

OHIO MATTERS

A photograph of the Ohio Chamber of Commerce building facade, featuring large windows, American flags, and the text "OHIO CHAMBER" in large letters. The image is framed by a thick orange border.

Ohio Chamber of Commerce
February - March 2022

Content

01



01 ■ WELCOME TO THE DIGITAL OHIO MATTERS

02 ■ WHITMER DROPS LINE 5 LAWSUIT

03 ■ OSHA VACCINE MANDATE ON HOLD...AGAIN

04 ■ DIRECTOR OF DIVERSITY & INCLUSION

05 ■ GENERAL COUNSEL COMMITTEE

06 ■ OHIO MUNICIPAL TAX UPDATE

08 ■ WHIRLPOOL TO BRING JOBS TO OTTAWA, OH

10 ■ IMPORTANCE OF SENATE BILL 1

12 ■ SHARE MOBILITY FEATURE

13 ■ 2022 BUSINESS TAX CONFERENCE



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.**



Welcome to the New, Digital Ohio Matters

In an effort to be more conscious of our environmental footprint and fiscal responsibility to our members, we've decided to transition our Ohio Matters magazine to an all-online digital version.

You'll still be able to access all the past Ohio Matters magazines on our website at OhioChamber.com.

GOVERNOR WHITMER DROPS FEDERAL LAWSUIT AGAINST LINE 5

BATTLE OVER PIPELINE GOES INTERNATIONAL

Chamber Staff

Enbridge's Line 5 is an oil pipeline that rests on the bottom of the Straits of Mackinac and carries light crude oil, light synthetic crude and natural gas liquids.

To ensure the safety of Lakes Michigan and Huron, a project was approved by former Michigan Governor Rick Snyder to allow Enbridge to create a tunnel to house the pipeline under the lakebed and prevent any environmental issues from occurring. After pushback from activists, newly elected Governor Whitmer and Attorney General Dana Nessel blocked the tunnel plans and sought to decommission Line 5 altogether through federal and state lawsuits against Enbridge.


In November of 2021, Michigan Governor Gretchen Whitmer dropped her federal lawsuit against Enbridge's Line 5. Coincidentally, this action came shortly after the Biden Administration clarified that they have no intent of shutting down the pipeline after Canada announced its invocation of the 1977 Pipeline Transit Treaty.

With the invocation of the treaty, the Biden Administration could be forced into a bilateral negotiation process with the Canadian government. The treaty ensures the uninterrupted transport of petroleum products between the two countries. If either country fails to uphold its end of the treaty, the other can request

arbitration. Per the terms of the treaty, three arbitrators would be appointed, which could take place over the next several months.

Shutting down Line 5 would not only be devastating to Ohio's and Michigan's economies, but it would also negatively affect the economy from a regional perspective. For decades, Line 5 has safely delivered over 500,000 barrels per day of crude supply to refineries in northwest Ohio, Michigan, Pennsylvania and Ontario. This represents approximately 42 percent of the regional refineries' crude manufacturing capacity. Without Line 5, the Midwest and Canada would face significant fuel supply constraints, which would likely result in significantly higher fuel costs and fuel availability concerns, as well as severe supply chain disruptions across various industries. Additionally, if the pipeline is taken offline, refineries could be forced to eliminate thousands of direct and indirect jobs.

Last May, the Ohio Chamber of Commerce, U.S. Chamber of Commerce, Michigan Chamber of Commerce, Canadian Chamber of Commerce and the Wisconsin Manufacturers and Commerce filed a joint legal brief in U.S. federal court in the Line 5 proceeding. This filing highlighted the importance for continued operations of Enbridge's Line 5 to avoid a regional energy and economic crisis. Although Governor Whitmer decided to end her federal lawsuit, she is continuing her legal challenge in state court. We are confident the courts will ultimately halt her efforts to wreck the economy of the Great Lakes region.

Amidst rising gas and energy prices for Ohioans and Ohio businesses, the Ohio Chamber will continue our efforts in court, because Line 5 is an economic engine delivering half a million barrels per day of crude oil that account for 42 percent of our region's refinery capacity. 



OSHA VACCINE OR TEST RULE: ON HOLD... AGAIN



Catherine Strauss is the Columbus Office Managing Partner at Ice Miller. She is an adviser and advocate for employers with workforces in Ohio and nationally. If you would like to learn more about how your workforce might be impacted, please contact Catherine at catherine.strauss@icemiller.com.

On January 13, 2022, the United States Supreme Court (SCOTUS) stayed the Occupational Safety and Health Administration's ("OSHA") rule requiring employers with 100 or more employees to implement either mandatory vaccination or weekly testing of its employees. The case now goes back to the Sixth Circuit Court of Appeals for a decision on the legality of the OSHA rule. The Ohio Chamber previously filed an amicus brief with the Sixth Circuit opposing the OSHA rule on the basis of the arbitrary distinction between employers with 100 or more employees and those with fewer.

So, where does this leave employers? Ohio employers can determine the best rule for their workforce, whether that is a vaccine mandate, testing protocol or neither. There is a patchwork of state rules that might come in to play for your non-Ohio employees.

OSHA updated its website after SCOTUS issued its stay and did not set any compliance deadlines, and the Sixth Circuit has not yet set a briefing schedule to determine the merits. In short, there is no current date certain for employers to comply with the OSHA rule.

Is it possible for OSHA's rule to take effect in the future? Although it is possible, it seems unlikely. SCOTUS did not mince words in indicating its disfavor of the OSHA rule. Of course, the Sixth Circuit will make an independent determination, but should the matter be appealed to the Supreme Court and a writ of certiorari granted, the United States Supreme Court signaled that it would invalidate the rule on its merits in a future proceeding.


For all of these reasons, employers are unlikely to be subject to a federal vaccination or testing rule that becomes effective in the near future. Ultimately, this means employers can determine for their own workforce whether, and to what extent, they implement rules, restrictions or prohibitions related to COVID vaccination and/or testing, so long as they are generally satisfying their safety obligations for their particular workforce.

Since this article was written, The U.S. Department of Labor's Occupational Safety and Health Administration has withdrawn the vaccination and testing emergency temporary standard issued on Nov. 5, 2021. The withdrawal is effective January 26, 2022. Although OSHA is withdrawing the vaccination and testing ETS as an enforceable emergency temporary standard, the agency is not withdrawing the ETS as a proposed rule. The agency is prioritizing its resources to focus on finalizing a permanent COVID-19 Health-care Standard.

Director of Diversity and Inclusion, Eric Kearney

Chamber Staff

Eric H. Kearney joins the Ohio Chamber as the Director of Diversity and Inclusion for the Chamber created position. In addition to the part-time position with the Ohio Chamber, Kearney will continue in his role as the CEO and President of the Greater Cincinnati and Northern Kentucky African American Chamber of Commerce.

Kearney served as the State Senator for Ohio's 9th District from 2005 to 2014, where he was elected as the Ohio Senate Minority Leader and championed a number of causes, including adoption, children's health, small business development and pension reform. He is also a managing partner of Kearney & Kearney, LPA. 

Ohio Chamber Forms General Counsel Committee and Legal Defense Fund

Chamber Staff

In 2021, the Ohio Chamber of Commerce made it a priority to step up our engagement at the judiciary level because it is the third co-equal branch of government. Previously, the Ohio Chamber limited our engagement to the Supreme Court of Ohio, but those seven justices are not the only judges who can impact Ohio's business climate. Instead, any judge – trial court judges, appellate judges, federal judges and even judges in other states – can influence the environment in which businesses of all sizes and industries operate in Ohio.

To bolster our advocacy in the courts, the Ohio Chamber has created a legal defense fund and will form a General Counsel Committee (GCC). The purpose of our legal defense fund is to ensure the proper resources are available to share the collective business community's voice on matters of significance when there is no obvious party available to cover legal expenses. For example, in *State ex rel. Bowling v. DeWine*, the litigation surrounding whether Governor DeWine had the authority to terminate federal supplemental

unemployment benefits prior to the program expiring, the Ohio Chamber led a coalition of nine like-minded business groups in filing amicus briefs throughout each stage of the lawsuit. Filing amicus briefs starting at the trial court rather than waiting until it potentially reached the Ohio Supreme Court was critical because the extra unemployment benefits totaling \$1,200 per month for each claimant was having a disastrous effect on Ohio's labor market. Without the Ohio Chamber's legal defense fund, this type of advocacy would not have been possible.


In addition to the legal defense fund, the Ohio Chamber is creating a General Counsel Committee. This group will be focused on tackling judicial and legislative issues affecting Ohio's legal climate by cultivating and strengthening relationships among top legal professionals at Ohio Chamber member companies and law firms.

To accomplish these goals, the GCC plans to meet three times per year to discuss topics such as the role attorneys general have in shaping a state's legal climate, new tactics of the trial bar and emerging litigation trends. To discuss these topics, we plan to invite influential speakers including current and former attorneys general, federal and state court judges and legal

experts from the U.S. Chamber of Commerce and top law schools. Law firm members of the General Counsel Committee will benefit from joining because there will be exclusive opportunities to represent the Ohio Chamber. Moving forward, whenever the Ohio Chamber has a need for legal service, we will first look to our members of the General Counsel Committee. Whether it is serving as counsel of record for an amicus brief, providing testimony on legislation pending at the Ohio Statehouse or submitting rulemaking comments, members of this committee will be able to count the Ohio Chamber of Commerce as one of their clients.

For general counsels, joining the committee will give you the chance to build relationships with

attorneys from Ohio's top law firms, become more engaged and in-the-know on policy debates happening at the Ohio Statehouse and highlight the work of your company to peers. Likewise, free CLE credit opportunities will be available to every member of the committee.


As we form this group and prepare for its first meeting in the spring, we are looking for interested law firms and member companies who want to participate and become a founding member of the committee. If you or someone in your company or law firm is interested in learning more about the committee, reach out to our General Counsel, Kevin Shimp, at KShimp@ohiochamber.com. 

General Counsel Golf Outing

Chamber Staff



The Ohio Chamber's newly formed General Counsel Committee has finalized the details of their first annual golf outing for June 14, 2022, at Double Eagle Golf Club in Galena, Ohio. We are excited to host Ohio Chamber General Counsel Committee members at this course that is consistently ranked as the best in Ohio. Mark your calendars for the morning of June 14, you can register here.

The Ohio Chamber's General Counsel Committee was formed this year to create an avenue for lawyers at Ohio Chamber member companies and law firms to connect and foster professional relationships by hosting meetings on timely legal subjects. This yearly golf outing was a key part of our plan, so we hope all members of the committee can attend. For questions on this event contact Lindsey Perkins at lperkins@ohiochamber.com 

Ohio Municipal Tax Update

Chamber Staff

In February 2020, it became apparent that work routines would be interrupted by the growing global pandemic. The sudden change in work schedules made it nearly impossible for most employers in Ohio to determine the proper withholding of local income taxes for employees. To alleviate that unknown, the Ohio Legislature passed a bill that included relief for employers attempting to comply with Ohio's complicated municipal tax regime.

At the time of passage of that legislation, the thought was to provide a temporary bridge until things got back to normal. Flash forward nearly two years later and things are not back to pre-pandemic "normal." Notwithstanding that fact, it was clear that the special provisions used to adjust tax withholding obligations had run out of time. Some employees continued to work remotely and wanted to receive refunds for monies withheld in both 2020 and 2021. In addition, residential communities wanted employers to adjust withholding schedules so that taxes followed the employees. With this mounting pressure, the Ohio Legislature ended the special provisions for municipal withholding and moved employers back to the permanent language found in Ohio Revised Code Chapter 7, which controls the municipal tax regime. This change took effect on January 1, 2022.

Moving forward, small employers (total revenue less than \$500,000) can continue to withhold



using the fixed business location of the employer, regardless of where employees may be working from on any given day. For employers that had special or unusual situations that may have required tracking of work locations, such as job sites, multiple facilities owned by an employer or temporary employee assignments, the old rules used for those situations still work now. What has changed is the new hybrid and remote working schedules.

If an employee is now working somewhere other than the office, the employer will need to track that and begin to withhold municipal income tax for the remote location once an employee works from that remote location for more than 20 days in a calendar year. Some practical considerations can be made by employers. If an employer knows that the 20-day threshold will be met within a calendar year, the employer can split the withholding in the first quarter. For example, if an employee is now working remotely two days per work week, that is 40 percent of the work week, and an employer could split the withholdings in a similar manner.

Although this type of agreement or arrangement can be mutually agreed upon by the employer and employee, it is unclear how the various cities will react to the change. Will a

central commuter city press to have all withholdings made to it? Will a residential city want additional monies sent to it? Will cities be flexible if a work schedule changes in the calendar year? The reaction of cities will need to be watched as quarterly returns are filed with the cities. Employers need to keep accurate records and consider formal annual or semi-annual time allocation agreements with employees as evidence for any potential tax audits.

This new future will lead to some bumps along the way, and the Ohio Chamber asks its members to share any issues they encounter when dealing with city tax officials. Such feedback will allow the Ohio Chamber to craft a policy position and request specific changes to the antiquated and complicated municipal income tax withholding regime needed to keep Ohio's business climate competitive. 🏡



3 out of 4 Small Businesses in Ohio missed the opportunity to get a quote and save an average of **25% on health premiums in 2021**

Request your quote today from the Ohio Chamber Health Benefit Program and recognize your savings for 2022

The Ohio Chamber Health Benefit Program is administered by UnitedHealthcare
34 S. Third St. | Columbus | 614-629-0936

Whirlpool Corporation to invest \$65 Million in Ottawa, Ohio plant operations, including the addition of 100+ jobs



Whirlpool Corporation

Whirlpool Corporation (NYSE: WHR) announced it is investing more than \$65 million over the next several years into its factory in Ottawa, Ohio as part of the company's ongoing efforts to position the plant as the Premium Refrigeration Factory in its North American Region (NAR). The investment will include an expansion of the Ottawa plant to accommodate production of premium refrigeration products, including Built-In Refrigerator (BIR) production.

With the expected growth of the BIR

market, the investment will increase production and provide Whirlpool Corporation with a critical competitive advantage. In addition to plant expansion, this investment will also create 100 plus additional jobs. Expansion of the facility's existing footprint will begin in mid-2022, with Ottawa assuming full production in 2023.

"We're excited about this investment in the future of the Ottawa Operations and in our people"

"We're excited about this investment in the future of the Ottawa Operations and in our people," said Whirlpool Corporation VP of Integrated Supply Chain and Quality Don

Metzelaar. "This is a testament to our skilled workforce, and will unlock our potential to bring the newest and best refrigeration innovation to our customers who count on us to improve their lives at home."

The company's Ottawa Operations were established in 1990, and currently produce freezers, under counter ice makers and hybrid heat-pump bases for ventless dryers. Its 485+ employees manufacture products for the Whirlpool,

KitchenAid, Amana, Maytag, Gladiator and JennAir brands.

The strong collaboration with JobsOhio, Regional Growth Partnership, state and local officials, including the commitment of tax benefits and a JobsOhio grant, supported this important investment decision for the Ottawa operations. This project is contingent on approval of state and local incentives.

"Whirlpool's plans to invest in

its Ottawa facility will bring 100 good-paying new jobs and the latest refrigeration production technology," said JobsOhio President and CEO J.P. Nauseef.

"The cutting-edge advancements and Ohio talent will provide a strong competitive advantage as Whirlpool positions Ottawa to be a premium refrigeration plant in the North American market. 📍"

CELEBRATING 10 YEARS OF WINNING

Time flies when you're having fun. Hollywood Casino Columbus is proud to call Ohio home for 10 years. Thank you to our guests, team members and communities for the memories. We look forward to making many more together!

HOLLYWOOD
Casino
COLUMBUS
A mychoice destination

10
YEAR
ANNIVERSARY
EST. 2012

Must be 21. Gambling problem? Call 1-800-589-9966.

The Importance of Senate Bill 1

Teaching financial literacy in high school to prepare students for the fiscal future

Senator Steve Wilson

As a banker for over 40 years I've seen the results first hand of not educating our students about financial literacy. Too often students graduating from high school do not have the financial background to properly decide upon insurance, invest their funds for retirement, purchase their first home or vehicle, and most importantly make the day to day decisions affecting their lives. These are essential life skills and sadly have been overlooked as curriculums have been updated and altered through the years.

Prior to the passage of SB 1, Ohio schools were required to integrate the study of economics and financial literacy into existing social studies credits, while using available public private partnerships. However good in intention, it has caused a complete lack in uniformity and has led to a decline of Financial Literacy in our state.

This is why my number one priority since becoming a State Senator has been financial literacy. I am proud to say we have accomplished this with SB 1. Senate Bill 1 will require students to take a one-half unit course in Financial Literacy to graduate. Schools can choose to incorporate into a mathematics or elective credit. The legislation also sets a standard curriculum for teaching Financial Literacy. This bill also requires teachers to obtain a license validation for them to be able to teach financial literacy. These two requirements will provide a strong uniformity to Ohio's educational standards.

Importantly, this legislation is a funded mandate. It creates the "High School Financial Literacy Fund" which is not a part of the state treasury. The fund can consist of moneys appropriated to it, any interest or earnings from the fund and any donations, grants, gifts or moneys received. Because of the importance of financial literacy banks, credit unions and financial groups have pledged contributions. Additionally, the district or school may seek reimbursement from the department of education for additional costs; these reimbursements are paid out of the new High School Literacy Fund.

This ongoing pandemic has shown just how important financial literacy is and the Ohio Senate acted accordingly making SB 1 a priority this general assembly. Senate Bill 1 will prepare Ohio's students for the modern world and will give them essential skills to be successful in life. I am honored to have been a part of this important legislation. 🇺🇸



Senator Steve Wilson

State Senator Steve Wilson is currently serving his first full four-year term in the Ohio Senate, representing all or part of Warren, Hamilton and Butler counties. Wilson was previously appointed in 2017 to fill a vacancy in the 7th Senate District.

Senator Wilson has always sought to give back to the community, making it a better place to live, work and raise a family. He believes that quality education and schools, as well as responsible community planning and creating good-paying jobs, are the tenets to growing a strong living and working environment for all Ohioans.

Safeguarding the payment experience with contactless solutions



As businesses and customers alike adapt to a new "normal" during these changing times, the ability to offer a safe, convenient and quick payment experience can help you navigate a new way of operating your business. Cash is no longer king when safeguarding the payment experience.

The ability to accept contactless payments should be an essential component of business operations. We offer several contactless payment solutions that can help your business minimize contact at the point of sale. To learn how contactless solutions can help your business, contact:

Billy Anderson
Account Sales Representative | Commercial
p. 859.760.4346 | billy.anderson@usbank.com

© 2021 U.S. Bank. All trademarks are the property of their respective owners.

usbank

SHARE Mobility enables companies to hire people who don't own cars

The worst part of the workday could become your company's secret weapon for recruiting

SHARE Mobility

SHARE Mobility helps companies fill jobs quickly while retaining employees by turning the commute into an employee benefit. The technology startup based in Columbus has been working with enterprise companies since 2017 to create sustainable and reliable transportation programs. For companies in Ohio competing for talent, SHARE Mobility's platform is becoming an essential toolkit to find, hire, and transport hourly workers.

Transportation as an employee benefit is a new concept, especially for manufacturing and logistics companies located in rural areas. Michael Martens, the Chief Growth Officer for SHARE Mobility, spoke to this.

"We start by showing employers how much their employees are spending to get to work. HR Managers are shocked to learn that some employees spend over 30 percent of their take home pay on the commute. In this highly competitive job market, the companies that are winning the arms race for workers are the ones getting creative about employee benefits."

In every job interview, applicants are asked, "Do you have reliable transportation?" And if they

want the job, they say they do. But not all transportation is reliable, and it's not always affordable. The true cost of car ownership is expensive. Almost 10 percent of U.S. households do not have access to a vehicle, while more than half of U.S. households currently lack the income to afford the average price of a used car, according to Edmunds.com. Public transit, while affordable, is a time consuming option that ignores the workforce whose shifts run late at night and those who travel across county lines to get to work.

"...some employees spend over 30 percent of their take home pay on the commute..."

Much like health insurance, companies are able to combine the buying power of employees to reduce the overall cost of commuting. SHARE Mobility's solution allows companies to offer their employees a transportation benefit that allows them to keep more of the money they've earned, while giving them back more of their time. Moving forward, this benefit will become invaluable for companies as they look to not only fill job openings but retain the workers they already have. 📍

2022 Ohio Business Tax Conference Wrap Up

Ohio Chamber Staff



Thank you to the almost 500 attendees who joined us for our Business Tax Conference! The Ohio Chamber, due in no small part to the efforts of Lindsey Perkins, our Director of Events, and Tony Long, our Director of Tax and Economic Policy, successfully held the 31st Ohio Business Tax Conference in late January. The two-day annual event was held both in-person in downtown Columbus and over a virtual platform to accommodate those that could not travel under the current pandemic protocols.

Under Steve Stivers, new President and CEO, the Ohio Chamber decided to offer more networking and educational opportunities through conferences and events. With that in mind, the Ohio Chamber bought the Ohio Business Tax Conference from MEC in

November of 2021 and had two months to coordinate and host the event. For those that do not enjoy attending a conference in the middle of winter,

there is good news! The 32nd Ohio Business Tax Conference is moving to the summer next year and will take place in August 2023.

The conference offered updates on the major Ohio taxes, federal tax, national economic forecasts and economic developments. This last topic was headlined by the recent news of Intel choosing Ohio as its new home for chip production. In fact, it was the focus of the luncheon forum led by Lt. Gov. Husted and Ohio Business Roundtable CEO Pat Tiberi.

After general sessions in the morning, attendees selected breakout sessions of interest to them. These sessions covered a multitude of Ohio taxes, including the hot topics of municipal income tax and sourcing sales for the Commercial

Activity Tax (CAT). Attendees could also attend two sessions on ethics to meet educational requirements known as CLEs or CPEs. The conference also included a networking reception on Tuesday evening that was well attended.

Thank you goes out to the Ohio Chamber staff for getting the registration systems up in a month and attending the event to take care of on-site logistics. Thank you also goes out to the sponsors for making the event successful. We look forward to seeing all of our tax professional friends on August 23-24, 2023. 📍



Tony Long (left) and Lindsey Perkins (right) at the 2022 Ohio Business Tax Conference.



**Thanks for
reading**

**For more happenings at the Chamber go to
OhioChamber.com**