower-court decision later this year.

Second, the Bureau of Workers' Compensation announced last month that it will rebate another $1.5 billion in premiums to employers this summer. This is the fourth such "billion back" rebate in the past five years, each the result of better-than-projected investment returns.

Unfortunately, almost all legislative priorities remain works in progress. The Ohio Chamber reminded the legislature in early January that there are five barriers to business efficiency and growth that require action before year's end. Unfortunately, virtually no movement has occurred on the most pressing of these, fixing Ohio's broke and broken unemployment compensation system. This political hot potato has been the subject of ongoing debate — and no resolution — since at least the middle of 2015.

Likewise, no further progress has been made on two of the other five priority issues. House Bill 2, legislation that would bring overdue and much-needed balance and predictability to Ohio's employment discrimination laws, continues to await a vote by the full House. It was favorably reported out of committee in early May 2017 — over a year ago at this point — but has subsequently stalled. A solution to protecting businesses from the escalating costs of energy efficiency mandates remains elusive, as well.

More promising, Senate Bill 221, a regulatory reform bill that builds upon the existing authority of the successful Common Sense Initiative to minimize the negative impact that state regulations have on businesses, passed the Senate on a bipartisan basis in April. The bill is currently awaiting assignment to a House committee.

Though still in committee in the House, House Bill 450, legislation the Ohio Chamber helped conceive, would reduce the threat of more one-size-fits-all health insurance mandates that lead to higher employer health care premiums. It had three hearings in February and March and is expected to be voted out of the committee some time in May; the Ohio Chamber is pushing for a vote by the full House before the legislature leaves on its summer break.

Other Ohio Chamber-backed bills are advancing but not yet close to reaching the governor's desk. Senate Bill 220, legislation that would grant businesses that institute robust cybersecurity programs legal protections if a data breach were to occur, appears to have strong support but is currently undergoing revisions.

House Bill 430 is pending in the Senate after passing the House by a substantial bipartisan majority. It protects the currently understood practice and enforcement of Ohio's tax laws and regulations. While the bill deals specifically with the oil and gas industry, similar concerns against shifting interpretation or definition changes by the Department of Taxation are affecting other industries such as manufacturing processes and other commercial activities.

One of the biggest impediments to the seemingly slow progress on some of these Ohio Chamber priorities is the political landscape.

If you've been watching, listening to, or reading your local news, you're probably familiar with the biggest Statehouse story so far in 2018 — and it's not policy related. Speaker of the House Rep. Cliff Rosenberger resigned in April amid news that the FBI may be investigating some of his travel and other expenses. At the time of this writing, the House has not yet voted to elect a new speaker to serve the remainder of the year.

Even before Rosenberger's resignation, however, a battle — a contentious, unpleasant battle that spilled over into open seat primary election contests — was already being waged to succeed him, as he was already barred by term limits from seeking re-election. Such rancor and uncertainty have created a difficult environment for advancing public policy.

We're doing our best to be patient, recognizing that, while the process at present may be challenging and sluggish, fostering a healthy business climate is ultimately a priority shared by many lawmakers.

PICTURES FROM OUR LEGISLATIVE RECEPTION

By Bob Robenalt, Partner, Fisher Phillips

DOT ADDRESSES OPIOID CRISIS, ADDS SEMI-SYNTHETIC OPIOIDS TO TESTING PANEL

As our nation's opioid epidemic continues to grow at an alarming rate, many employers have raised serious questions about what can be done to tighten the drug testing procedures that have been in place for years.

Early last year, the Department of Health and Human Services (HHS) revised the Mandatory Guidelines for Federal Workplace Drug Testing Programs, which required certain organizations to comply with new panel standards. Following suit, the U.S. Department of Transportation (DOT) has also adopted this regulatory change in an effort to help target the semi-synthetic opioids that are at the heart of the current opioid crisis.

Effective Jan. 1, 2018, DOT has added four semi-synthetic opioids — oxycodone, hydrocodone, oxymorphone and hydromorphone — to its existing standard five-panel drug testing program. These drugs are better known by their brand names OxyContin, Percodan, Percocet, Vicodin, Lortab, Norco, Dilaudid and Exalgo. Prior to adopting the new drug panel, DOT-regulated employers had only been required to test employees for amphetamines, cocaine, marijuana, phencyclidine (PCP), codeine, morphine and heroin.

This final rule applies to all DOT modalities and employers in DOT-regulated industries subject to 49 CFR Part 40, including motor carriers (truck companies and businesses using regulated trucks), railroads, mass transit, aviation and pipeline employers. Employers that participate in the Ohio Bureau of Workers' Compensation's drug-free workplace program will also need to make this change to ensure their drug-testing programs conform with the federal testing model put forth by the HHS. In addition, it's recommended that even those employers without directives jump on the bandwagon in a joint effort to help deter opioid abuse in the workplace. Keep in mind, however, that employees should be given fair notice before any change to the drug-testing panel is enacted.

Employers should be aware that this expanded panel will likely involve an increase in costs, as well as a significant rise in positive test results. In addition, this new regulation will also change certain procedures performed by a medical review officer (MRO). Historically, MROs were required to report an employee's medical information to a third party, such as the employer, if it was determined that the employee was not medically qualified under DOT regulations and/or if his or her performance was likely to pose a significant safety risk. The MRO could report this information even if the drug test was negative.

However, under DOT's new regulations, an employee will have up to five days to have his or her prescribing physician contact the MRO before medical information is reported to the employer. This allows the prescribing physician to affirm an employee can safely perform any safety-sensitive job functions while taking the medication or change the prescription to one that does not pose a safety risk.

There are additional issues for the MRO relating to DOT testing, including procedures on how to identify and deal with legally valid prescriptions. The regulation, however, continues to note that medical marijuana is not permitted under the definition of legally valid prescriptions, even in states that have adopted medical marijuana provisions.

This final rule also confirms that only urine specimens are authorized for use in drug testing. Although DOT suggests that other forms of testing may be considered in the future, it does not currently permit point of collection testing, hair testing or oral fluid/swab testing.

Employers that perform drug testing in their workplace should take the time necessary to become familiar with DOT's new regulations. In addition, it's important that employers consult with legal counsel and the testing providers to monitor their drug-testing programs and ensure compliance with the new protocols and procedures.

By adding semi-synthetic opioids to the drug-testing panel, employers will ultimately be helping to deter an opioid crisis that poses a significant threat to their workforce.

Bob Robenalt is a partner at the Columbus office of Fisher Phillips, a national management-side labor and employment law firm. Reach him at rrobenalt@fisherphillips.com or (614) 453-7611.

By Michael Gaynor, Assistant Vice President of Field Operations, GoRail

THE LOGISTICS BEHIND NAFTA

As looming political deadlines put pressure on NAFTA negotiators from the U.S., Canada and Mexico, business and industry groups across the U.S. and North America are focused on the future of the 25-year-old free trade deal. Further complicating the issue — and stoking tension — is the threat of rising tariffs via a trade war with China.

In the last issue of *Ohio Matters*, Dan Ujczo wrote about NAFTA's impact in Ohio, emphasizing why the business community must embrace a modernization of the trade deal and move from "NAFTA no" to "NAFTA know."

He's exactly right. North American trade supports 500,000 jobs in Ohio and 14 million across the country. Since NAFTA's inception in 1993, it has opened new markets and catalyzed enormous economic growth by lowering trade barriers among the U.S., Canada and Mexico. Collectively, North American GDP has risen by 166 percent because of NAFTA, according to World Bank data.

And for Ohio specifically, low tariffs are key to the continued success of our manufacturing, agriculture and logistics sectors.

Ohio is home to the third-largest freight rail infrastructure in the nation and hosts more intermodal facilities than 48 other states. Keep in mind, the freight railroads are privately owned and operated, without taxpayer funding. The private market, driven heavily by trade, has fostered massive private sector investment into Ohio's logistics network to support burgeoning domestic and cross-border customers.

Our extensive freight railroad network offers a unique look at the complex and vibrant supply chains fostered by low trade barriers. Everything from steel to soybeans to washing machines moves by rail in Ohio. Our auto assembly plants rely on components shipped by rail from Mexico and Canada and then, in turn, autos ride the rails once again as finished products for export to North American markets or beyond. And Ohio-made auto parts also leave our state daily, bound for foreign-based assembly plants.

Privately owned freight railroads — an industry that connects and serves nearly every industrial, wholesale, retail and resource-based sector of the economy — are deeply tied to trade. A recent report found that 50,000 rail jobs and 42 percent of rail carloads and intermodal units directly depend on trade. Trains also haul one-third of U.S. exports.

Privately owned freight railroads — an industry that connects and serves nearly every industrial, wholesale, retail and resource-based sector of the economy — are deeply tied to trade.

Ohio is particularly vulnerable when it comes to a potential trade war with China, as many of our top commodities are on the tariff hit list. Ohio farmers, who exported nearly $700 million of soybeans to China last year, would be devastated by the 25 percent tariff China has proposed amid growing trade tensions. Soybeans constitute 21 percent of rail's grain carloads.

Railroads would face a similar fate if the U.S. walks away from NAFTA, or continues to engage in a trade war that creates more barriers to trade.

"For a highly capital-intensive industry that has spent $26 billion annually in recent years, private investment is the lifeblood of a freight rail sector that must devote massive sums to safely, efficiently and affordably deliver goods across the economy," said Edward Hamberger, president and CEO of the Association of American Railroads. Upending the ability of railroads to do so by undermining free trade agreements that have done far more good than harm would have far-reaching effects."

While we are fond of saying "Ohio Versus the World," when it comes to trade, we are all better off with the world as our partner. With the pressure ratcheting up for a NAFTA deal in early May, stakeholders across the U.S. are highlighting the benefits of the agreement and watching closely.

Michael Gaynor is assistant vice president of Field Operations at GoRail, a national nonprofit promoting the benefits of freight railroads. Visit www.gorail.org for more information.

Provided by OSU Fisher College of Business Risk Institute Distracted Driving Initiative

SHOULD CELLPHONES BE BANNED WHILE DRIVING?

Your employees are more likely to die in a car crash than in any other event, according to the Occupational Safety & Health Administration (OSHA). A single nonfatal crash could cost your business nearly $65,000 directly and indirectly in the form of overtime pay for employees filling in for injured coworkers, higher insurance premiums, survivor benefits, legal fees, replacement and administrative costs — not to mention the impact of bad publicity.

Research suggests that even the most experienced drivers are twice as likely to have a near-miss or a crash when dialing or reaching for their phone, sandwich, radio, or other object. Young and newly licensed drivers are up to eight times more likely to crash when driving distracted.

Protect your employees, your business and your brand by implementing these four strategies to curb distracted driving behaviors.

- Implement a total ban policy on using any electronic device during work-related driving, including hands-free options like Bluetooth.
- Include driving behavior in performance evaluations.
- Expand wellness programs from illness prevention to injury prevention.
- Provide tangible rewards and incentives.

The Risk Institute, a research center at The Ohio State University Fisher College of Business, is leading a nationwide initiative to put an end to distracted driving via research and education, legislation, technology and urban planning. It defines distracted driving as meeting any one of three criteria.

- Visual: Taking your eyes off the road
- Manual: Taking your hands off the wheel
- Cognitive: Taking your mind off driving

Using electronic devices while driving is particularly hazardous because doing so meets all three of these criteria.

Employees often cite that communicating with coworkers and customers when out of the office is an implicit requirement of their job. However, research shows that productivity is not increased, and it also puts your employees' mental health at risk.

We also know that using a phone while driving not only impairs driving ability, it also negatively impacts the quality of whatever else the driver is attempting to use the phone for. Numerous studies have examined MRIs of brain activity in subjects trying to perform two demanding tasks simultaneously. They concluded that neither task was performed as well, and the results have been replicated, proving the old maxim: that "To do two things at once is to do neither."

The Risk Institute recommends employers implement a total ban policy on using any electronic device during work-related driving, including hands-free options like Bluetooth. Multiple studies, since as early as 2004, clearly show that cognitive distraction is just as dangerous as manual or visual distraction. The AAA Foundation for Traffic Safety said it best: "Hands-free does not mean brain-free."

If you're worried about lost productivity as a result of a ban, don't be. In a 2015 survey of *Fortune* 500 companies that implemented total bans, nearly one out of five reported increased productivity.

In a 2018 survey of 400 people, researchers from The Risk Institute found moderate support for organizational bans and that wording mattered (e.g., "fines" were preferred to "bans"). Employers should choose policy language carefully for stronger employee buy-in. The survey also suggested that there is moderate support for pledges to drive device-free, but there isn't any evidence to suggest that these pledges have much lasting effect.

Guidance on all aspects of creating and implementing an effective policy is readily available online. The Ohio Bureau of Workers' Compensation and OSHA provide resources for injury- and illness-prevention programs. NETS and NSC offer a wealth of information and assistance.

At The Risk Institute, we know that the benefits of a good policy extend beyond the company and in turn benefit society as a whole by reducing the number of distracted drivers on the road. There's also hope that by forcing the change at work, people will be less inclined to drive distracted on their personal time.

Distracted driving is an epidemic. We see it every day on our highways and in our neighborhoods. Be part of the change.

If your company or organization is interested in getting involved with the Distracted Driving Initiative at the Risk Institute, visit fisher.osu.edu/risk or email RiskInstitute@fisher.osu.edu.

By Samuel Lillard, Partner, Columbus office, Fisher Phillips

A CHANGING PAY EQUITY LANDSCAPE

What Ohio employers need to know

In recent years, pay equity has been at the forefront of our national conversation about the workplace. Ohio, in particular, has one of the largest gender wage gaps.

Women in Central Ohio earn just 78 cents to every dollar earned by a man, with women of color seeing an even greater disparity, according to the Columbus Women's Commission. This puts Columbus lower than the national average. Despite this, women are participating in the workplace at a rate of 63 percent and make up just over half of our population locally.

So, why does this gender wage gap exist? Some researchers contend that it may be due, in part, to the fact that women are more likely than men to take breaks from their careers to raise children. Others claim that gender dominance and preferences in certain professions are the root cause. Another theory is that it's a result of the differences in how women and men negotiate for work opportunities, cultural biases and, of course, just plain-old gender discrimination. Frankly, it is likely a combination of these factors.

Regardless of the cause, most employers share the belief that individuals who perform similar work and have similar experience should receive equal pay. Further to this point, both federal and state laws prohibit pay discrimination on the basis of sex — or any other protected class, for that matter. Under the Equal Pay Act (EPA), men and women in the same workplace must receive equal pay for equal work. Employees who pursue pay discrimination claims under the EPA need only show they received lower wages than a nonprotected-class employee for performing substantially equal work under similar working conditions.

There is no requirement of an actual intent to discriminate — just the presence of a pay gap without a legitimate justification. Such justifications can include differences based on a seniority system, merit system, quantity or quality of production, or any other reason that shows the difference is not gender based.

Although the EPA was passed more than 50 years ago, pay inequality is still a big issue in many workplaces. Often, it fuels a growing onslaught of litigation by both individuals and groups of employees, which costs employers a bundle. To add to the concern of lawsuits, the recent rise of pay equity laws has created compliance challenges for employers, particularly those operating in multiple locations, as each new law and jurisdiction has its own unique set of rules.

Some states have even passed laws that prohibit, or limit, an employer from seeking salary history from job applicants. The rationale is that low pay can follow employees from one job to the next throughout their careers, resulting in a systemic reduction in their earning power.

To help employers navigate and comply with this growing patchwork quilt of pay equality laws, Fisher Phillips recently launched its own interactive pay equity map (https://www.fisherphillips.com/equity), a web-based tool that allows employers to explore state- and city-specific pay equity laws by clicking each state on the map. The idea is that it will help employers stay informed of new legislation.

So, how can employers stay out of the legal fray and help close the pay gap within their own workforce? First, stop requesting salary histories from applicants and instead ask applicants about salary expectations. Employers can also provide a salary range for open positions.

Next, employers should conduct a pay equity audit to identify existing pay gaps and determine whether corrective action is necessary. Although conducting a pay audit isn't complex, having the right people involved is critical. Generally, most audits should include a member from HR, payroll/finance and legal counsel. In addition, employers should review their existing pay policies regarding how compensation decisions are made, including any factors that could result in pay disparities. This could involve factors like business mergers, department acquisitions or cost-of-living differences. If experience is a guide, these audits often will yield pay disparities. Of course, many of these disparities are based on legitimate justifications. For those that defy legitimate explanation, however, a corrective action plan should be developed. It's important to know that with any correction plan, employers are generally not permitted to lower compensation of a higher-paid employee to correct the issue. Instead. the lower-paid employee must receive a salary increase.

Although it will take time to close the gender wage gap, employers can use these proactive measures to help bring about more objective pay practices and promote equal opportunities for their employees, ultimately leading to a more engaged workforce.

Samuel Lillard is a partner at the Columbus office of Fisher Phillips, a national management-side labor and employment law firm. Reach him at slillard@fisherphillips.com or (614) 453-7612.

POSITIVE GROWTH AND OPTIMISTIC OUTLOOK, SHADOWED WITH WORKFORCE WORRIES

Q1 2018 Prosperity Pulse findings

The Ohio Chamber Research Foundation launched the Prosperity Pulse, an economic index for Ohio, in March 2017. Business leaders are surveyed quarterly about the driving factors of prosperity. In 2018, the formula was tweaked, and the Prosperity Pulse converted to a 100-point scale.

The first quarter Prosperity Pulse Index measures at 116.28.

Optimism levels are high with business leaders in Ohio, with 92 percent anticipating the next three months to at least stay on course or get better or much better. Looking forward to Q2, 88.6 percent anticipate profits to stay the same or grow, and 37 percent have plans to make capital expenditures. During the first quarter, 70 percent of businesses surveyed added people to their workforce, and 24 percent have plans to hire more in the second quarter.

"Growth is positive, and outlook is optimistic. However, workforce worries still loom in the shadows," says Executive Director Katie M. Koglman. "If we remove 'other' from the single most important issue facing our business leaders, the cost of labor is the leading cause of concern."

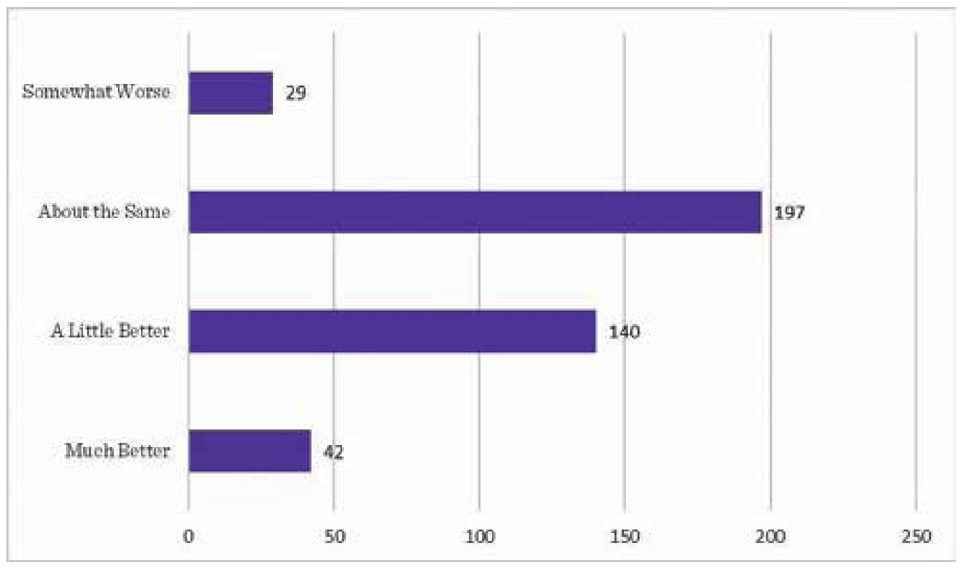
Ohio is more concerned with the cost of labor than with the overall quality of labor. According to our survey, employee productivity is not much of a concern at all. Employers are pleased with their current workforce, but very concerned about attracting future talent and the costs associated with growing their employee base. This is almost opposite of the feelings nationwide. When asked to choose the single most important issue facing their business, Ohio answered "cost of labor," while the nation answered "quality of labor."

For more information, the Q1 Prosperity Pulse Summary Report and full data sets, visit www.ohiochamberfoundation.com.

Issue	Nation	Ohio
Taxes	13	14
Inflation	1	2
Poor Sales	11	10
Finance/Interest Rates	2	3
Cost of Labor	8	16
Government Regulations	14	10
Competition	11	8
Quality of Labor	21	5
Insurance	9	10
Other	10	22

National Data Source: NFIB, 4/2018

QUESTION: Thinking about the economy in Ohio, how do you think the next three months look for your company?



STRONGER TOGETHER

Advocacy, for U.S. Bank, is a means of making many lives better

U.S. Bank, the fifth-largest bank in the U.S., is growing in Ohio, and fast.

Steve Bennett joined the company as market president for Columbus in July 2016. The next month, the bank announced that it was expanding, adding 120 employees to its compliance area, growing its physical presence by leasing an additional 11,000 square feet at its Columbus location and investing $433,000 in renovations, IT and training costs.

U.S. Bank operates out of the 10 W. Broad Building, a 25-story tower at High and Broad streets in downtown Columbus.

"We see Columbus as just a great place to live," says Bennett. "The business environment is good here, and it's growing. And we can get some really quality-educated people from the universities, not only within Columbus, but also within Ohio. People want to come and move to Columbus."

Since March 2016, the bank has grown the number of its employees in Ohio by 7 percent, according to Elizabeth Parra, senior vice president of public affairs and communications at U.S. Bank. It now has approximately 5,200 employees working in the state.

"The bank wanted to put something in Columbus because we see it as a great place to do business, and not only in Columbus, but in the state," Bennett says.

A VIEW FROM WITHIN

Bennett has worked in the financial industry in Columbus since 1995 and has an insider's view of the sector.

"We have, within the state, some great quality banks that are in our footprint. They do great things for their clients," he says, "The financial industry in the state of Ohio is sound with the banks that are here. They do a great job of getting involved in our communities and doing the right things for their clients."

He says the financial industry, as well as U.S. Bank, are supported in part by organizations such as JobsOhio.

"They do a fantastic job getting jobs to move within Ohio," he says. "They work closely with us when there are opportunities. And I would say the same with Columbus 2020, which is doing a fantastic job of bringing growth and development here to the Columbus market."

U.S. Bank employees gather in front of the Community Possible Relay bus promoting volunteerism across the country.

ADVOCACY ALLY

Recently, U.S. Bank decided to work with another Ohio organization that's helping the business community: the Ohio Chamber of Commerce.

Bennett says he's always seen the chamber as very effective in its advocacy for its members. And as he spoke to other members at a recent chamber event — Bennett is a newly elected member of the chamber's board of directors — he says those he talked with mentioned the many ways the chamber got involved on their behalf and helped them or their clients with issues.

"That's what we look to get out of it," Bennett says, adding that the bank wants to help its clients by working with the chamber to address any issues that arise. "(The chamber has) relationships with the state legislators and relationships throughout the state, and a lot of times they get things done that are really good and that help our community and help us grow."

Not only did the bank join the chamber, it did so at the highest level, Chamber Champion, a decision Bennett says reflects the bank's commitment to the state and its clients.

"Our clients look at the chamber as a valuable resource," Bennett says. "Seeing us be a part of that shows that we're committed to the state and also our community."

As a member of the Ohio Chamber Board of Directors, Bennett says he hopes the appointment will lead to his greater involvement in the state in matters that impact U.S. Bank's clients, enabling the bank to be a voice for its clients, as well as itself.

"We think it's good for the community and helps it grow," he says. "We are a strong believer that if our community is not strong, our bank is not strong."

OHIO BUSINESSES ... GOOD FOR LIFE

In March, we sent an email to all of our members requesting a call for stories — positive stories — about what businesses are doing to improve lives and strengthen communities. The narratives are being used in a statewide image campaign to raise the awareness of the general public that Ohio businesses not only provide jobs and benefits to employees but also take an active role in bettering the communities in which people live and work.

This image campaign is similar to a campaign that the Association of Washington Business created in 2016 and continued in 2017. We understand that there are times when businesses aren't depicted in a good light, and this campaign hopes to dispel those representations. Our board of directors reviewed a presentation on the image campaign at the August 2017 board meeting and voted to proceed with the campaign in December 2017. They have had an active role in the campaign's development.

I wanted to bring everyone up to date on what has been happening and what you can expect to see in the next couple of months. With the help of the firm we hired to create the image campaign, Cult Marketing, we have developed the "Ohio Businesses ... Good for Life" campaign. Network television commercials are scheduled to start after Memorial Day and run into September. In addition, a social media and billboard campaign will start after Memorial Day and run into October, or possibly longer.

Some of the stories submitted by our members are being used in this campaign. If you haven't seen them yet, they can be viewed on the campaign's website, www.ohiogoodforlife.com. There is even an option to submit your company's story for possible use. If you have a story that demonstrates how an Ohio business positively impacted the life of an employee or an Ohio resident, a community or even the world, please submit it through the website.

Also follow us on our social media platforms that are included as links on our website. We'd like for you to share these stories on your websites and through company and personal social media outlets as well to help spread the word that we are All for Ohio, and so are Ohio's businesses!

Andrew E. Doehrel

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