

# Ohio Matters

An Official Publication of *The Ohio Chamber of Commerce*

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## VOTE NO ON ISSUE 2: OHIO'S MISLEADING RX BALLOT ISSUE

By now, virtually everyone's heard of Issue 2, a statewide ballot issue that proposes to regulate state government prescription drug purchases. Ohio voters will decide Issue 2 on Election Day this November.

In May, the board of directors of the Ohio Chamber of Commerce voted to oppose the "ill-conceived and poorly written" ballot issue, recognizing it as a serious concern to employers and business advocates. As stated by Andrew E. Doehrel, president and CEO of the Ohio Chamber, "This proposal would almost certainly lead to cost-shifting to private payers, including employers. Further, the proposal runs counter to the free market values that the Ohio Chamber stands for and is nothing more than an attempt to artificially fix drug prices."

As Nov. 7 draws near, it is critical that Ohio's employers understand the impact this proposed legislation could have on their health care costs. The Ohio Chamber encourages employers to contact the campaign fighting against Issue 2 for materials they can use

to educate their employees and communities. Employers should also urge their employees to arm themselves with the facts by visiting [www.noonissue2.org](http://www.noonissue2.org). There, they can read reports written by three former Ohio Medicaid directors and a former budget director, and gather information on why more than 70 organizations — including other business groups, organized labor, doctors, nurses, pharmacists, hospitals, veterans and the faith community — are urging Ohioans to vote no on Issue 2. Finally, employers must oppose Issue 2 with a no vote, and motivate employees, colleagues and those in their communities to also vote no on Issue 2, the ballot issue that The Columbus Dispatch has labeled as "bad public policy" that is "dangerous" and "won't work."

If passed, Issue 2 would require state government to pay no more than the lowest price paid by the U.S. Department of Veterans Affairs (VA) for prescription medications needed for state-run programs, including Medicaid beneficiaries, state workers, public retirees, prisoners and people in other state health care programs.

However, Issue 2 will not do what it promises. In fact, it will make the issue of prescription affordability even worse by causing drug costs to increase for 64 percent of Ohioans — including those who rely on Medicare, private insurance or employer-based insurance — while reducing access to needed medications for the state's most vulnerable citizens.

Issue 2 will negatively impact Ohio private employers for two major reasons. First, the supply chain that supplies those covered by this ballot issue also supplies those not covered by it. Therefore, even if it were possible to implement Issue 2, as soon as one area of the supply chain is squeezed, costs would shift to make up for reduced drug costs for those covered by the ballot issue.<sup>1</sup> Whether large or small, employer-insured or self-insured, private employers will experience significant cost shifting. Second, this legislation will undoubtedly impact Ohio private employers participating in prescription benefit purchasing collaboratives. All employers currently participating in these collaboratives benefit from the size and collective purchasing power of established arrangements. If entities are forced to leave these collaboratives, employers will be harmed by the reduced purchasing power of the collectives.

Finally, the Ohio Chamber and many others across the state worry about the potential for costly lawsuits that could significantly impact Ohio taxpayers. The promoters of Issue 2 wrote into it a provision giving themselves the unprecedented right to intervene at taxpayer expense in any legal challenges that may be filed against it if it becomes law.<sup>2</sup> The provision gives the four named sponsors of the ballot initiative (three of whom work for the controversial California activist whose foundation is bankrolling the effort) a blank check to involve themselves in lawsuits — and requires taxpayers to pay their attorney fees, win or lose.

Issue 2 is being promoted by a billion-dollar California-based nonprofit, the AIDS Healthcare Foundation (AHF), which makes 80 percent of its revenue selling prescription drugs at pharmacies it owns.<sup>3</sup>



### QUICK GLANCE

Chamber opposes "ill-conceived and poorly written" ballot issue

Would increase drug costs 64 percent

Would reduce access to medications

AHF's controversial CEO, Michael Weinstein, has been accused of using millions of tax-exempt dollars generated by AHF for political purposes completely unrelated to the mission of the foundation.<sup>4</sup> Last year, Weinstein and AHF supported a virtually identical version of the Ohio proposal, Proposition 61, which was soundly defeated on the November ballot in California. Notably, every major California newspaper, regardless of political or ideological orientation, editorialized against the ballot issue.

Issue 2 is unworkable and could lead to more bureaucracy and excessive litigation costs. In addition, it could increase drug costs for those not covered by the proposal.

On Nov. 7, vote no on Issue 2. 🗳️

Foundation. As of and for the Years ended December 31, 2015 and 2014, with Report of Independent Auditors," accessed May 4, 2017, p. 4, [https://www.aidshealth.org/wp-content/uploads/2016/05/AIDS-Healthcare-FS-2015\\_FINAL-3.pdf](https://www.aidshealth.org/wp-content/uploads/2016/05/AIDS-Healthcare-FS-2015_FINAL-3.pdf).

4 The Times Editorial Board, "An AIDS Advocacy Foundation is Bankrolling L.A.'s Draconian Anti-Development Measure. How Is This Social Justice?" Los Angeles Times, accessed May 4, 2017, <http://www.latimes.com/opinion/editorials/la-ed-aids-healthcare-development-20170225-story.html>; Christopher Glazek, "The C.E.O. of H.I.V." The New York Times, accessed May 4, 2017, [https://www.nytimes.com/2017/04/26/magazine/the-ceo-of-hiv.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&\\_r=0](https://www.nytimes.com/2017/04/26/magazine/the-ceo-of-hiv.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&_r=0).

1 Corcoran et al., "Analysis of Proposed Ohio Initiated Statute," p. 27; Greg Browning, "Proposed Ohio Drug Price Relief Act: A Fiscal Management Memorandum," Capital Partners, April 26, 2017, p. 3; John McCarthy, "Negative Consequences of the Ohio Prescription Drug (or Rx) Ballot Issue," Upshur Street Consulting LLC, April 11, 2017, p. 1.

2 The Ohio Drug Price Relief Act - Initiative Text: Ohio Revised Code, Section 194.01 (G).

3 Vasquez and Company LLP, "Audited Consolidated Financial Statements and Supplementary Information: AIDS Healthcare



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*You believe  
in our mission.*

*We carry it  
out every day.*

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*As the state's leading business advocate and resource, the Ohio Chamber of Commerce aggressively champions free enterprise, economic competitiveness and growth for the benefit of all Ohioans.*

Thanks to your continued support, we were recognized by the Association of State Chamber Professionals for our membership investment and retention.

With members ranging from small businesses to international companies, the Ohio Chamber of Commerce represents Ohio's business voice.

Founded in 1893, the Ohio Chamber is one of the state's oldest business organizations. The Ohio Chamber is led by a volunteer board of directors that consists of 66 business leaders from all over the state.



# ENGAGING STUDENTS IN WORK-BASED LEARNING: YOU SPOKE, WE LISTENED

Businesses in every Ohio industry are looking for qualified graduates to help them stay ahead in today's ever-changing economy. In fact, today's students will likely hold jobs that don't even exist today.

The talent needs of business will be changing quickly, which means workers will need to be flexible, adaptable and ready to acquire new knowledge and skills in real time. Now is a great time for business and education to come together to address skills gaps, build a talent pipeline and help students identify their passions and build the competencies they will need to succeed in in-demand career pathways.

So, how can we do these things effectively? A great place to start is through work-based learning. Work-based learning experiences empower students to build important skills for success in the workplace or higher education, while increasing their exposure to the careers available in their communities.

Although we often hear from businesses that are interested in offering work-based learning opportunities to area students, they often cite insurance, liability and administrative burden as obstacles. Opening doors to students to gain hands-on work experience should not be this difficult, and now, it doesn't have to be.

On July 25, we announced a partnership between the Ohio Department of Education and The Adecco Group, the world's leading provider of workforce solutions. The Adecco Group has pledged to facilitate 10,000 work-based learning opportunities for students by 2020 and is eager to begin that work in Ohio.

*Work-based learning experiences empower students to build important skills for success in the workplace or higher education.*

The partnership allows The Adecco Group to help businesses team up with schools by taking on the role of the employer of record for work-based learning participants ages 16 or older. In other words, The Adecco Group will relieve the liability and administrative burden associated with employing high school students, allowing employers to focus on offering work-based learning opportunities. You spoke, we listened.

To initiate this collaboration, we are challenging Ohio's businesses to take the lead by reaching out to local schools. If you need help developing a partnership, please contact the Ohio Department of Education's Cassandra Palsgrove, education program specialist, at [cassandra.palsgrove@education.ohio.gov](mailto:cassandra.palsgrove@education.ohio.gov). Once that partnership is established, The Adecco Group will help build a plan. For more information, contact [Tyra.Tutor@AdeccoGroup.com](mailto:Tyra.Tutor@AdeccoGroup.com).

Emerging talent is all around us, and it's our job to work together to capture the imaginations of students and build Ohio's future workforce. 📌



The announcement picture shows (at the podium) Tyra Tutor, The Adecco Group's senior vice president of corporate development and social responsibility, and Ohio Superintendent of Public Instruction Paolo DeMaria.



## OHIO CHAMBER OF COMMERCE RESEARCH FOUNDATION

### Measuring Ohio's Prosperity Pulse

Business leaders are bombarded with surveys. And while the Prosperity Pulse is a survey, it's not just any other survey; it's a survey from Ohio business leaders to Ohio business leaders. It seeks to pinpoint your views on the state economy, overall business climate and key challenges, and forecasts future issues of concern. More important, the Prosperity Pulse is a tool the Ohio Chamber of Commerce uses to develop our priorities and policy agenda, and investigate solutions — all with the insight you provide. So while it takes about five minutes to complete, your business will benefit from our findings.

Brian Hicks, president of the Research Foundation, noted, "the Second Quarter 2017 Prosperity Pulse provided two key takeaways: First, the prosperity level is steady, and second, employers continue to face worrisome workforce issues."

Over time, we expect the Prosperity Pulse to show us trends in business profits, workforce, capital investments and expenses. In the meantime, after just two quarters of information, we already observe an obvious correlation between business and government.

Our second quarter results showed a decreased concern about health care issues. At the time of the survey, the U.S. Senate was on the cusp of health care reform, and many assumed some sort of reform would be passed and implemented. Ultimately, nothing happened, but your expectations were revealed in the survey. We project that in the third quarter, health care will resurface as one of the highest worries.

Additionally, we saw a dramatic uptick in concern over state and local taxes. It's not a coincidence that, at the time of the survey, the legislature was debating the state budget, with many business tax implications in play. Now that the budget is set, we look to third quarter results to reflect your

concern levels about what was passed and what was overlooked.

Workforce was the biggest concern revealed in the second quarter Prosperity Pulse. Every industry that responded showed a mid to high level of concern about the future workforce. We asked an open-ended question: "What are specific barriers you face when hiring/attracting employees?" We analyzed the answers and found these were the top 10 barriers.



It may seem that Nos. 2, 5 and 6 are the same, but so many employers responded with specifics such as lack of industry experience, and lack of skilled trades, and lack of overall qualifications such as reading and writing, that we thought it imperative to separate them. We also believe that through this data, we can sum the answers up as lack of character or lack of competency. Finding both qualities is difficult for Ohio employers.

How are we addressing this issue for you? We are working on a new project, a cross-generational talent acquisition and retention toolbox. By studying employee habits and thought processes, and employer policies and procedures, we will be putting together a toolbox of proven best practices for hiring and retaining your best talent. This project will be completed by the end of 2017.

To learn more about the Prosperity Pulse, including FAQs and Q1 and Q2 summaries and data, visit [www.ohiochamberfoundation.com/projects](http://www.ohiochamberfoundation.com/projects). 📌

To participate in the Q3 Prosperity Pulse survey, email [research@ohiochamber.com](mailto:research@ohiochamber.com) with the subject line, "I'd like to help!"

By Ohio Secretary of State Jon Husted

# SUPPORTING OHIO'S JOB CREATORS AND ENTREPRENEURS

Cut costs. Save time. Reduce administrative burden.

That's what the Secretary of State's Office is trying to do for job creators. After all, our office is the place where business begins in Ohio, and every day we're working to ensure that starting a business is easy, convenient and affordable.

The good news is our hard work is paying off — in more ways than one. Thanks to a series of initiatives that have made our office more efficient and accountable, I have been able to eliminate the need for tax dollars to run the Secretary of State's Office over the next two years. The move will save taxpayers nearly \$5 million.

Ohio has also become the most affordable state in the region to start and maintain a business, and a person can set up shop in less than a day without ever setting foot in a government office. We've done it all while cutting costs and improving customer service, slashing fees and eliminating the need for tax dollars to run the office.

In August 2017, we announced that 100 percent of the filings needed to start or maintain a business can be submitted online. This achievement was the end result of a four-year effort to reduce the fees and processing times that inhibit businesses from taking shape. Ohio has seen a significant increase in new business filings, and 2016 was the seventh consecutive year of record business growth in Ohio, with more than 105,000 new filings — up more than 30 percent from approximately 80,000 in 2010. So far this year, 71,979 new entities have filed to do business in Ohio, an increase of 9,500 from the January through July period in 2016.

This is the type of entrepreneurial growth that's made possible when government focuses on providing



Secretary of State Jon Husted

better customer service and making it easier to do business.

That same philosophy was behind our decision to cut filing fees by 21 percent in 2015. Now it only costs \$99 to start a business in Ohio, making our state the least costly in the region in which to start and maintain a business. This effort alone has saved entrepreneurs more than \$4.5 million to date.

These new approaches are saving time and headaches for job creators. Last year, our office partnered with the Cleveland Sight Center for administration of our business services call center. The results have been dramatic, as 20 percent more calls are now being answered and wait times have been reduced by 96 percent.

By replacing outdated 20th century practices with 21st century technology, our office has become more efficient. Today we're doing more with less, and I have reduced the size of my staff by 40 percent since 2011, while keeping payroll at the lowest level in 10 years.

We must continue to encourage job creation and economic development across our state. That starts by providing accountable and effective support to Ohio businesses at the lowest cost possible. By continuing to transform the way government does business, I am confident that the real innovators among us — the job creators — can prosper and drive our economy. 🇺🇸

By Kara D. Williams, Associate, Hahn Loeser & Parks LLP

# WAGE AND HOUR VIOLATIONS:

More common (and costly) than you think

Studies show that wage and hour lawsuits have increased by more than 450 percent in the past 15 years, significantly outpacing any other employment-related litigation. Nearly all wage and hour cases are filed as procedurally complex class actions and/or collective actions, which are similar to class actions but available only in certain employment-related cases, including cases brought under the Fair Labor Standards Act (FLSA).

The staggering increase in wage and hour litigation has been attributed, in part, to employee awareness. Media attention to large verdicts and record-breaking settlements has also been credited for the increase in these cases. For example, FedEx has paid more than \$450 million to settle wage and hour cases in the past two years. The fact is, these cases can be lucrative — if not for workers, then for their attorneys. When employers violate the FLSA, they must pay the employees' "reasonable" attorneys' fees, and what constitutes "reasonable" is left up to the judge. Minor violations that result in small awards for employees can still result in large awards for their attorneys.

The exposure of employers is not limited to unpaid wages and attorneys' fees. Under the FLSA, employers are liable to employees for "the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages." 29 U.S.C. § 216(b). In cases of unpaid minimum wages, Ohio law provides for "an additional two times the amount of the back wages." O.R.C. § 4111.14(J).

This is in addition to the fees charged by the employer's own attorneys. While some employment practices liability (EPL) insurance policies cover the cost of defense, these policies rarely provide coverage for the actual violations. As such, employers bear the entire cost of the jury award or settlement.

To reduce the risk of liability, employers should routinely review compensation policies and practices. Some of the most litigated wage and hour issues are discussed below.

## MISCLASSIFICATION

Misclassifying a worker as an independent contractor, or a nonexempt employee as exempt, is a common and costly mistake. Whether a worker can be classified as an independent contractor depends on the degree of control the employer exercises over the worker, the degree to which the worker is economically dependent on the employer and other factors enumerated by the courts. Likewise, the Department of Labor has established specific categories of employees who can be classified as exempt, but the qualifications are often unclear and unintuitive. Holding a college degree and/or position in management are relevant considerations but are not themselves determinative. When in doubt, classify employees as nonexempt and pay them hourly.

## OFF-THE-CLOCK WORK

Nonexempt employees cannot be required, or even be permitted, to perform work off the clock. This typically includes small tasks, such as preparing timesheets and responding to emails. It also includes attending company-required training, even if the training is outside the employee's normal hours, as well as most time spent on company-required travel that exceeds the employees regular home-to-work commute.

Employers should adopt policies expressly prohibiting nonexempt employees from working off the clock and from submitting generic (i.e., "9 a.m. to 5 p.m.") timesheets.

Timesheets should accurately capture all work time, which includes meal and break periods under 20 minutes, or during which the employee performs a job duty (e.g., a receptionist answering incoming calls during lunch). Work time may also include time before the employee's scheduled shift starts. If employers require nonexempt employees to arrive 10 minutes before the start of their shift in order to put on uniforms, receive briefings, or for other reasons, the 10 minutes is probably compensable.

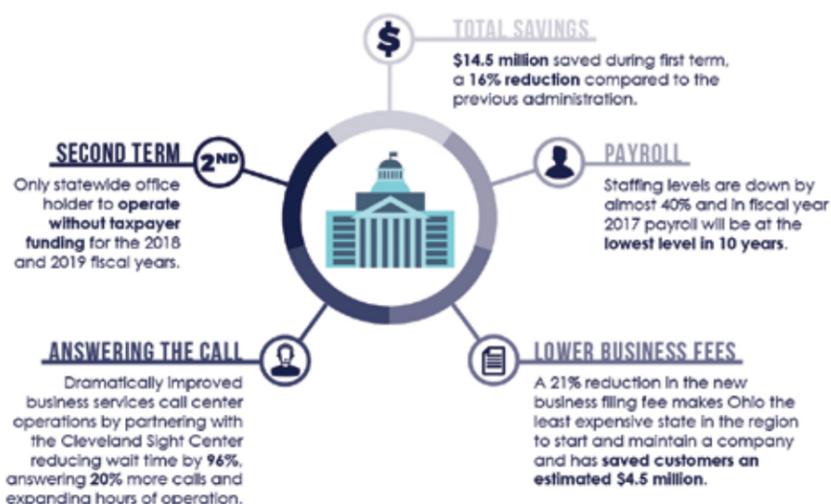
## IMPROPER DEDUCTIONS FROM PAY

Employers must be cautious when making deductions from employees' pay. The FLSA provides a comprehensive list of the permissible deductions from exempt employees' pay, and the list is short. While the FLSA's strict rules do not apply to nonexempt employees, deductions are still unlawful if they result in nonexempt employees being paid less than minimum wage for the hours they worked. Common deductions to watch include those for company-required uniforms, cash register shortages and missing or damaged company property. Deductions for advance wages and paid time off are also problematic, even if addressed in a handbook.

Understanding the applicable law in each state where your company operates is necessary to limit potential liability. Unfortunately, wage and hour compliance is complicated, and keeping up with changes in the law is a full-time job. To that end, employers should not hesitate to ask an employment law attorney or other professional about performing a compliance audit and/or providing relevant training to the company's management team. 🇺🇸

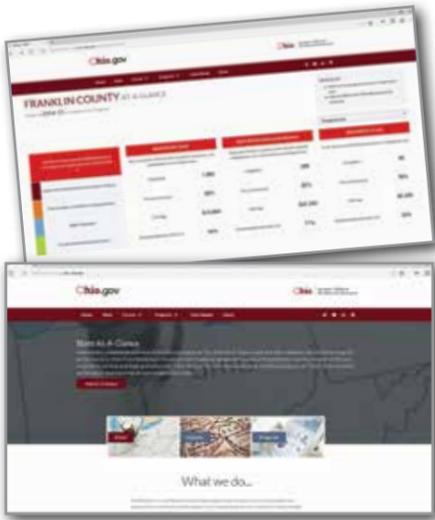
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### SAVING TAXPAYER DOLLARS WHILE PROVIDING BETTER CUSTOMER SERVICE



Provided by the Governor's Office of Workforce Transformation

## NEW DASHBOARD HIGHLIGHTS WORKFORCE DEVELOPMENT PROGRAMS



The Ohio Governor's Office of Workforce Transformation is pleased to announce the launch of the state of Ohio's Workforce Success Measures Dashboard, a new interactive tool to allow Ohio's policymakers to measure the success of Ohio's largest workforce development programs.

Policymakers and Ohioans alike can use the new Workforce Success Measures Dashboard to see statewide, county and provider level data on the number of Ohioans enrolled in and completing workforce employment and training programs. The dashboard empowers program administrators and policymakers to evaluate program performance and identify best practices by measuring four common goals.

- **Employment:** Do the programs' participants find short- and long-term employment?
- **Skills:** Do programs provide jobseekers with access to training that results in industry-recognized certificates and credentials?
- **Wages:** What are participants' overall earnings?
- **Value to business:** Do program participants consistently hold the same job over time?

The Workforce Success Measures Dashboard was a collaborative effort led by the Governor's Office of Workforce Transformation, Ohio Department of Job and Family Services, Ohio Department of Higher Education, Opportunities for Ohioans with Disabilities and the Ohio Education Research Center at The Ohio State University.

The Workforce Success Measures Dashboard is available at [workforcesuccess.chrr.ohio-state.edu](http://workforcesuccess.chrr.ohio-state.edu).

By Bill Edwards, Partner, Ulmer & Berne LLP

## LET THE EMPLOYER BEWARE

### Defining the 'decisional unit' in a reduction in force

Many times, employers engaging in group terminations seek a release of federal age discrimination claims in exchange for a severance payment. In order for a terminated employee to release any claim under the Age Discrimination in Employment Act (ADEA), the release must comply with the requirements of the Older Workers Benefit Protection Act (OWBPA).

If an employer requests a release in connection with an exit incentive or other employment termination program offered to a group or class of employees, the OWBPA requires an employer to provide affected employees with certain details about the Reduction in Force (RIF). Significantly, these disclosure requirements apply whenever a business covered by the ADEA<sup>1</sup> makes a decision to reduce staff or lay off employees in the termination of as few as two employees.

Strict compliance is required when making these disclosures. Otherwise, an employer runs the risk of paying severance for an unenforceable release while simultaneously defending itself in court against allegations of age discrimination.

A few particularly challenging pitfalls for employers in this area include defining the "decisional unit" of employees considered for the RIF and disclosing certain data regarding those same employees. This information must be provided in "a manner calculated to be understood by the average individual eligible to participate" and must be given "at the commencement of the period specified in subparagraph (F)" of the ADEA (which is 45 days).<sup>2</sup> The purpose of this requirement is to give those individuals deciding whether to sign a release enough information (and time) to assess the possibility of age discrimination in the employer's termination selection process. The "group or class" of

<sup>1</sup> The ADEA covers any employer who has 20 or more employees on the payroll for each working day in each of the 20 or more calendar weeks in the current or preceding calendar year.  
<sup>2</sup> See 29 U.S.C. § 626(f)(1)(F).

employees associated with an employment termination program is not defined by the ADEA. However, the Equal Employment Opportunity Commission's (EEOC) governing regulations indicate that the scope of these terms is determined by examining the "decisional unit" at issue.<sup>3</sup>

According to the EEOC's regulations, a decisional unit is "that portion of the employer's organizational structure from which the employer chose the persons who would be offered consideration for the signing of a waiver and those who would not be offered consideration for the signing of a waiver." The term "decisional unit" has been developed to reflect a process by which an employer chose certain employees for a program and ruled out others for that program. 29 C.F.R. § 1625.22(f)(3)(i)(B).

Thus, the scope of the decisional unit can vary depending on the process and criteria developed by the employer in conducting a particular RIF. Importantly, if the employer identifies the decisional unit as broader, or narrower, than it actually was, it may invalidate the release. While the EEOC's regulations offer general examples to assist employers in selecting the proper decisional unit, the regulations do not provide a great deal of practical guidance except in the most simplistic layoff situations.

Even if the decisional unit is properly defined, the employer must be careful to disclose the mandated information about all individuals in that particular unit. This includes "the ages of each person eligible or selected for the program and each person not eligible or selected for the program."<sup>4</sup>

Even a slight error can invalidate the release. For example, in *Behr v. AADG, Inc.*, 2016 WL 4119692 at \*11 (N.D. Iowa, Central Division, July 29, 2016), the court invalidated a release in part because the employer only

<sup>3</sup> See 29 C.F.R. § 1625.22(f)(1)(iii)(C).  
<sup>4</sup> See 29 C.F.R. § 1625.22(f)(4)(ii).



provided terminated employees with information that identified the ages of individuals "facility-wide" who were not terminated as part of the RIF program. As the court observed in *Behr*, "common sense tells anyone looking at this list ... that it provides insufficient information to discern whether there is a pattern of age discrimination in the selection of those terminated and those who were not." (Id.)

Understanding and complying with the OWBPA's release provisions in a RIF context can be one of the most challenging employment law issues an employer can face. Given the lack of detailed guidance in this area, defining the "decisional unit" can also be a risky endeavor. In light of this reality, advanced planning (where possible) and early consultation with employment counsel is highly recommended.

*Bill Edwards is chair of the Employment & Labor Group for Ulmer & Berne, a firm focused on delivering superior, customized legal solutions with offices in Cleveland, Columbus, Cincinnati, Chicago and Boca Raton. Edwards routinely represents employers in all aspects of the employment relationship. He has extensive experience representing employers in matters ranging from EEOC collective action litigation to single-plaintiff wrongful termination claims. As a seasoned trial lawyer, he also assists employers in taking proactive steps to stay out of the courtroom through, among other efforts, advice and training on employee-disciplinary issues. He has been recognized among The Best Lawyers in America® in Employment Law – Management and has been named to the Ohio Super Lawyers list.*

## MEMBER SPOTLIGHT

### Bristol-Myers Squibb

At Bristol-Myers Squibb, we work every day to advance science for patients with serious diseases. We are delivering for patients today, while discovering and developing transformational medicines for patients tomorrow.

We believe in the power of science to address some of the most challenging diseases of our time. We have a high bar for innovation focused on areas where our medicines can truly make a difference for patients. Our focus on these unmet needs comes at an unprecedented time, where scientific breakthroughs are advancing the treatment of disease like never before.

Fueled by robust research and development capabilities, we are advancing science in each of our four therapeutic areas — oncology, immunoscience, cardiovascular and fibrosis.

Our scientists are passionate in their pursuit of new and better medicines, knowing that there are patients who currently have few or no options.

We were responsible for pioneering a class of medicines that harness the power of the immune system to treat cancer, and these agents are changing the way cancer is treated. We also have a legacy of transforming patient outcomes in other major diseases such as cardiovascular disease, HIV and HCV.

However, our work is far from done. Today, we continue to pursue medicines with transformational potential in diseases such as cancer, heart failure, liver fibrosis and rheumatoid arthritis. There have been incredible advances in technology and diagnostic capabilities, and we are leveraging these insights to understand how we can deliver the right medicine to the right patient at the right time, with the ultimate goal of achieving the best outcome for each patient taking our medicines.



# MEET OUR STAFF

## Keith Lake

Vice President, Government Affairs

Keith Lake is the veteran member of our Government Affairs team. After working in Washington, D.C., including serving in the George H.W. Bush White House, Lake came to the Ohio Chamber of Commerce in 1998 as our assistant director of what was then called our P.a.C.E. program — Political and Candidate Education.

He then was named director of that program before stepping away for several years to work for one of our member companies. He returned in 2012 to head up our Government Affairs team while also specializing in health care policy.

Lake is our in-house Cincinnati Reds and University of Illinois fan. He graduated from the University of Illinois with a Bachelor of Arts degree in political science. He and his wife, Julie, live in Westerville with their three teenaged daughters, Elizabeth, Jenna and Mary, and their seven-month-old foster daughter.

Get to know Lake in this issue's Employee Spotlight.

### Where did you grow up?

Rockford, Illinois, a blue-collar city in northern Illinois and the hometown of 2016 Rock & Roll Hall of Fame inductees Cheap Trick.

### What is your favorite part of your job?

The constant variety of interesting issues that impact Ohio employers.

### What do you do when you are not working?

Most of my spare time is spent supporting my daughters at their sporting events or school activities, taking care of my foster daughter and keeping in shape by lifting weights.

### What is your favorite quote?

I have many, so it's difficult to call



just one my favorite. One of them, though, is from former British Prime Minister Sir Winston Churchill, who said, 'However

beautiful the strategy, you should occasionally look at the results.' And, since former college football coach Lou Holtz was the Ohio Chamber's featured Annual Meeting speaker this year, I also have a favorite from him: 'Don't be surprised, when all is said and done, if more is said than done.'

### What do you think has been the most significant change in society during your lifetime?

The decline of the traditional family.

### Which books do you consider a must-read for everyone?

The Bible and Washington: The Indispensable Man, by James Thomas Flexner

### Where is your favorite place to dine out?

Ringside Cafe

### What are your favorite sports teams?

Cincinnati Reds, University of Illinois Fighting Illini basketball and football, and whatever teams my daughters are currently playing on.

### What is your career highlight?

Perhaps it's yet to come, but so far it's probably getting the opportunity to meet President Bush 41 in the Oval Office. (There's more to this story, including a photo — ask me about it sometime!)

### Are you afraid of anything?

I'm afraid of having any of my children not turn out to be self-sufficient, productive members of society. 🇺🇸



The following companies have joined the Ohio Chamber of Commerce since the first of the year. We welcome them to the chamber and look forward to advocating on their behalf.

- AbbVie, Mechanicsburg, Pa.
- Alloyd Insulation Co. Inc., Dayton
- American Consulting Inc., Indianapolis
- Apex Clean Energy, Charlottesville, Va.
- Ardent Mills LLC, Plymouth, Minn.
- ARS Recycling Systems LLC, Lowellville
- Atkins & Stang Inc., Cincinnati
- B & B Farm Service Inc., Fredericktown
- Behnken Concrete LLC, Brookville
- B K Contracting LLC, Dayton
- Boss Display Corp., Columbus
- Brilliant Electric Sign Co. Ltd., Brooklyn Heights
- Bristol-Myers Squibb, Lawrenceville, N.J.
- Brite-O-Matic Manufacturing Inc., Arlington Heights, Ill.
- Brown Memorial Home Inc., Circleville
- Bruce & Merrilees Electric Co., New Castle, Pa.
- Brumbaugh Construction Inc., Arcanum
- Cadle LLC, Warren
- Celgene Corp., Marlboro, N.J.
- Clout Research, Dublin
- Crayex Corp., Piqua
- CSL Behring, Naperville, Ill.
- Dave Fox Remodeling Inc., Columbus
- David & Michael Brunemann Inc., Miamitown
- Deep Well Services, Zelenople, Pa.
- Eckert Inc., Loveland
- Ed Broermans Heating & Cooling Inc., Tipp City
- EMRI LLC, Cincinnati
- Enginetics Corp., Dayton
- Euro Trucking Inc., Circleville
- Fanning Howey Associates Inc., Celina
- Faruki Ireland & Cox P.L.L., Dayton
- Fimm Usa Inc., Columbus
- Flex-Temp Employment Services Inc., Sandusky
- Ford Development Corp., Sharonville
- Frantz Ward LLP, Cleveland
- Gallagher Affinity, Lakewood Ranch, Fla.
- Gallipolis Building Supply, Gallipolis
- Gene Ptacek and Son Fire Equipment Co. Inc., Cleveland
- Healthsouth Rehabilitation Hospital, Dayton, Birmingham, Ala.
- iLab, LLC, Indianapolis
- Jae's Towing & Recovery, Hebron
- Johnny's Auto and Truck Towing Inc., Akron
- K & B Acquisitions, Dayton
- Kohrman Jackson & Krantz LLP, Cleveland
- Lilly and Co., Bath, Mich.
- Liteflex LLC, Englewood
- Massillon Plaque, North Canton
- McDermott Will & Emery LLP, Chicago
- Mcgovney Ready Mix Inc., Portsmouth
- Medtronic Sofamor Danek USA Inc., Minneapolis
- Merck & Co., Hershey, Pa.
- Meridian Machining Inc., Kettering
- Morrone Mechanical Inc., Lowellville
- Neshkin Construction Co. Inc., Bedford
- Ohio Public Transit, Canton
- Paymax Services Inc., Cleveland
- People Working Cooperatively Inc., Cincinnati
- Plastic Suppliers Inc., Columbus
- Posh Cleaners Inc., Avon Lake
- Precision CNC LLC, Lancaster
- Premier Bandag #8 Inc., Alliance
- Priority Custom Molding Inc., Beavercreek
- R & R Leasing Inc., Cuyahoga Falls
- Rito's Inc., Brunswick
- RWK Services Inc., Independence
- SE Stone Group LLC, Silver Lake
- Site Supply Inc., Columbus
- Sugar Valley Partners LLC, Bellbrook
- Tech Mold & Tool Co., Tipp City
- Tee Jayes # 4 LLC, Columbus
- The Inn At Olentangy Trail Management LLC, Delaware
- The Mannik & Smith Group Inc., Maumee
- Unipac Inc., Hebron
- Valley View Clubs Inc., Lancaster
- Westlake Hospitality Inc., Fairview Park



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# MEET A BOARD MEMBER

## Chuck Sulerzyski leads Peoples Bank to success



In each issue of this publication, we feature a member of the Board of Directors for the Ohio Chamber of Commerce.

In this issue, we spotlight Chuck Sulerzyski, president and CEO of Peoples Bancorp Inc.

### What does your company do?

We are a community bank that offers a complete line of banking, investment, insurance and trust solutions through our subsidiaries – Peoples Bank and Peoples Insurance Agency LLC. We have been in business since 1902 and are known for our long-standing dedication to improving the lives of the communities we serve. This commitment is at the center of what Peoples stands for.

### How does your company impact the Ohio economy/benefit the Ohio business community?

We provide capital that allows businesses to grow and prosper. We help protect businesses with

our suite of insurance, treasury management and online services that allow them to better manage risk, and we provide a broad set of employee benefit services that allow them to attract and retain talent. And our associates are dedicated to quality service that will help ensure the success of local business owners throughout our footprint.

### What is your role at your company?

I've served as president, CEO and director of Peoples Bancorp Inc. since 2011. I'm proud to work with a team of individuals who are committed to constant improvement, which ensures we take great care of our clients and stockholders.

### What do you hope to gain from your membership with the Ohio Chamber?

It is important to us to develop relationships with fellow chamber members to gain perspective on business across the state. We also participate so that we can help to influence public policy on issues important to the financial sector. For example, we support the chamber's recent advocacy on

House Bill 108 that requires all Ohio high school graduates to complete a full-semester course on financial literacy. And we think the work of the chamber's Opiate Addiction Task Force is crucial to helping Ohio's businesses conquer the impact of opioid addiction on health care costs and employing a drug-free workforce.

### How has serving as a member of the board helped you or your company?

The Ohio Chamber does a great job of keeping members informed on policy positions affecting the Ohio business community – information we take back to our local chambers and government officials. Serving as a board member has widened our reach and helped us develop valuable new business relationships and initiate referrals to other chamber partners.

### How long have you been on the board or committee?

I have been on the board for more than 10 years and currently serve on the chamber's Executive Committee.

### What are some of the latest goals/objectives of your company?

At Peoples, we want to be partners with our clients and communities. Our motto of "Working Together. Building Success.™" epitomizes what we are all about. We are focused on gathering clients, getting them to stay longer, having them use more of the products and services we offer and having them refer others because we have served them well. Peoples Bank cares about our communities. We want them to be better places to live and work, and where businesses thrive because we are there.

### How has the Ohio Chamber helped your company achieve those goals/objectives?

The chamber's mission of being a champion of free enterprise, economic competitiveness and growth for the benefit of all Ohioans complements our core values. We conduct business with integrity, develop trust among our clients, are committed to our communities and have the drive to excel. It is encouraging to know that there is a team of chamber advocates on the front lines working to ensure a positive business climate for the benefit of all Ohio businesses. 📌

## OHIO CHAMBER STAFF MAKES TOUR STOPS AT MEMBER COMPANIES

This summer, the Ohio Chamber staff has been visiting our members on our annual "All for Ohio Tour." The tour gives us the opportunity to get to know our members better and to learn about their business concerns. We will continue our tour into early fall, so watch for our next Ohio Matters to learn about our final stops.

On July 10, Anthony-Thomas Candy Co. hosted the Ohio Chamber of Commerce to kick off the "2017 All for Ohio" tour. Anthony-Thomas has been a member of the Ohio Chamber for 33 years.

The visit started with a guided tour with a behind-the-scenes look at how the chocolate is made and packaged at the Columbus factory. Anthony-Thomas Candy Co. was founded in 1952 by father-son duo Anthony and Thomas Zanetos. The company is one of the largest family-owned and operated candy companies in the Midwest and employs more than 200 people, with approximately 120 of those working full time at the factory. The team produces an average of 50,000 pounds of chocolate each day, and the company is continuing to expand its retail, wholesale and contract-manufacturing divisions. The tour finished with a round of chocolate buckeyes, the company's most popular candy, with several million produced each year.

After the tour, the Ohio Chamber staff met with Anthony-Thomas President Joseph Zanetos to discuss updates on workers' compensation laws, potential changes to health care and Medicaid, and involvement in



Our staff members with Toledo Zoo helpers before they try the Aerial Adventure Course. Stephanie Kromer, Kathy Eshelman, Zack Frymier, Michelle Donovan and Erin Pogue.



Below: Our staff members Brandon Ogden, Michelle Donovan, Kathy Eshelman, Jeff McClain, Andy Piccolantonio and Erin Pogue get to see the world's largest candy buckeye.

### SECOND STOP

On Aug. 10, the Toledo Zoo & Aquarium hosted the Ohio Chamber of Commerce at the second stop on our 2017 tour. The Toledo Zoological Society has been a member of the Ohio Chamber since 2012.

The Toledo Zoo was founded in 1900 with the donation of a single woodchuck. Ownership transferred from the city to the Toledo Zoological Society in 1982, and this wildlife facility has continued to expand ever since. Chamber members toured new developments that are being created as part of a 10-year construction plan that started in 2016.

The visit kicked off at the Aerial Adventure Course, a recent addition located among the Africa! exhibit. Complete with a challenge course, zipline and 80-foot jump called the Flight Line, this new development helps Toledo stand out among the top zoos in the country. The tour also included the newly renovated

aquarium. Other exhibits in the 10-year plan include new displays for the tigers and hippos, as well as more interactive exhibits that will allow visitors to engage with wildlife.

In an attempt to stay increasingly relevant throughout the year, the Toledo Zoo is also introducing a new fall lights event this year, which includes animal-themed lanterns 15 to 50 feet tall throughout the zoo in October, before the Christmas lights begin.

In addition, the Toledo Zoo thrives in its sustainability practices and conservation efforts and received the 2017 Wildlife Diversity Conservation Award by the Ohio Department of Natural Resources Division of Wildlife. The zoo serves as a role model with its ecologically sound and energy-efficient green practices, including approximately 28,500 solar panels that provide about 30 percent of the zoo's yearly electricity usage. Its energy needs and plans served as an important point in the policy discussion between Ohio Chamber and Toledo Zoo staff.

In addition, zoo Director of Communications Shayla Moriarty talked about how important fundraising and state funding have been and will continue to be to these new developments and overall expansion of the zoo. As home to more than 9,000 animals that represent more than 800 species, the Toledo Zoo strives to create an educational and fun experience for more than 1 million visitors per year. 📌



# PRIORITIES FOR FALL

The Statehouse was fairly quiet this summer as the General Assembly was on its summer recess. However, that will all change with the change of the seasons. As the members of the House and Senate get back to work, there are pressing issues we will be focusing on this fall.

Our top priority is passing House Bill 2 which would bring balance and predictability to Ohio's employment discrimination laws by harmonizing state law with federal law. The bill is sponsored by Rep. Bill Seitz and passed out of the House Economic Development, Commerce and Labor Committee in May. However, it has not yet made it to the House floor. We will continue to advocate for this bill to be passed by both the House and Senate.

Second, Ohio still needs to overhaul the state's broke and broken unemployment compensation system. The system is in desperate need of modernization, and we must take steps to begin to build a positive balance in the fund. During the last recession, Ohio had to borrow hundreds of millions of dollars from the federal government to fulfill its unemployment benefits obligations. Although the

money has been paid back, it was done so at the expense of Ohio employers, as well as the state of Ohio, which had to pay interest on the loans.

Protecting employers from the escalating costs associated with Ohio's energy mandates is another priority for us this fall. House Bill 114, sponsored by Rep. Lou Blessing III, passed the House on March 30 and has been assigned to the Senate Energy and Natural Resources Committee. The Ohio Chamber will continue to push for reforms to Ohio's expensive and heavy-handed energy-efficiency requirements.

These are three areas that we will be focusing on, but there are many more. Our government affairs team continues to advocate a competing modern economy that creates an environment in which businesses can expand and create jobs with less government interference. When businesses are not stifled by overregulation and taxes, Ohio's communities thrive, and all Ohioans win.

However, we need your voice in influencing our elected officials about the impact their actions have on your business. To educate yourself on the most pressing business issues, follow

our All for Ohio blog at [www.allforohio.com](http://www.allforohio.com). To help determine the path we will take in our advocacy efforts, join an Ohio Chamber committee. To inform members of the House and Senate what a particular bill means for your company, participate in our calls to action. There is strength in numbers, and our elected officials want to hear from Ohio's job creators.

Finally, Nov. 7 is election day in Ohio. We have an important issue on the ballot that deserves your attention. State Issue 2 would impose unworkable price controls on prescription drugs purchased by state government. The Ohio Chamber opposes this issue, as do many other professional organizations, veterans' groups, labor, doctors, nurses and many faith-based groups. As a business leader, I encourage you to share information on [www.deceptiverxissue.org](http://www.deceptiverxissue.org) and vote NO on Issue 2. As always, we encourage you to contact us with any issues or concerns. 

*Andrew E. Dechul*

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