

By Keith Lake, Vice President, Government Affairs

*The legislative wrap-up for the first part
of the 133rd legislative session*

Only time will tell.



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.



By Kevin Shimp, Esq., Director, Labor & Legal Affairs

BWC BUDGET: DETRIMENTAL POLICY CHANGES AVERTED

On Valentine’s Day this year, Gov. Mike DeWine released his proposal for the two-year workers’ compensation budget. His proposal increased spending by 8.7 percent compared to the last budget, for a total of nearly \$650 million, but contained no policy changes for the bureau. In fact, the budget bill — HB 80 — was only six pages long.

The bill would not stay six pages for long, however. The Ohio House had plans to introduce policy from business groups, the trial bar and labor groups, so early in the process, the Ohio Chamber submitted amendments that would have achieved several of our public policy priorities.

The Ohio Chamber amendments would have ensured employers are not penalized when employees refuse to submit to medical examinations or when employees fail to attend medical appointments. Our amendments would have also prevented claims being open longer than necessary due to medical billing practices and would have specified that workers’ compensation benefits are not available to employees when their economic loss is due to reasons other than a workplace injury.

Unfortunately, when the Ohio House released its substitute version of HB 80, the bill only contained one of our amendments. What the 115-page substitute version did include were numerous substantial and fundamental changes to Ohio’s workers’ compensation law that would negatively impact employers in the state. The provision that garnered media attention and was most visible was the inclusion of PTSD coverage for first responders when there is no corresponding physical injury.

Removing the physical injury requirement from workers’



compensation law would upend over 100 years of precedent by allowing purely mental injuries to be compensated for the first time since voters enacted the constitutional amendment that created the Bureau of Workers’ Compensation in 1912. Additionally, there is a substantial risk that once one category of employee receives coverage for one type of mental diagnosis that other employees and other mental diagnoses will soon be covered by workers’ compensation.

The Ohio Chamber opposed this new coverage, but there were other substantial policy changes that led us to key vote the bill as it left the Ohio House. These changes included preventing state fund employers from objecting to settlement claims when the claim is out of their experience. Removing the employer from the settlement process is problematic because the bill still allowed an employee to work for the same company, which would have put the employer at risk of compensating an aggravation of the same injury after a settlement was reached.

The as-passed-by-the-House version also would have prevented employers from enacting policies providing

employees with supplemental sick leave benefits by requiring the reinstatement of any sick leave taken due to a workplace injury. The bill also sought to change the procedure for filing employee misclassification complaints and would have levied a fine of \$500 per day for each employee who was misclassified, starting when a complaint is filed.

In addition to these significant and fundamental policy proposals, the House also added language that required individuals to attest that they are a legal or unauthorized resident of the United States.

The Ohio Chamber’s key vote alert asking House members to vote no yielded 25 no votes from House Republicans, but the bill passed by a margin of 56 to 38. The bill then went to the Senate, where it had only 25 days to hold hearings and pass the legislation by the constitutional deadline of June 30.

In the Senate, the Ohio Chamber and our business allies met with members of leadership and the chair of the Senate Insurance & Financial Institution Committee to share our concerns with the proposals included

Removing the physical injury requirement from workers’ compensation law would upend over 100 years of precedent by allowing purely mental injuries to be compensated.

by the House. We advocated for removing all provisions and returning the bill to the as-introduced version.

Thankfully, the Senate agreed with us and adopted a substitute bill that struck all the policy changes proposed by the House. That version was soon voted out of committee and unanimously passed by the Senate on June 27. However, the House refused to concur with the Senate changes, which resulted in the need to pass a 30-day budget extension and hold a conference committee.

The conference committee met on July 17 and ultimately passed the Senate version after another attempt to add PTSD coverage failed. Each legislative chamber then passed HB 80 on the floor the same day.

It did not always seem likely that HB 80 would contain no provisions harmful to the business community, but due to the voice of the Ohio Chamber, our elected officials concluded that the workers’ compensation budget is not the right vehicle for fundamental and significant changes. 📢

POLICY CONFERENCE AT SALT FORK – THE OPPORTUNITY AHEAD

For 30 years, the Policy Conference at Salt Fork has brought together members of the Ohio House and Senate with public policy professionals to discuss cutting-edge issues and strengthen the relationships necessary to build a better state.

Legislators and public policy professionals who attend Salt Fork rave about its importance, especially in this era of term limits. Working together and forging good public policies for Ohioans takes interpersonal skills and knowledge of one another and can’t materialize in a vacuum. Salt Fork is a place, an event, a happening, a process.

“Salt Fork is one of the top events of every General Assembly,” says Michelle M. Fitzgibbon, president of The Fitzgibbon Group. “Not only will you be provided with education on key issues impacting Ohio, but there are plenty of networking opportunities with legislators and peers.”

This year’s conference will be held Wednesday, Sept. 4 through Friday, Sept. 6. With the theme “The Opportunity Ahead,”

the policy sessions will focus on the opportunities our state has for the future.

A welcome reception kicks off the conference Wednesday evening, followed by dinner and the opening program. Who better to kick off a conference attended primarily by a politically minded crowd of Ohioans than Kyle Kondik, the person who literally wrote the book explaining Ohio’s remarkable record as a predictor of presidential results? An Ohio native, Kondik is the managing editor of Sabato’s Crystal Ball, the University of Virginia Center for Politics’ authoritative, nonpartisan newsletter on American campaigns and elections, and the author of “The Bellwether: Why Ohio Picks the President.” He is a graduate of the E.W. Scripps School of Journalism at Ohio University and a former reporter, editorial page editor and political columnist at newspapers in Northeast Ohio. Kondik is going to tell us if the Buckeye State will again find itself in the thick of the next presidential race and share his insightful observations about the Ohio and national political scenes.



SEPT. 4-6, 2019,
SALT FORK
STATE PARK

Thursday morning is packed with policy sessions. Starting off will be “JobsOhio’s Focused Future” with JobsOhio President and Chief Investment Officer J.P. Nauseef. The second session is “Employer Perspectives on Today’s Health Care Benefits Challenges & Opportunities.” The third session of the day will focus on “Transportation Needs of Ohio’s Workforce.”

Thursday afternoon, attendees can participate in one of our social activities. For those interested in learning more about The Wilds, we have chartered a bus for a tour to the nonprofit safari park and conservation center. Other afternoon activities include golf, tennis, boating or relaxing at the lodge. There’s another reception Thursday night, followed by dinner and the always popular Capital Square Has Talent variety show.

Two policy sessions cap off the conference on Friday. “Strengthening the Foundations of Ohio Communities” will be followed by the “Fall Legislative Preview.” Key General Assembly members will have a panel discussion on what lies ahead for the remainder of the 133rd General Assembly.

“Ohio Chamber’s Salt Fork event always covers the top priority issues facing our state and combines it with the chance to network and catch up with everyone at the statehouse in a relaxed atmosphere,” says Yvonne Lesicko, senior director of Legislative & Regulatory Policy for the Ohio Farm Bureau. “It’s truly a great event.”

A detailed agenda, along with the link to register, are on our website at ohiochamber.com. Click on the picture of the Salt Fork lodge. 📢

By Lillian van Wyngaarden, Communications Coordinator

SUCCESS THROUGH SHARING — STARTING THE CONVERSATION

OHIO CHAMBER OF COMMERCE HOSTS SHARING SOLUTIONS, A U.S. CHAMBER FOUNDATION INITIATIVE TO COMBAT THE OPIOID CRISIS

Success is saving one life, one family, one job, when it comes to the opioid epidemic. Communities in Ohio and across the nation are struggling every day with the epidemic, and many of those hardships make their way into the workplace. However, the workplace can also be one of the best places for prevention and intervention.

The Ohio Chamber of Commerce partnered with the U.S. Chamber of Commerce Foundation to host “Sharing Solutions Ohio: Opioids and the Workforce” in July, a program focused on creating dialogue on how the business community and workforce play a critical role in combating the opioid crisis in the workplace and greater community. Community leaders, local and national employers and substance use disorder experts shared their insights on and stories of how their businesses and workplaces have combated the opioid crisis. As they did so, it became clear that businesses are a crucial part of the epidemic’s solution.

WHERE TO START

Knowing where to start is one of the main concerns among business leaders, employers and employees. While the internet is teeming with information regarding opioids and the opioid epidemic, it can be overwhelming, scattered and lacking a business perspective. This became the starting point for Sharing Solutions.

Sharing Solutions is a comprehensive program containing resources and information from across the nation. It can be found online at sharingsolutions.us. With the main goal of gathering and providing information, Sharing Solutions takes resources, such as the Ohio Chamber’s Opioid Toolkit, and makes them available to individuals who may not have found them otherwise. This system has allowed employers and employees to combat the opioid crisis through sharing their solutions.

“Our mission is to educate the public,” says Carolyn Cawley, president of the U.S. Chamber Foundation. “Through the use of different chambers’ kits and



pulling together resources, we hope to do everything we can to stop the opioid epidemic from tearing apart our communities.”

The U.S. Chamber Foundation used these resources to create Sharing Solutions. But with Ohio having the second-highest rate of drug overdose deaths in 2017, according to the National Institute on Drug Abuse, it’s clear that it’s not just about gathering and providing information. It’s about changing the conversation to create life-changing results.

CHANGING THE CONVERSATION AND TAKING ACTION

The opioid epidemic is multifaceted. Action to combat it can take place anywhere from prevention and treatment to recovery and overdose situations. But, oftentimes, stigma gets in the way of conversations that lead to action. This is where sharing stories comes in.

Nicholas Gonzales, health and wellness compliance officer for Kroger, spoke at the July event about how removing the stigma around addiction is the first step in not only raising awareness but taking action. One way Kroger and Gonzales combat drug abuse is through the Prescription Drug Safety Network, a coalition that focuses on the next generation and that has already educated about 14,000 students. It provides students with the knowledge and resources to make decisions when it comes to prescription drugs.

“It’s about removing the stigma and

replacing it with empathy,” says Gonzales. “We [Kroger] put effort into education and closing that gap between awareness and action.”

Pushing the boundaries of conversation to create action was also a driving force for Chad Jester, president of the Nationwide Foundation. The Nationwide Foundation helped form the Denial Ohio campaign, a media campaign by the Ohio Opioid Education Alliance that highlights preventive measures that people can take to mitigate risks, such as how to dispose of leftover prescriptions or properly read prescription labels. Because addiction can start as soon as five days after first use, according to the Center for Disease and Control, these risks and triggers are vital. The campaign also highlights that whatever is happening in the community is also happening in the workplace.

“This issue [opioid crisis] is impacting you whether you know it or not,” says Jester. “Be a part of the solution.”

SHARING SUCCESS AND SOLUTIONS

The Denial Ohio campaign and the Prescription Drug Safety Network were just two of the many success stories at the Sharing Solutions event. A panel of local leaders shared stories and methods that worked for them.

John Rush, president and CEO of CleanTurn Enterprises, created the company with a mission derived from the desire to transform the community through the power of a second chance. Rush offers incentives and training to



Dr. Anton Bizzell, Fellow, U.S. Chamber Foundation; Chad Jester, President, Nationwide Foundation; and Nicholas Gonzales, Health and Wellness Compliance Officer, Kroger

employees with addiction backgrounds to encourage recovery and, with the help of these incentives, about 90 percent of his staff are in recovery.

“When businesses understand how much they can gain from giving employees a second chance — loyalty, increased productivity, a supportive culture and so much more — they can see that someone’s past isn’t their future,” says Rush.

Dee Mason, founder and CEO of Working Partners, and Lindsey Pavlik, vice president of human resources at Casto Management Service, also shared how investing in employees in recovery or with addiction pasts has created an impactful workspace.

“The workplace must be a part of the solution” when it comes to combating the epidemic, says Mason.

At the center of these shared moments is that success isn’t only about creating a stronger workforce or bettering the community, it’s sometimes just about helping another person.

“Success can sometimes be saving that one life,” says Anton Bizzell, M.D., and fellow for the U.S. Chamber Foundation. “We’ve worked in silos for too long ... when we come together, we will win every time.”

FURTHER RESOURCES

More information and additional resources regarding the Sharing Solutions initiative can be found at sharingsolutions.us. Information on the Ohio Chamber’s specific efforts through our opioid toolkit can be found at ohiochamber.com/opioid-toolkit. All of this information is free, and we urge Ohio business leaders to not only use the materials but also to share them with employees and other business leaders. 📌

By Lillian van Wyngaarden, Communications Coordinator

THE FUTURE WORKFORCE THROUGH WORK LEARNING

It needed something new. C&N Contractors Inc., a general contractor in Springfield, Ohio, needed a revamped website. But with one look at the papers quickly piling up on his desk, the task seemed daunting to Paul Quolke, the corporate controller.

However, when a marketing intern shared that she knew website design, things changed. She used her skills and knowledge to assess the redesign, and five months later, C&N Contractors had the building blocks for a new website. The experience undoubtedly helped the company, but it also provided the intern with a valuable work-based learning experience in her field that eventually helped her secure a job.

But what exactly is work learning?

Career-readiness, work-based learning, career education — these terms have become buzzwords in the changing workforce landscape. Career-readiness is “the attainment and demonstration of requisite competencies that broadly prepare college graduates for a successful transition into the workplace,” according to the National Association of Colleges and Employers (NACE). While this definition touches primarily on the transition from college to the workforce, it also accounts for the transition from any form of education into the workforce.

The concept of career-readiness after has been growing the past few

years, even being cited as a goal to work toward in the Ohio Workforce Transformation Strategy in 2018. The strategy notes that skills required for jobs are changing quicker than the current workforce can maintain, meaning the economic prosperity of businesses today is reliant on the pipeline of talented workers, or students coming out of education. Because of this, education and workforce professionals are starting to work toward this goal with work-based learning.

“Students only know what they’re exposed to,” says Lisa-Marie Reinhart, career-readiness coordinator at the Delaware Area Career Center, a career technical school. “The more

exposure we can give students at any age, the more prepared they’re going to be to make solid college and career decisions.”

Exposure to the workforce can come in various forms, such as guest speakers or simulated projects, but some of the most tangible and beneficial exposure comes through internships and mentorships. Employers are looking for more than technical or academic skills in today’s workforce, focusing on professional, or “soft” skills, which include problem-solving, leadership, teamwork and more. These skills can be developed in the classroom but can be learned best when experienced in a real workplace, working alongside

By Anthony Lagunzad, Director, Political & Grassroots Programs

OCCPAC – INVESTING IN PRO-BUSINESS CANDIDATES

“Advocacy is the business of making friends.”

That’s what my first mentor in the government relations field once told me. And it’s so true in multiple ways. When it comes to getting legislators to be friends of Ohio businesses, or closer friends, for that matter, one of the tools we have is the Ohio Chamber of Commerce Political Action Committee (OCCPAC).

A political action committee, or PAC, allows associated individuals to pool together political monetary donations for the purpose of supporting certain candidates, platforms, or issues. The sole purpose of OCCPAC is to support pro-business candidates for Ohio General Assembly and Ohio Supreme Court offices who demonstrate their commitment to strengthening Ohio’s economic climate.

Sometimes these candidates are currently in office running for re-election. Sometimes we support a pro-business candidate challenging an incumbent. And sometimes there is an open seat, which typically means the



incumbent is term-limited and can’t run for re-election, or the incumbent vacated the seat. For open seats, we may choose the most pro-business candidate early and back him or her.

We know that for the vast majority of our members, state government happenings aren’t top of mind or day to day. You’re busy working, running and conducting business — which is also the biggest reason you don’t see our crowd conduct noisy protests (but that’s neither here nor there). In fact, we know you are only thinking about the Ohio Chamber on the rare occasion when we send you something in the mail, or we have your attention for a brief blip in your day when we hit your inbox with an email. Knowing what OCCPAC stands for and making a donation gives chamber members an effective way to be politically active

and engaged in supporting pro-business elected officials, without having to do any of the candidate vetting themselves.

When we give a contribution to a candidate from OCCPAC, it’s essentially us telling them “we believe in you,” or “we support you,” with the understanding that he or she will be a champion of pro-business issues. When we give a contribution to an incumbent legislator who we know will run for re-election, for example, it is essentially saying both those phrases, along with a “thank you for being a good friend.” PAC contributions help us make friends with incoming and current elected officials to ensure our representatives lean to support sound policy we support, or oppose bad policy we oppose. The more friends the Ohio Chamber has in state government, the better we can advocate on your behalf for a business-friendly agenda.

By Justin Barnes, Executive Director

UPDATES FROM THE OHIO CHAMBER OF COMMERCE RESEARCH FOUNDATION

There are several exciting updates regarding activities taking place at the Ohio Chamber of Commerce Research Foundation. In May, we hosted the first in our “Lunch, Learn & Lead” discussion series, focused on the impact of the “benefit cliff” on employers and employees. The conversation detailed the concerns employers expressed about the difficulties many businesses face when attempting to hire, promote, or increase wages of their employees due to fears that the employee will lose out on public assistance benefits.

As a result of that discussion, we produced a report in June, “Addressing the Benefit Cliff in Ohio,” examining ways that Ohio can address the benefit cliff, including a pilot project in Allen County and programs enacted in Massachusetts and Colorado. The report received positive attention, including a lead article in the Columbus Dispatch, among other media citations. We look forward to building upon the success of our first “Lunch, Learn & Lead” with further conversation on this and other topics of importance to the business community.

Additionally, the Research Foundation is continuing to raise awareness among Ohio public officials regarding the recommendations of our study published last year, “Ohio BOLD: A Blueprint for Accelerating the Innovation Economy.” The Research Foundation testified before the Ohio General Assembly’s Regional Economic Development Study Committee in June, providing our report and its findings to the committee and suggesting ways in which the General Assembly can focus research and development support on key areas of the emerging innovation economy to establish Ohio as a national leader in growing sectors of the economy.

Every day, we work to fulfill our vision of delivering research that will drive and promote the economic well-being of Ohio. Looking forward, we are in the planning and development stages of several projects, including our next “Lunch, Learn & Lead” event. We don’t want to spoil the surprise just yet but are excited about things to come.

To follow our progress and keep in contact with us, follow us on our social media channels at @OCCResearch on Facebook, Twitter and Instagram, and on LinkedIn under Ohio Chamber of Commerce Research Foundation. We will also be unveiling an updated website at www.ohiochamberfoundation.com in the near future. If you’re attending the Salt Fork Policy Conference, please make sure to come say hello. See you there.

If you are interested in making a donation to OCCPAC, here’s what you need to know.

WHO CAN DONATE?

Individuals who are owners or employees of Ohio Chamber of Commerce member companies may contribute to OCCPAC. Corporations may not submit a donation from a corporate account; donations must come from individuals.

WHERE DOES MY DONATION GO?

Your donation goes into a separate, standalone account from which OCCPAC will give disbursements either as direct campaign contributions to candidates or as independent expenditures for candidates (radio, TV, social media ads, etc.). OCCPAC aims to support pro-business candidates for elected state offices that include the state legislature, statewide executive offices and statewide judicial offices.

HOW MUCH SHOULD I DONATE?

Every donation tremendously helps OCCPAC, but there is no minimum amount required to make a donation. Typical donation amounts are \$25, \$50, \$100, \$250, \$500, \$1,000, \$2,000 or more. The more you invest, the more OCCPAC can do on behalf of our business community.

2020 is going to be a particularly intense election year, and we hope you get engaged. If you have any questions about OCCPAC or comments about Ohio politics you’d like to share, I’d love to answer or hear them. Feel free to reach me at alagunzad@ohiochamber.com.

HOW MUCH CAN I DONATE?

Because OCCPAC operates only at the state level, Ohio law currently sets a limit of \$13,292.35 per calendar year per election for an individual’s total donation to OCCPAC.

WHERE DO I DONATE?

There are two ways to make a donation to OCCPAC. Donors may send a personal check to 34 S. Third St., Suite 100, Columbus, Ohio 43215, made out to OCCPAC, or through our online OCCPAC donation portal at ohiochamber.com/politicalgrassroots/occpac.

WHAT HAPPENS AFTER I DONATE?

Donors to OCCPAC are considered members of the PAC. PAC members receive regular exclusive updates through a newsletter that shares developments and analysis on Ohio politics.

professionals in real time in internship and mentorship positions, according to Robert Schwartz, professor emeritus at the Harvard Graduate School of Education and senior adviser at Jobs for the Future in Boston, in a 2019 article for School Administrator.

Internships are beneficial for both students and employers. Strengthening professional skills, networking, and resume- and portfolio-building are all outcomes of internships that lead to career-readiness for students. For employers, benefits range from fresh perspectives, produced work and long-term workforce development.

“It opened the door for improvements we were already trying to make within the company,” says Gina Truong, a marketing officer for North Side Bank and Trust Co.

The Cincinnati community bank’s past mentorship program now functions as its onboarding process.

“We took things from the program, like volunteer or continuous education opportunities, and applied them to our company culture,” she says. “It’s brought more internal interest and engagement.”

GETTING STARTED

The logistics of starting an internship or mentorship program can appear daunting for employers, and businesses may not know where to start. For Quolke, he started by evaluating everyday functions within his company that could be passed on to an intern and partnered with a local college, gaining insight on what types of students would best fit the company’s needs. He then focused on logistics such as compensation, hours

and more, allowing him to solidify an internship program for the past six years.

One of the best ways for businesses to begin, according to Reinhart, is by taking an internal look at the company, evaluating the company’s needs, strengths and weaknesses and, most important, building the connection between educators and workforce professionals, much like Quolke did.

“My biggest advice is to just pick up the phone,” says Reinhart. “As a company, see how you can be a resource in a classroom. Schedule a meeting with a local college or high school. Be open-minded to the conversation on how to partner, start small and grow from there.”

By Megan O’Dell, staff attorney, Ohio Poverty Law Center

RESTORED CITIZENS IN THE WORKPLACE

One of Brad Lamone’s most trusted managers at Engineered Profiles has a felony conviction. She also has glowing performance reviews and the respect of her employees and supervisors, says Lamone, vice president of workforce development.

The Columbus-based plastics company works with an organization that identifies and trains ex-offenders interested in pursuing careers in manufacturing to find qualified employees, Lamone says.

“These candidates have been some of our best employees,” he says. “I’m just amazed that other companies aren’t looking at these individuals.”

Approximately one in six Ohioans, or 2 million individuals, have a misdemeanor or felony conviction. Involvement with the criminal justice system has been exacerbated by Ohio’s opioid crisis. Criminal convictions are not uncommon among Ohio’s potential job candidates, and the stigma and lifelong penalties associated with them can be devastating.

Currently there are more than 850 laws and administrative rules that restrict Ohioans with criminal



Lt. Gov. Jon Husted and Megan O’Dell, staff attorney at the Ohio Poverty Law Center, were among the speakers at a SCORE Ohio event discussing the role of restored citizens in the workplace.

records, creating barriers for one in four jobs, according to research by Policy Matters and the Ohio Justice and Licensures that require criminal background checks create additional restrictions, often preventing skilled and knowledgeable applicants from obtaining high-quality employment and tying the hands of hiring managers.

Called collateral sanctions, these additional penalties that follow a criminal offense prevent Ohioans from pursuing higher education, finding good jobs and contributing to our economy.

Recognizing the difficulty that individuals with justice exposure were having in securing employment and the growing concern among employers about filling job vacancies, the Ohio legislature in 2018 expanded the state’s Certificate of Qualification of Employment (CQE) program. A CQE ensures that employers have control over their hiring practices by lifting restrictions in the law and administrative rules that prevent them from hiring individuals with criminal convictions. A CQE does not seal or expunge the criminal record, but it does give assurances and protections to would-be employers by providing them legal immunity from negligent hiring suits, according to the SCORE Ohio website, www.scoreohio.org.

Employers can be assured that applicants with a CQE have paid their dues to society and are not a threat to public safety. Obtaining a CQE is a long process. Applicants must complete a 15-page application detailing their criminal history, employment history and involvement in the community, and must include references. Once the Ohio Department of Rehabilitation and Correction (ODRC) has verified the application, the petitioner must file

it in the court of common pleas in the county where he or she resides.

A copy is sent to the court, the probation department and the prosecutor’s office. The court conducts an investigation to determine whether to issue the CQE. The prosecutor can object to the granting of the CQE, and the probation department can also provide information to the court. If the court determines that the applicant has been rehabilitated, it can issue the CQE. An employer can verify that a CQE has been issued at ODRC’s website.

Employers that hire applicants with a CQE are immune from negligent hiring lawsuits if the employer knew about the CQE at the time of hiring. This provides a safeguard for employers that are unsure about hiring those with criminal records. Employers may also be eligible for Ohio Work Opportunity Tax Credit and Federal Bonding Program for hiring those re-entering the community.

Additionally, companies that take a chance on individuals with justice exposure will discover a great pool of employees, says Lamone. At Engineered Profiles, job retention among its restored citizens is twice that of its traditional employees.

For more information about CQEs, visit www.scoreohio.org. 📌

THREE ASSUMPTIONS YOUR EMPLOYEES ARE PROBABLY MAKING ABOUT MEDICAL MARIJUANA

Article provided by Working Partners®

Medical marijuana is available in Ohio, but that doesn’t automatically mean employees can use the drug without risking their jobs.

Under Ohio House Bill 523, employers are not required to allow, but are not prohibited from allowing, the lawful use of marijuana as medicine unless prohibited by an authority such as the Department of Transportation.

This means that employers need to determine — then communicate to their employees — where they stand on this issue. This is especially important in light of assumptions that their employees might have, both about the law and what it means to them and their workplace.

1 “Now that medical marijuana is accessible in Ohio, my employer has to allow it.”

As we’ve shared, employers can choose whether or not they will make any exceptions for an employee’s medical marijuana use. Furthermore, employers can establish and enforce

drug testing, a drug-free workplace policy or zero-tolerance drug policies and take adverse action against employees who violate their program.

2 “Once a doctor prescribes marijuana, the employee has a right to use it.”

There is no such thing as a prescription for marijuana, because the Food and Drug Administration has not approved marijuana as medicine. Instead of being given a prescription, qualifying patients in Ohio are given a written recommendation from their doctor and placed on the patient registry so they can purchase marijuana at an authorized licensed dispensary. Because it’s not a prescription, employers can’t treat it like one (e.g., include it under the prescription drug rule in their drug-free workplace policy). As a result, employees following a doctor’s medical marijuana recommendation could be violating their employer’s drug-free policy if they test positive for marijuana.

3 “Now that marijuana is legal in Ohio, my employer won’t be testing for it anymore.”

Employers are allowed to establish and enforce a drug-free workplace program, including testing for marijuana. In best-practice drug testing, there is an established cut-off level for marijuana. A test result for marijuana at or above that level, is sent to a Medical Review Officer (MRO), which reaches out to the employee for an explanation. But because marijuana is not a prescription, the MRO will rule the test positive.

Employers allowing the use of medical marijuana will then have to take the positive test result and work with the employee to verify the medical marijuana recommendation, discuss dosage and determine whether it is safe for the employee to work. Employers should use caution in these discussions, as they could learn of medical information and history about their employee that they might not want to know.

It’s vital to be aware of these assumptions and be ready to respond to questions and situations that could arise. Better yet, head off these assumptions by clearly and proactively communicating your company’s stance about whether your company will change its policy to accommodate the use of medical marijuana and educating your employees on the issue.

Employees, including your supervisors, have a right to know what’s expected of them, and need to know how you will enforce Ohio’s law. It’s critical for you to inform and verify they understand YOUR stance on medical marijuana.

Check out our marijuana-specific products at www.workingpartners.com/products/marijuana-specific/for-tools-to-help-you-decide-and-act-on-your-stance-whatever-direction-you-choose-and-then-communicate-that-stance-to-your-employees-and-supervisors. 📌

NEW MEMBERS

We welcome the following new members to the Ohio Chamber of Commerce. These companies joined the Ohio Chamber between May 8 and July 11, 2019. We look forward to working with all of these companies as they are #AllforOhio.

- Akron Porcelain & Plastics, Akron
- Amsdell Construction Inc., Cleveland
- Ansonia Lumber Co., Ansonia
- Arcccon Construction, Columbus
- Assured Glass Services LLC, Columbus
- Banner Metals Group, Columbus
- Bath Equestrian Center LLC, Akron
- Bluegrass Farms Of Ohio, Jeffersonville
- Bobby Fisher Distributing, Springfield
- Boston Stoker Inc., Vandalia
- Brookville Area Chamber of Commerce, Brookville
- Bryce Hill, Springfield
- Cam Refrigeration Inc., Marietta
- Canal Winchester Vapor Station, Canal Winchester

- Cappano Lumber LLC, Zanesville
- Carlyle House Inc., Dayton
- Casad Co. Inc., Coldwater
- Cincy Vapors, Hamilton
- Cleveland Vapes, Lakewood
- Clif Bar, Emeryville, California
- CSS Sign Inc., Cleves
- Defries Copp LLC, Dayton
- Digestive Specialists Inc., Dayton
- District 4 Vapor, Chesapeake
- Final Touch Painting Services LLC, Delaware
- Firehouse Pitmasters Ltd., Englewood
- First Solar, Perrysburg
- Fox Towing & Truck Services Inc., Wilmington

- Frickers Dayton 102 LLC, Miamisburg
- Galion Assisted Living Ltd., Galion
- Geiger Insurance Agency LLC, Cincinnati
- Grand Atlas Property Management LLC, Pittsford
- Greene Metropolitan Housing Authority, Xenia
- Greenview Living Inc., Fairlawn
- Habitat for Humanity of Greater Dayton, Dayton
- Hawken School, Gates Mills
- HopeHealth Ltd., Worthington
- Hyprolap Finishing Inc., Mentor
- Indus Trade And Technology LLC, Columbus
- JB-Nets LLC, Bidwell
- JK Tree Service LLC, Madison
- J. M. Sells Law Ltd., Marshallville

- Kelley & Carpenter Roofing / Sheet Mtl Inc., Hamilton
- Kettering Animal Hospital, Dayton
- Kish Heating & Cooling, Painesville
- Lyft, Chicago
- Marshall Dayton Tire Sales, Dayton
- MFH Inc., Centerville
- MGM Resorts International (MGM Northfield Park), Washington, D.C.
- Midwest Iron & Metal Co., Dayton
- Nicholson Builders Inc., Columbus
- Ohio Afterschool Network, Delaware
- Packard Forest Products Inc., Columbus
- Pence’s Milk Transport Inc., Germantown
- Pickerington Chamber of Commerce, Pickerington

Ryan Smith, attorney in Frantz Ward’s Labor & Employment Group

MEMBER SPOTLIGHT



SHAPING THE GAMING LANDSCAPE

MGM NORTHFIELD PARK BRINGS LAS VEGAS ENTERTAINMENT EXPERIENCE TO NORTHEAST OHIO

Glistening in the sun outside MGM Northfield Park stands Leo the Lion, the golden lion statue that serves as the iconic symbol for Northfield Park’s gaming facility. The 7-foot-tall, 350-pound lion welcomes guests to the dining, gaming and does-it-all entertainment destination in Northfield, bringing the magic and mystique of MGM’s Las Vegas roots to Northeast Ohio.



MGM Northfield Park, a part of MGM Resorts International and originally the Hard Rock Rocksino, joined the MGM resorts family of national and international locations in April 2019, becoming the only MGM destination in Ohio. The rebranding of the casino brought in new culinary options such as TAP Sports Bar and the Center Bar and Lounge, souvenir at retail spot The Shop and entertainment venues including Center Stage, a concert-style music hall, and The Neon Room, a versatile space lending itself to live performances and rental events.

However, gaming and dining options only scratch the surface of MGM Northfield Park, an industry that looks at entertainment outside of its extracurricular confines, viewing it as, “a fundamental human need,” according to Jamie Brown, vice president of marketing at MGM Northfield Park.

The variety of dining, gaming, entertainment and retail options provided by MGM Northfield Park establishes it as a leader in the gaming and hospitality industry, says Brown.

“We exist to entertain the human race,” says Brown. “We develop and create immersive experiences that redefine conventional notions of entertainment and are extraordinary in every way.”

The gaming facility took further steps to shape Ohio’s gaming and hospitality landscape by joining the Ohio Chamber of Commerce, a move that will help it learn and grow in the industry.

“We are excited to share our experiences and learn best practices from others in the chamber,” says Chris Kelly, president and COO of MGM Northfield Park. “The Ohio Chamber of Commerce offers us the ability to grow relationships with our local and state partners, and to collaborate with diverse and talented teams in our community.”

- Radial Inc., Groveport
- Rampe Manufacturing Co., Fairport Harbor
- Rhino Vapors LLC, Mentor
- Ron Burge Trucking Inc., Burbank
- Saancon Construction Services, Washington Court House
- School Choice Ohio, Columbus
- Selas Heat Technology Co. LLC, Streetsboro
- SHARE, Columbus
- Spencer Feed & Supply, Spencer
- St. Pauly Textile East, Inc., Farmington
- Stearns Lending LLC, Lewisville, Texas
- Steele’s Towing & Recovery LLC, South Point
- Summit Excavating Inc., Clinton
- Tessec Manufacturing Services, Dayton

- The Calvary Cemetery Association, Dayton
- The Herman Falter Packing Co., Columbus
- Thomas Kerbler & James Kerbler, Worthington
- T-Mobile, Downers Grove, Illinois
- TMT Consolidated LLC, Dayton
- Turtle Creek Flea Market Inc., Dayton
- Tyjen Inc., Logan
- Updated Automotive Repair Inc., North Royalton
- Value Added Packaging Inc., Clayton
- Vapor Haus, Dayton
- VaporMix Wooster, Wooster
- Williams Brake/Exhaust Service Inc., Vandalia

TRENDS IN WAGE AND HOUR LITIGATION: EMPLOYER TIME-ROUNDING POLICIES

In the wage and hour world, major lawsuits (class and collective actions) often follow trends. First was the trend of lawsuits claiming that non-exempt employees were misclassified as salaried-exempt. Then came trends involving independent contractors who claimed to be employees, and non-exempt employees who claimed to be working off the clock. While these types of lawsuits are still prevalent, another emerging trend involves rounding of hours worked under the employer’s timekeeping system.

In the digital era, most employers use an electronic system to track hours worked. These systems can be programmed to record work time precisely, or to round time in increments (e.g., five, 10 or 15 minutes). Under the Fair Labor Standards Act (FLSA) and most state laws, including Ohio’s, time-rounding is lawful so long as the practice is “neutral,” meaning that it does not systematically undercompensate employees.

To be lawful, the policy first must be facially neutral — that is, it rounds both up and down over the applicable segment. Assume, for example, that an employer docks employees 15 minutes when they start working more than seven minutes late. Is this practice lawful? Yes, but only if the employer also pays employees for all scheduled time if they start work between one and seven minutes late.

Similarly, the policy must apply evenly to rounding that occurs before the shift starts and after the shift ends. A policy that does not apply evenly is facially unlawful.

Even facially lawful time-rounding policies can have problems. In recent cases, plaintiffs have argued that a neutral time-rounding policy was nevertheless unlawful because, over time, the rounding policy favored the employer more than it favored employees. This argument is especially prevalent when attendance policies discourage rounding utilization in a manner that benefits employers — for example, where the employer disciplines employees who begin work five minutes late but does not provide extra pay to employees who begin work five minutes early.

Another wave of cases has involved determining when employees are actually “working” in relation to their time punches. For example, the employer may have a 15-minute rounding policy that applies once the shift starts, and employees who clock in early or clock out late are not paid for this extra time. This policy is facially lawful because, regardless of their time punches, employees are not entitled to be paid unless they are actually working. But in several cases, that is precisely what the plaintiffs have claimed — that those who begin their shifts



early or end late often conduct actual assigned work during such time; therefore, they are not being paid properly for all hours worked.

In order to assess the legal risk of their rounding and timekeeping policies and successfully defend against these types of claims, employers should consider taking several steps.

- Evaluate time-rounding and time and attendance practices for any discrepancies that might lead to uneven rounding practices (e.g., policies that round to 15-minute increments before and after the shift begins but that impose discipline if an employee clocks in one minute late).
- Analyze the impact of time-rounding policies to determine whether there is a substantial net disadvantage to employees or a particular group of employees.
- Implement policies that prohibit employees from performing any work before or after the scheduled shift unless authorized, that require employees to report all time worked and that prohibit retaliation for reporting instructions to work off the clock.
- Train supervisors and managers to understand the employees’ rights and obligations regarding time and attendance policies, rounding policies and engaging in extra work or working off the clock.
- Finally, employers should consider whether rounding makes sense for their business. With digital systems, diminished administrative burdens relating to tracking time and cutting paychecks may no longer justify the increased risk of a rounding system. On the other hand, rounding may still make sense, particularly if challenges relating to the location or availability of time clocks make precise time-tracking impractical. In addition, as a matter of morale, employers simply may not want employees to feel pressured to work immediately upon clocking in.

Whatever the approach, the proliferation of lawsuits in this area makes time-rounding an important issue to consider from a strategic perspective, with a solid understanding of the potential risks and the ways to mitigate them.

Ryan Smith is an associate with Frantz Ward Attorneys at Law. He can be reached at rsmith@frantzward.com or (216) 515-1641.

BUSINESS AS USUAL? HARDLY



This issue of *Ohio Matters* is arriving later in your mailboxes than we would have liked it to because we were waiting on the state’s biennial budget to be finalized. By law, Ohio’s budget has to be signed by the governor by June 30. As you know, that didn’t happen, and a temporary extension of 17 days was put into place.

To say that the first half of the Ohio legislative session has been business as usual would be flat out wrong, as issues arose that we never would have expected from our elected officials. There seemed to be no clear agreement on a number of top business issues.

It started with the Transportation Budget (HB 62) early this year. While the Ohio Chamber of Commerce understood the need for additional funding to assist in paying for the construction, maintenance and repair of our state’s roadways, we expected any new tax burden to be shared equally. Unfortunately, the final version of HB 62 puts the burden disproportionately on Ohio businesses, with the diesel tax increase nearly double the gas tax increase.

While Gov. Mike DeWine had proposed a general fund budget with no new taxes, when the budget came out of the House, it contained an unexpected \$528 million a year tax increase on small businesses. This would have been done by eliminating the business income deduction (BID) that was adopted by the legislature just a few years earlier. The House’s version of the budget would have reduced the amount of business income a pass-through business would have been able to deduct from \$250,000 to \$100,000, while also eliminating the flat 3% tax rate on any remaining business income. Thanks to an all-out advocacy effort by our members that included several of them coming to Columbus to testify in the Senate Finance Committee, as well as calls and letters to members of the House and Senate, we were able to largely preserve the BID and avoid a tax increase. This is a significant victory for small businesses.

While the state budget was being debated, the Bureau of Workers’ Compensation budget was also in the works. What should have been an

easy piece of legislation turned into a budget with a variety of harmful policy measures that would have been detrimental to employers. Again, Ohio Chamber members and allies in the business community pulled together to make sure the final version did not negatively impact business.

The first part of this legislative session is a great example of why you need the Ohio Chamber of Commerce; even though it looked like it should have been business as usual, it wasn’t. Every year, we vet hundreds of pieces of legislation and proposed regulations to review their impact on business. We are the ones looking out for businesses large and small, aggressively championing free enterprise, economic competitiveness and growth for the benefit of all Ohioans. For us, that’s our business as usual. 🇺🇸

Andrew E. Deebul

EDITORIAL POLICY

Articles written by guest columnists do not necessarily reflect the position of the Ohio Chamber of Commerce. The Chamber’s position on key issues will be clearly stated. The Ohio Chamber of Commerce does not necessarily endorse the products and services advertised in *Ohio Matters*. Articles can be reproduced, but only with permission from, and attribution given to, the Ohio Chamber of Commerce. For authorization, please contact Ohio Chamber Vice President of Communications Julie Wagner Feasel at 614.228.4201. The Chamber reserves the right to reject advertising based on content and does not accept advertising that is in conflict with a position of the Chamber.

Ohio Matters is a bimonthly publication for members of the Ohio Chamber of Commerce. Subscription cost is included with annual dues.

POSTMASTER

Please send address changes to *Ohio Matters*, Attn: Database Manager, Ohio Chamber of Commerce, 34 S. Third St., Suite 100 Columbus, Ohio 43215

FOR MORE INFORMATION CONTACT

Julie Wagner Feasel
Vice President of Communications
jfeasel@ohiochamber.com

OHIO CHAMBER OF COMMERCE

34 S. Third Street, Suite 100
Columbus, OH 43215
614.228.4201 • 800.622.1893
Fax 614.228.6403
occ@ohiochamber.com
www.ohiochamber.com
www.ohiobusinessvotes.com

DESIGN AND PRODUCTION

Ohio Matters is published by Convero
835 Sharon Drive, Suite 200
Cleveland, OH 44145
844-428-8844 • www.converoinc.com
Sue Ostrowski, Managing Editor
Wendy Armon, Senior Graphic Designer

Katie Janoch, Advertising Sales
440.250.7073 • kjanoch@sbnonline.com



SEPT. 4-6, 2019

POLICY CONFERENCE AT SALT FORK

Mark your calendars and plan on attending this biennial event. More information is on our website at www.ohiochamber.com.