

# Ohio Matters

An Official Publication of The Ohio Chamber of Commerce

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By Anthony Lagunzad, Director, Political & Grassroots Programs

## ELECTION 2020: OCCCPAC GENERAL ASSEMBLY CANDIDATES SEE SUCCESS

This year has been quite a heavy year on top of the election-related aspects of it. COVID-19 dominated our lives, and the election, as well. With an emphasis on absentee mail-in voting, our nation saw records demolished, with over 100 million absentee ballots cast by Election Day – comfortably more than half the total and nearing two-thirds.

Both presidential tickets secured the top two spots in history for most votes ever received in an American election, with more than 70 million votes per ticket. Ohio saw record voter turnout with over 5.8 million people voting, breaking the record set in 2008.



Eric Glenn/Shutterstock.com

Ohio saw record voter turnout with over 5.8 million people voting, breaking the record set in 2008.

All 16 incumbent U.S. Representatives from Ohio secured re-election. Cincinnati area Rep. Steve Chabot (R) from OH-1 was the most vulnerable but handily held on to the seat. The big question now is which Congressional seat Ohio will lose as Census estimates are projecting a decline in state population and thus, one less seat.

The follow-up question is how that redistricting process, which has new rules voted in by Ohioans by referendum several years ago, plays out. Will it go according to plan, with bipartisan buy-in? Or will recent hyper-partisanship result in more frequent redistricting? The Ohio Legislature takes the first stab at a new map next year, after the state biennial budget is passed.

The Ohio Chamber of Commerce PAC's top priority this election was to support our endorsed incumbent Ohio Supreme Court Justices Sharon Kennedy and Judi French. Both justices were part of a 5-2 majority on the court, with a judicial philosophy the business community finds favorable. Kennedy comfortably beat her opponent, Cuyahoga County Common Pleas Judge John O'Donnell, by about 10 percent. However, French was unable to keep up with former Secretary of State Jennifer Brunner, who pulled ahead by about 10 percent, putting the court at a 4-3 split in judicial philosophy when these terms begin early next year.

The major story here is that the business community is on red

alert for 2022. Three seats are up, all held by justices who make up the rest of that favorable majority. Ohio Supreme Court terms are six years; if just one of these three seats flips in 2022, and the court potentially gains an activist majority, businesses may feel the ramifications well into the rest of the decade.

With the Statehouse drama of former Speaker Larry Householder's arrest and removal from the speakership this past summer, it turns out that either voters were not fazed by that drama or Ohio Democrats failed to capitalize on the scandal. Or maybe the down-ballot races were drowned out by the presidential race. But, whatever the case, based on unofficial results at the time of writing this, Ohio House GOP picked up a net +3 seats, expanding the supermajority to 64 of 99. Incumbent Republican Rep. Dave Greenspan was unable to hold onto his HD 16 seat, losing to Lakewood Councilwoman Monique Smith. But Republicans were able to pick up HD 96 and HD 99 in Southeastern and Northeastern Ohio, respectively, with Ron Ferguson and Sara Fowler picking up seats vacated by term-limited Democrat Reps. Jack Cera and John Patterson. Republicans also fielded successful challengers to Democrat Rep. Gil Blair in HD 63 out of Trumbull County, with Mike



Loychik, and to Democrat Rep. Randi Clites, with Gail Pavliga. Notably, urban county Republican Reps. Laura Lanese and Tom Brinkman held on in Franklin and Hamilton counties.

In the Senate, Sen. Stephanie Kunze, who was a top target for Democrats to challenge in SD 16, won by a razor-thin margin of 114 votes triggering a recount. If the seat holds, Senate Republicans will expand their supermajority to 25 of 33 seats after Republican Sandra O'Brien defeated incumbent Sen. Sean O'Brien in SD 32 in the Northeastern corner of the state.

Based on unofficial results posted on election night, all of the Ohio Chamber of Commerce PAC's 49 endorsed pro-business General Assembly candidates won their races for the Statehouse. Having pro-business legislators will be beneficial next year as the Ohio Chamber advocates for businesses through the continuing COVID-19 pandemic, as well as into what is gearing up to be a particularly challenging state budget process next summer. 🙌

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# INTEGRITY IS THE COIN OF OUR REALM

*Integrity is the coin of our realm.* That's not just a saying we have on a second-floor wall in our office to take up space — it's the way of doing business here at the Ohio Chamber of Commerce. As we walk by, we are reminded more than ever of the role integrity plays in how we advocate for Ohio's business community and represent our members in state government.



For those of us who have worked for decades to be responsible advocates for Ohio's business community, recent events in our state have been frustrating, to say the least. The image of politics is at its worst right now. Divisiveness abounds, and policy is perceived to be made by those who can spend the most. And in today's government, bad actors — and bad actions — have resulted from a process that is too often driven by self-interest, that lacks transparency and that is overshadowed by negativity.

Too often, the strong voice of Ohio's business leaders is overpowered by special interests that can be part of today's political processes. Despite that burden, the Ohio Chamber of Commerce, for more than 127

years, has relied on a strong ethical foundation in all that we do. Indeed, integrity has long been the currency we rely on to champion for free enterprise in Ohio.

As a steady voice and advocate for free enterprise, we have incorporated processes and practices in our government relations program that may seem cumbersome or may move more slowly than some would like. But we know that earning respect means not taking the easy route — it takes deliberate consideration of the issues, hearing from multiple voices and honest brokering of information. It takes transparency, accountability and action — all based on a robust set of values that will not be compromised.

It is the obligation of Ohio's business leaders to rise above the fray. And as a trusted partner and advocate for making Ohio a strong place for job creation and economic growth, the Ohio Chamber of Commerce is ready to amplify that conversation. We are refocusing on what integrity in government means for Ohio's businesses and our own members.

It is essential to engage our stakeholders in an honest dialogue about why membership in the chamber is an investment to promote integrity in advocacy. Our members deserve it — and being a driver for change in Ohio's political climate demands it.

Since the end of September, we have been shining a light on what makes our members and our organization stand out, leaning into the chamber's history and its role in sharing our members' insights on critical economic, business, regulatory and legislative issues with elected leaders and policymakers for more than a century. We have done this through op-eds in the Columbus Dispatch and Akron Beacon Journal, social media posts, emails to members and

blog posts. We seek to rise above this skepticism and distrust to drive a new narrative focused on integrity, because we know that ethical actions, combined with sound decision-making based on facts and data, still matter in government. Go to [www.ohiochamber.com/integrity](http://www.ohiochamber.com/integrity).

While we hold ourselves to high standards, we know that making a commitment like this also means looking inward at our own practices and decision-making. We are prepared to do so. We take the responsibility to do what is right very seriously — and we recognize that our own checks and balances keep us on the path of integrity.

Being *All for Ohio* cannot just be what we say. The chamber and its members must align our words with our actions. It is our pledge to do so — as we always have — and to be a model of integrity for others. We ask you to watch what we are doing, and join the conversation. A "seat at the table of integrity" comes with high expectations — but the return on that investment is worth it. 📌

## TOGETHER WE CAN CONTROL THE SPREAD OF THE VIRUS

By Ohio Gov. Mike DeWine



COVID-19 has taken the lives of thousands of our fellow Ohioans and changed, at least for the near future, our way of

life. Ohio's businesses have been challenged as never before by this deadly virus.

With the arrival of colder weather, we have seen record-breaking hospitalizations in Ohio, and the rates of coronavirus exposure and spread are alarming. A continued upward trend in cases is not only bad for the health of Ohioans but also for the well-being of our businesses, which rely on healthy workers and confident consumers. Together, however, we can control the spread of the virus and preserve the marketplace.

Now is the time for everyone to step up and pull together. If Ohioans become complacent, the virus will gain the upper hand. To ensure safe operation, Ohio businesses need to:

- Require employees to wear masks and diligently remind customers, visitors and vendors to do the same
- Comply with social distancing requirements and use signage to designate 6-foot distances for employees and customers
- Provide hand sanitizer for employees and customers.
- Frequently clean commonly touched surfaces, such as workstations, countertops, railings and doorknobs

- Remind sick employees to stay home
- Work outside, if possible, and increase ventilation inside
- Establish separate operating hours for vulnerable populations
- Allow as many employees as possible to work from home

Businesses have done well in implementing COVID-19 safety measures at offices, factories and other work sites. Unfortunately, the virus is spreading after the workday, when people get together in groups for social activities.

I urge businesses to remind employees that protecting themselves from the virus during their off hours is just as important as taking precautions on the job. Mask-wearing, hand-washing and distance-minding are what we need to do on the job and on our own time.

Ohio Chamber of Commerce members seeking downloadable materials about how to stay safe — including posters, messaging and social media graphics — should visit [www.cornavirus.ohio.gov](http://www.cornavirus.ohio.gov).

Meanwhile, as our state works to keep COVID-19 down, my administration is doing all it can to build a bridge for Ohio businesses to get them through to the other side of this crisis. To help Ohio businesses:

- We worked with state Senate and House leaders to determine how to best help Ohio through federal Coronavirus Aid, Relief and Economic Security (CARES) Act funding. In addition to the \$2.1 billion in stimulus funds that we have distributed so far, on Oct. 23, we established the Small Business Relief Program and set aside \$125 million in CARES Act funding to be



Downloadable materials about how to stay safe during the pandemic — including posters, messaging, and social media graphics — can be found by visiting [www.cornavirus.ohio.gov](http://www.cornavirus.ohio.gov).

divided into \$10,000 relief grants for businesses with 25 or fewer employees to cover expenses such as mortgages, utilities, wages, supplies, equipment and other costs. To apply, visit [BusinessHelp.Ohio.gov](http://BusinessHelp.Ohio.gov).

- We also announced that we will use \$37.5 million in CARES Act funding to specifically help bars and restaurants, which have been particularly hurt in the pandemic. Establishments with on-premises liquor consumption licenses may apply for \$2,500 grants at [BusinessHelp.Ohio.gov](http://BusinessHelp.Ohio.gov).
- We sought and received three rounds of dividends for businesses from the Ohio Bureau of Workers' Compensation, including \$1.54 billion in April, \$1.34 billion in October and \$5 billion — the largest dividend ever issued — to be mailed out in December.

- In September, I signed House Bill 606 to ensure civil immunity to individuals, health care providers, businesses, schools and others from lawsuits arising from the transmission of COVID-19. I was happy to sign the bill, as it provides the peace of mind that businesses need to operate with confidence.

I can't thank our businesses enough for everything they have done during the pandemic to follow guidelines for safe operation and to meet the needs of Ohioans. I will continue to encourage everyone to support their local businesses.

Until there is a vaccine against COVID-19 that gets us to community immunity, we must keep doing the things that work to stop coronavirus so our businesses can operate and thrive. 📌

# IT'S 2020. CAN THE LEGISLATURE'S FINAL TWO MONTHS BE 'NORMAL?'

By Keith Lake, Vice President, Government Affairs

The coronavirus, social unrest, a divisive presidential campaign — these are sure to be our most powerful collective recollections of 2020 in the years to come. On top of that, the Ohio General Assembly witnessed a scandal this year that took down another Speaker of the House, the second time in less than three years that a speaker found himself the subject of an FBI investigation.

In 2018, then-Speaker Cliff Rosenberger resigned from office once he learned the FBI was investigating his travel and relationships with donors and lobbyists. (He has not been charged with anything to date.) This time, Speaker Larry Householder was stripped of his leadership position by his House colleagues after he was arrested and charged in a \$61 million public corruption racketeering conspiracy in August. All of these events affected not only public health and our national unity during this crazy and unpredictable year but the landscape — and productivity — at the Ohio Statehouse, as well.

With the election now in the rearview mirror, lawmakers will be back in Columbus during November and December for their lame duck session, looking to tackle a variety of subjects they want to get finalized before the end of the year and the official end of the 133rd General Assembly — although the recent rapid increase of COVID-19 cases, coupled with ongoing COVID-related precautions, ensures it isn't going to quite be business as usual at the Statehouse.

One beneficial change that will allow for the return of some normalcy, however, is the change at the top in the House from Householder to new Speaker Bob Cupp. With Cupp leading the House, the constant, unproductive conflicts between the House and the Senate that defined the previous 18 months — despite both chambers having overwhelming Republican majorities — appear to be over. Cupp and Senate President Larry Obhof have a solid working relationship that should result in more cooperation, less gamesmanship and more effectiveness.

Big-ticket items on lawmakers' lame duck agendas are sure to be the repeal of House Bill 6 — the controversial energy bill designed to stave off the possible closure of Ohio's two nuclear power plants that is at the heart of the FBI investigation into Householder — criminal sentencing reform (Senate Bill 3), further efforts to limit the emergency powers of the Department of Health and completion of the state's capital improvements budget.

Also on their to-do list is revisiting the coronavirus emergency relief legislation enacted in March. Many of the provisions expire on Dec. 1 and will need to be extended. While this comprehensive package did contain several provisions sought by

the Ohio Chamber that temporarily relieved administrative burdens for Ohio employers, the most significant pandemic-related efforts to support employers weren't finalized until months later.

In September, the legislature passed, and Gov. Mike DeWine signed, HB 606, which grants businesses qualified immunity from lawsuits alleging their action or inaction exposed someone to COVID-19. HB 606 goes into effect on Dec. 16, although immunity will exist from the date the governor issued the coronavirus state of emergency order on March 9, 2020, through Sept. 30, 2021.

Then, in late October, the DeWine Administration, with the support of legislative leaders, announced the creation of the \$125 million Small Business Relief Grant Program. This program, funded with money the state received from the federal CARES Act, provides relief to Ohio businesses that have been negatively impacted by the effects of COVID-19. Eligible businesses can apply for grants of up to \$10,000.

Beyond the repeal of HB 6, which the Ohio Chamber supports if lawmakers can accomplish it in a way that doesn't also result in increased electric bills for ratepayers, most of the issues being teed up for lame duck activity don't directly impact employers or Ohio's business climate. However, there are a number of other bills that our team representing you at the Statehouse is pushing legislators to finish work on. Overall, there are 30 bills pending in either the House or the Senate that the Ohio Chamber supports, and more than one-third of them have already passed at least one chamber. These include bills to:

- Streamline Ohio's regulatory scheme by requiring a 30 percent reduction of regulatory restrictions by 2022
- Expand broadband access to unserved or underserved areas
- Shorten the statute of limitations on contracts from eight years to six years
- Shield consumers from surprise medical bills
- Protect real property owners by requiring local governmental entities to seek local board or legislative approval before a complaint challenging a property's assessed value is filed
- Address a longstanding Ohio Chamber objective — improving Ohio's legal climate by restoring balance to our employment discrimination statutes

One other enduring issue still in need of attention — a critical issue that the Ohio Chamber continues to press legislators for action on — is the need to put Ohio's unemployment compensation system on a path to solvency. When the coronavirus-induced recession hit earlier this

## THE FLU (AND COVID-19) SEASON

Travis Teare, Labor & Employment attorney, Frantz Ward

The coronavirus pandemic is now almost one year old, and it is about to overlap with the peak of the flu season, which typically runs from October to March. As the flu and COVID-19 are both contagious respiratory illnesses, it will be difficult to tell the difference between the two based on symptoms alone. According to the Centers for Disease Control (CDC), COVID-19 and the flu share symptoms such as:

- Fever or feeling feverish/chills
- Cough
- Shortness of breath or difficulty breathing
- Fatigue (tiredness)
- Sore throat
- Runny or stuffy nose
- Muscle pain or body aches
- Headache
- Some people may have vomiting and diarrhea, although this is more common in children than adults.

Unfortunately this means employers can expect more employees to fail symptoms-based screenings (i.e. when employers ask employees to stay home if they have a fever, cough, or shortness of breath, among other symptoms), and employers can expect more employee absences.

In a typical cold or flu season, many employees may try to tough out a cold or the flu; however, this should be not only discouraged but prohibited. Instead, employers should continue to encourage sick employees to stay home until they have recovered. Employers should also continue to separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. In most cases, employees with symptoms who have not been tested should stay home until at least 24 hours have passed since:

- There was no fever without use of fever-reducing medications.
- Other symptoms have improved.
- At least 10 days have passed since the onset of symptoms.

### MANDATORY FLU VACCINE?

The CDC recommends getting the flu vaccine and has emphasized that getting it this fall and winter is increasingly important. The CDC recommends the flu vaccine in order to reduce health risks to at-risk individuals, the risk of co-infection with both the flu and COVID-19 and to help conserve potentially scarce health care resources.

Further, as COVID-19 and the flu share symptoms, it makes sense that an employer would want to limit the spread of the flu in its workplace by mandating that all

year, Ohio's Unemployment Compensation Fund quickly went broke due to prior inaction on the part of lawmakers.

So far, Ohio has borrowed approximately \$1.1 billion from the federal government to pay benefits. This means employers are on the hook to pay the federal government back — and these increased FUTA tax bills will arrive soon, likely in early 2022.



employees get vaccinated for the flu — but can an employer legally require this?

Generally, yes. However, as the Equal Employment Opportunity Commission recognizes, an employee may be entitled to an exemption from a mandatory vaccination requirement based on an ADA disability that prevents him or her from taking the influenza vaccine. This exemption would be a reasonable accommodation subject to an undue hardship analysis.

Similarly, under Title VII of the Civil Rights Act, once an employer receives notice that an employee's sincerely held religious belief, practice, or observance prevents him or her from taking the influenza vaccine, the employer must provide a reasonable accommodation unless it would pose an undue hardship as defined by Title VII.

As such, the EEOC recommends that employers encourage employees to get the flu vaccine rather than requiring it; however, it does not expressly prohibit such a requirement. In sum, the decision to require a mandatory flu vaccine will likely depend on the nature of your business, nature of your workforce, expectations for this winter and risk tolerance.

### TAKEAWAYS

Employers can expect this winter to present challenges such as excessive employee absences, confirmed cases of COVID-19 and questions surrounding the enforceability of a vaccine policy (whether that be the flu vaccine or an eventual COVID-19 vaccine). Employers should continue to treat flu and respiratory illness symptoms as if they are COVID-19 and require that sick employees stay home from work.

Employers should also continue to follow the return-to-work requirements for employees displaying symptoms of COVID-19, or for those employees who have tested positive for COVID-19, as outlined by the Ohio Department of Health.

Please contact your labor and employment counsel with questions you may have regarding COVID-19's impact on your workforce, employee testing, or a mandatory vaccine policy. 📞

The legislative schedule currently calls for either the Senate, or the House, or both, to potentially be in session a total of 12 days between Election Day and Christmas. Under normal circumstances, that leaves lawmakers with enough time to address many of these remaining priorities. Still, at this point, we know better than to assume anything in 2020 will be normal. 🙄

# FIGHT AGAINST HUMAN TRAFFICKING A TOP PRIORITY

Since taking office in January 2019, Ohio Attorney General Dave Yost has made the fight against human trafficking a top priority. He created the Human Trafficking Initiative, an in-house team tasked with the goal of ending labor and sex trafficking in Ohio. The Human Trafficking Initiative works to build awareness, empower Ohioans to take action in their communities, strengthen victim services throughout the state and ensure that traffickers and “johns” are brought to justice.

The Attorney General's Office cannot fight this problem alone. We urge every Ohioan to understand the issue, know the red flags and say something if they see suspicious activity. To do so, it's essential to be armed with the knowledge about what human trafficking is.

Human trafficking is the illegal use of vulnerable people to make a profit, generating billions of dollars worldwide. It knows no boundaries and plagues urban cores as well as rural and suburban communities throughout the world, including the United States.

Victims and traffickers span all ages, genders, ethnicities, races and socioeconomic statuses. Traffickers use many means to gain power and control their victims, including force, threats, physical violence and false promises. This control is then used to cause people to be treated like goods or commodities, forcing them into sexual exploitation or labor trafficking. This fear, control and trust-building often takes place over a period of time, creating a trauma bond between trafficker and victim. All of this combines to make human trafficking one of the most complex problems in the United States.

Members of our business community are uniquely positioned to see potential red flags that indicate human trafficking. While some of the warning signs for sex and labor trafficking often overlap, here are a few you might see in each situation.



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### For sex trafficking, the potential victim:

- Appears submissive, fearful or nervous
- Is not in control of identification documents or money
- Has an inconsistent or well-rehearsed story about where he/she lives, the relationship with the person he/she is with or how he/she traveled to the current location
- Is inappropriately dressed for weather, location or age
- Is in the presence of an overtly controlling or concerned male or female friend or boyfriend/girlfriend
- Is in possession of multiple hotel key cards, prepaid credit cards or cellphones
- Shows signs of physical, mental or emotional abuse
- Is unable to come and go as he/she pleases

### For labor trafficking, the potential victim:

- Appears to live at the place of employment

- Is transported in a group by the employer or someone who is part of the employer's organization
- Experiences restricted or monitored movement
- Is not in control of identification documents
- Earns wages below the state's minimum wage
- Is constantly indebted to the employer
- Shows signs of physical abuse, isolation or starvation
- Works long hours in poor conditions

At its core, human trafficking is the exploitation of another's vulnerabilities. Who among us hasn't felt vulnerable at some point in his or her life? For those who are victimized, these vulnerabilities exploited by traffickers are often tied to Maslow's Hierarchy of Needs. When these needs are not being met, an opening exists for a trafficker to slide in and offer a way to “help.” These needs include:

- **Physiological** — air, water, food, shelter, sleep, clothing, reproduction
- **Safety** — personal security,

employment, resources, health, property

- **Love and belonging** — friendship, intimacy, family, sense of connection
- **Esteem** — respect, self-esteem, status, recognition, strength, freedom
- **Self-actualization** — the desire to become the most that one can be

Rather than using the platform to educate about how these needs can be exploited, we so often see social media used as a way to perpetuate myths about human trafficking. We see posts about white vans at the mall, zip ties on various parts of your car or even children being sold online under the guise of high-priced home goods.

Reposting, sharing and “liking” these stories simply reinforces what human trafficking is NOT. We can use some of these situations to discuss personal safety, while still using them as an opportunity to educate others on what human trafficking really looks like.

As our laws continue to change and our ability to combat the issue grows, our businesses and members of the Ohio Chamber of Commerce can play a unique role in fighting human trafficking. Social responsibility in the corporate world allows our businesses to reduce risk, educate their employees and take action in their communities. We welcome the opportunity to work with all of you.

To contact the Human Trafficking Initiative or request more information, email us at [HTI@ohioattorneygeneral.gov](mailto:HTI@ohioattorneygeneral.gov).

## SPOTLIGHT ON THE OHIO CHAMBER HEALTH BENEFIT PROGRAM

All of us at the Ohio Chamber Health Benefit Program, administered by UnitedHealthcare, hope this article finds you and your family well and looking forward to the upcoming holiday season.

As we continue to move into the fourth quarter, we are excited to bring you news of the program, including offerings designed to better your wellness journey. Continuing in 2021, members will have the option to explore a new innovative Digital Health Therapy – Level 2. In addition, we will provide you a highlight on the Motion incentive program that will give members opportunities to plan healthy habits and earn savings as they reach their wellness goals.

Finally, expect to see continued savings and updates from brokers around the state as we work together to bring you great health benefits at an affordable price.



### LEVEL2™ DIGITAL HEALTH THERAPY LED TO BETTER HEALTH FOR TYPE 2 DIABETES PATIENTS

Level2 gives employees a real-time view into how activity, food, sleep and well-being impact their blood sugar levels at any point throughout the day. With access to personalized coaching, wearable technology and a physician-supervised care team, participants are supported in every step. Level2 is part

of UnitedHealth Group's industry-leading focus on integrating human support with advanced data analytics, including from real-time sources such as digital health technologies, to help improve and personalize therapies.

Through Level2, the combination of wearable technology, clinical coaching, lifestyle changes and incentives — all offered at no additional cost to eligible members who enroll — is designed to help empower people with Type 2 diabetes to become healthier and potentially achieve remission. This is accomplished by helping participants use the latest scientifically proven techniques and personalized support to understand and more effectively stabilize blood sugar levels.

### INCREASED PHYSICAL ACTIVITY AND REWARDS GO HAND IN HAND

Walking may be one of the easiest

ways to maintain an active and healthier lifestyle. With the UnitedHealthcare Motion® incentive program, walking may even help you save on health care costs. So, if you are looking to help boost your well-being and lower your health care costs, just lace up your sneakers and go.

You and your enrolled spouse can use Motion to help take greater control of your health while earning up to \$3 per day in health savings account (HSA) credits for meeting specific Frequency, Intensity, Tenacity (FIT) goals. These credits are deposited quarterly into your HSA. By simply achieving all your daily goals, you can earn up to \$1,095 per year.

To make sure you are off to a great start, we will give you a \$55 credit right away — just for getting set up.

Continued on page 6

**SPOTLIGHT ON THE OHIO CHAMBER HEALTH BENEFIT PROGRAM**

*Continued from page 5*

You can use your credit toward the purchase of a compatible activity tracker, some of which are offered at no additional cost to you.

Rewards earned from Motion are deposited into your HSA once a quarter and can be used to help cover eligible out-of-pocket medical or pharmacy expenses accrued during the plan year. You can sign in to myuhc.com® at any time to view your HSA balance or submit a claim form online, or do so via mail or fax. Check to ensure that your contributions do not exceed IRS limits, and be sure to monitor your HSA contributions against the annual HSA contribution guidelines.

**THE O.C.H.B.P. RECOGNIZED FOR QUALITY, SAVINGS AND VALUE**

“The average savings of 25 percent that many groups experience when switching to the Ohio Chamber MEWA addresses one of the largest cost drivers in small business,” says AJ Miller, vice president Small Business at UnitedHealthcare of Ohio. “Looking forward, most groups are also receiving single-digit renewal increases, creating long-term peace of mind. Small businesses should have access to the plans and stability that large companies experience, and the Ohio Chamber MEWA provides a path to make it happen.”

“ Here’s what people are saying

“As many small businesses struggle through a difficult year, the Ohio Chamber Health Benefit Program has proven to be not only cost competitive in the Ohio market, but the value received through the program allows members access to benefits that are historically offered exclusively to larger companies. The UnitedHealthcare Premium Designation assigned to the large network of providers takes away any question of quality of care members receive. Additional benefits, such as virtual visits, Real Appeal and Motion, along with the added purchasing power of the Ohio Chamber discount programs, allow small businesses to rival their competitors’ offerings in order to continue to run successful, profitable businesses.”

Jennifer Agnello, president, Cornerstone

“The Ohio Chamber Health Benefit Program has provided our brokers and their clients with an exceptional product that delivers first-class benefits at an affordable price point. The value-added services and features of the O.C.H.B.P. plan offerings through UnitedHealthcare are truly unique and will continue to be a benchmark in the small group Ohio insurance market.”

Matthew T. Amicon, Benefit Sales, producing market director, Benefit Mall

“The Ohio Chamber Health Benefit Program provides members with an affordable, quality choice. Building partnerships with brokers and agents throughout the great state of Ohio is the key to getting our products and services in front of their clients, and we remain committed to always providing the most comprehensive and affordable health care coverage.”

Scott Colby, O.C.H.P.B. executive director

“The Ohio Chamber MEWA, administered by UnitedHealthcare, offers small employers the same large network, a wide range of benefit options and a competitive premium right fit to risk, the same as offered to Ohio’s largest employers.”

Randy Savin, president, Savin Sales Inc., dba Enterprise Group Planning Inc.

*More information about the Ohio Chamber Health Benefit Program will be available by mail, email and on our website, or by contacting Scott Colby, executive director of the Ohio Chamber Health Benefit Program, at [scolby@ohiochamber.com](mailto:scolby@ohiochamber.com).*

**OHIO BWC REIMBURSES EMPLOYERS IN SELECT COUNTIES FOR OPERATING DRUG-FREE**

*By Dee Mason, founder and CEO of Working Partners*

Recognizing that a best-practice drug-free workplace program is the best way to prevent and respond to substance use in the workplace and support individuals in recovery, the Ohio Bureau of Workers’ Compensation (BWC) has earmarked funds to help employers operating drug-free.

Through the BWC’s Substance Use Recovery and Workplace Safety (SUR) Program, eligible employers can get reimbursed for qualifying expenses related to implementing, operating and maintaining a drug-free workplace program. These qualifying expenses include:

- Development and legal review of policies and procedures
- Annual policy review
- Employee education and supervisor training (up to 72 hours annually for each)
- Drug testing of prospective and current employees who are in recovery

**WHY FOCUS ON RECOVERY?**

At the heart of the SUR program — although not required — is the hope that employers will hire and support individuals in recovery from substance use disorder (also referred to as addiction). Admittedly, the thought of employing someone in recovery can bubble up feelings of concern and apprehension for some. So why encourage employers to address and support recovery? Thanks to scientific advancements

like brain imaging technology, we know that substance use disorder is a brain disease that is preventable and treatable, similar to other behavior-related, chronic diseases like heart disease and Type 2 diabetes.

Managing employees with behavior-related chronic diseases isn’t new for employers. Organizations have policies and procedures in place (e.g., leave policies and alternative working situations) that benefit all employees. Similarly, policies and procedures exist that will enable organizations to support employees dealing with substance use disorder, specifically, a comprehensive, best-practice drug-free workplace program.

A drug-free workplace program (DFWP) includes written policy and procedures, annual employee education and supervisor training, drug testing and a plan to assist employees when needed. In addition to helping to mitigate the risks associated with substance misuse, a DFWP can also foster a recovery-supportive workplace by promoting a workplace culture and operations that reflect an understanding of substance use disorder. Additionally, it can help motivate and support all employees, while protecting the organization and improving its bottom line.

**HOW TO BENEFIT FROM BWC’S SUR PROGRAM**

To receive reimbursement from the BWC to develop, implement and/or update an existing drug-free

workplace program, employers must:

- Be located in a county participating in the program
- Be current on all BWC payments and have an active workers’ compensation policy status
- Complete a simple online form to enroll

Once enrolled, employers can submit reimbursement forms to receive money for qualifying expenses. Employers can even submit forms for expenses dating back to July 1, 2019, regardless of whether they were enrolled in the program at the time of purchase or not.

The reimbursement form and any required documentation (typically a copy of a paid invoice) will be submitted to and processed by the local Alcohol Drug Addiction and Mental Health Services Board (ADAMHS) in each of the participating counties. Forms will be processed, typically within 30 days, on a first-come, first-serve basis.

One special note about the SUR Program: This program is a great complement to the bureau’s Drug-Free Safety Program (DFSP), as the majority of expenses incurred through the DFSP can be reimbursed by the SURWSP.

Visit the BWC’s website at <https://info.bwc.ohio.gov/> and search “Substance Use Recovery and Workplace Safety Program” to learn more about this program and enroll to



take advantage of the funds the BWC has made available.

*Dee Mason is founder and CEO of Working Partners®, a member of the Ohio Chamber of Commerce and a training and consulting firm specializing in helping workplaces minimize the risks associated with substance misuse. As a nationally recognized expert on drug-free workplace issues, Working Partners® collaborates with businesses and communities to create behavioral change in adults and ultimately improve the quality of the workforce.*

*For more information about Working Partners® products and services to support a best-practice drug-free workplace, visit [www.WorkingPartners.com](http://www.WorkingPartners.com) or call (614) 337-8200.*

## MEMBER SPOTLIGHT



### AIR FORCE ONE KEEPS BUILDINGS PERFORMING

Air Force One Inc. is a hometown-founded company with a nationwide reach. The Ohio-based facilities services leader is all about delivering smart and comfortable solutions for optimal building performance, while striving for integrity in everything it does.

Air Force One was founded in 1984 in Dublin, Ohio, where it is still headquartered today. With five additional offices throughout Ohio — in Perrysburg, Middletown, Valley View, Defiance and Norton — Air Force One has grown to 210 employees. It provides commercial HVAC and facilities services, with specialties in preventive maintenance, energy conservation and total facility automation.

With a variety of services, the company offers solutions to a host of industries and customers. It partners with clients to identify current behaviors and define



strategic goals. Using that information, it develops and keeps buildings performing at optimal levels through design-build projects, mechanical systems installations, proactive maintenance plans and more.

Air Force One is one of the newest members of the Ohio Chamber of Commerce. Membership gives it access to more strategic thinking and a seat at the table on business issues.

“We look forward to actively participating in networking opportunities and strategic planning discussions related to issues impacting Ohio businesses,” says CEO Greg Guy.

To learn more about Air Force One Inc., visit [www.AirForceOne.com](http://www.AirForceOne.com), or connect on LinkedIn at [@AirForceOneHQ](https://www.linkedin.com/company/AirForceOneHQ).

## THE OHIO BUSINESS TAX CONFERENCE GOES VIRTUAL

One of the biggest tax conferences in the nation is back, and this time, it's digital.

The Manufacturers' Education Council's 30th Annual Business Tax Conference and Virtual Institute is Tuesday, Wednesday and Thursday, Jan. 19-21, 2021. Over its history, it has been attended by over 16,000 corporate tax directors, CFOs and tax professionals. The conference offers attendees the chance to earn continuing education credits while learning from top leaders in the tax industry.

Using a Whova platform and mobile app, the conference will feature livestream sessions, live interaction with speakers, one-on-one video networking and a virtual tradeshow among sponsors. All sessions will be taped, so attendees can go back and watch or rewatch sessions on-demand at their convenience through March 31, 2021. Through the app, attendees will also be able to take advantage of networking opportunities with direct interactive features with speakers, other attendees, sponsors and more.

The conference will shed light on topics including tax challenges associated with the pandemic crisis, JobsOhio and the economic incentives and tax cuts becoming available. It will also include sessions on navigating remote work and managing a mobile workforce, major Ohio business tax developments amid the pandemic such as municipal income tax, property tax and commercial activity tax and sessions on how to stay competitive in a technology-driven, interconnected world.

“It's prime business tax time,” says Mark Uher, president of the Manufacturers' Education Council. “A lot of the issues being covered will be covered from not only a policy perspective, but also as far as what



resources and help are available for businesses in terms of tax, incentives and more because of the impact of the COVID-19 pandemic.”

With the conference landing at a pivotal time at the beginning of the new year, attendees can expect to hear valuable insights regarding potential changes to business taxes, municipal income tax developments and Ohio's biennium budget, which may be one of the most difficult budgets in state history due to the pandemic.

Tax experts from Ohio, Illinois, Indiana, Kentucky, Pennsylvania and Michigan will serve as key leaders, offering sessions, workshops and livestream opportunities to discuss business tax issues. Leaders from JobsOhio and the Ohio Department of Taxation will speak, as well. Attendees will also hear speakers from the Michigan Department of Treasury, Indiana Department of Revenue, the Kentucky Department of Revenue and the Pennsylvania Department of Revenue discuss tax developments in their respective states.

“We're excited for the conference and the new opportunities presented with the virtual platform,” says Uher. “It's an absolutely perfect educational tool, and it's exciting to see it come together.”

For the full agenda, and to register for this event, go to [www.mecseminars.com](http://www.mecseminars.com) and click on the “Taxation & Business” tab at the top of the page.

## TAKE CONTROL OF YOUR CREDIT CARD COSTS

If your business limits the acceptance of credit cards as a form of payment due to higher interchange costs, credit card surcharging may be a good option. Customers are increasingly relying on digital platforms, so now may be the time to expand credit card acceptance for both online and in-person payments.

For businesses that regularly accept credit card payments, recent changes in customer buying behavior and purchase activity may call for a reassessment of credit card acceptance practices. Credit card surcharge programs enable businesses to tack on an additional fee to customers' bills when they use a credit card for payment. This helps businesses meet customer demand for credit card acceptance while controlling costs to sustain a healthy bottom line.

Many consumers rely on credit cards when paying for goods and services. However, some businesses choose to limit their acceptance of credit cards due to the higher interchange costs established by the card brands. As we advance toward a cashless future, the pressure for businesses to accept credit cards is increasing.

Credit card surcharging allows you to offer customers the flexibility to pay by credit card for a relatively small fee. The fee typically ranges from 3 to 4 percent of the purchase price, usually just a few cents on the dollar. Card holders who wish to avoid the surcharge can pay using a lower-cost payment method such as a debit card, check or cash. There are solutions available that support check acceptance in addition to card acceptance.

A credit card surcharging program is specifically designed to offset the transaction costs of credit card acceptance only. A surcharge cannot be applied to payments made with debit cards, pre-paid cards or identified as a COVID or coronavirus surcharge. However, the money you save by reducing credit card acceptance costs can be reallocated to meet any of your business needs.

It's important to note that credit card surcharging offers a way to control costs, but the programs are subject to rules and regulations that can vary based on the card brands and individual state laws. It is important to understand the laws in the states in which you transact business, whether online or in-person.

Disclosures are required as part of the rules surrounding credit card surcharge programs. These must contain language notifying customers that the surcharge is not greater than the total cost of accepting the credit card payment. Prior to transacting in person or online, disclosures and definitions should be clearly displayed in the form of stickers, signage or descriptive text.

If a cardholder uses a credit card, they will see the surcharge fee displayed on the terminal or check-out screen prior to agreeing to pay, and then again on the receipt. Should the cardholder require a return, a proportional amount of the surcharge will be returned, also shown on the receipt. This eliminates any surprises for your customers.

Certain state and commonwealth laws may restrict your business's ability to implement credit card surcharging. Businesses located in the following states and regions currently cannot surcharge credit card transactions.

- Colorado
- Connecticut
- Kansas
- Maine
- Massachusetts



- Oklahoma
- Additional restrictions: Puerto Rico, Canada

Transparency is key to the successful implementation of credit card surcharges. Providing customers with advanced notice gives them an opportunity to consider how to pay prior to initiating a payment transaction. Cardholders will only be presented with the surcharge fee on the payment screen if they use a credit card for payment.

The surcharge fee will not be displayed if the cardholder uses a different payment method, such as a debit card or prepaid card. When a cardholder uses a credit card and sees the surcharge displayed, they have an opportunity to accept the fee or change payment methods. If they accept, the surcharge is applied to the purchase. If not, they avoid the surcharge by using another payment method. Either way, your costs are controlled and set at a fixed rate for credit card acceptance.

Ready to learn more? U.S. Bank and Elavon can help. Contact Jerry Halley at (312) 405-7058 or [Jerry.Halley@usbank.com](mailto:Jerry.Halley@usbank.com) to learn more.



# A NEW NORMAL

## FACING AND OVERCOMING CHALLENGES TOGETHER

To say this year has had its challenges would be a huge understatement.

At the beginning of 2020, we started doing our “normal” activities — advocating at the Statehouse, releasing our primary election endorsements, adding new member benefits and planning for our Annual Meeting. Then in March, our staff started gathering every afternoon in our collaborative space to watch what had become a daily press conference with the governor pertaining to a worldwide pandemic. We soon realized that the word “unprecedented” would become part of our daily vocabulary — and not in a positive way.

Statewide orders regarding business closings and events started to be issued daily. On March 16, we learned that Ohio’s scheduled primary would be delayed. Then on March 18, like many businesses, our physical offices closed and our staff moved to working from home.

To tackle the challenge of communicating the mass amount of information that was coming from the state and federal government regarding what we now know as COVID-19 and its impact on the business community, we created the Coronavirus Business Resources and Businesses Helping webpages.

We also became very familiar with online meeting tools so we could keep communicating with our members and Ohio decision-makers. Although we had to cancel our Annual Meeting, we expanded our free webinar offerings to include information on federal and state financial help, unemployment compensation and special tax issues, and even hosted a Q&A with Lt. Gov. Jon Husted.

Ohio businesses had to tackle the challenges of mandated closings, acquiring safety equipment, applying for loans, supporting their employees and adapting to new ways of doing business. New acronyms and phrases have been added to our vocabulary, like CARES Act, PPE and socially distancing.

Then, as businesses were allowed to reopen, new challenges emerged. Many have had to reconfigure workspaces, adjust their operating hours, require masks be worn, operate under new regulations and install things like disinfecting wipe holders and hand sanitizer dispensers.

As I write this, we still aren’t “back to normal,” and we continue to face challenges that will continue into the New Year. We made it through the general election with record voter turnout. Both the Ohio House

and Senate will have Republican supermajorities in 2021. We enter a lame duck session with work still left to be done, including possible action on overturning House Bill 6, which has brought a federal investigation into the legislative process.

In 2021, Ohio will still be dealing with the pandemic and all of its impacts. Ohio still has a broke and broken unemployment compensation system while still trying to deal with high unemployment numbers. Our state may have to reduce the plans for roadway repair and expansion, as gas taxes are coming in lower than projections due to a reduction in driving. And of course, the major legislative item of the year will be the next biennial budget.

However, I want to assure you, with everything we have been through and will be going through — the Ohio Chamber of Commerce is here for you. Since 1893, we have been through world wars, recessions and even other pandemics. We are here to help Ohio businesses face the challenges and conquer them together. We are All for Ohio. 

*Andrew E. Deebul*

### EDITORIAL POLICY

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<sup>1</sup> 25% savings based on Q1 2020 UnitedHealthcare internal analysis for average price comparison between UnitedHealthcare plans in Ohio.

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