MONTHLY MEMBER MAGAZINE Vol. 29 - Issue 4

April 2020 Building Blocks Supporters

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Agency



www.medinacountyhba.com

EXAMPLE 1 COVID-19 has Created Unprecedented Times ...

From Lori Howerton, CEO of the Akron HBA

As I'm sure you know Governor DeWine has extended the Ohio Stay-At-Home Order until 11:59pm on May 1, 2020. This did not come as a surprise given the national recommendation and projected peak in Ohio. The good news construction remains an essential business. The full extended Stay-At-



Home Order can be found at coronavirus.ohio.gov.

Now is the time we need to be even more vigilant about safety. While each of you have incorporated safety into your daily operations, there are still many unanswered questions. Should 2 or more people ride in the same vehicle? Should I be recording my employee's temperatures daily? Who do I report to if an employee becomes ill?

Plan to join your peers on Tuesday, April 7 from 10:45am - 11:45am in an online

forum, Construction & COVID-19: How It Affects Safety. Steve Wessel, Wayne Homes, Justin Englert, Tim Englert Construction, and Deb Bailey, Ohio BWC Safety Consultant, will share their expertise and then lead the group discussion to answer everyone's questions. The meeting link will be forthcoming.

There are also still a number of questions on the Families First Coronavirus Response Act (FFCRA) which took effect yesterday, April 1. Included in this newsletter is a fact sheet from Harpst Becker on FFCRA

(Article continued on page 8)

COVID-19 ISSUE ... Photos from Topgolf Event OHBA Resources/Update FFCRA Paid Leave Facts Employee Rights Federal Aid Relief Package Job Safety Protocol Fed CARES Act Stimulus Package Passed / Details BWC/CareWorks Updates



Ken Cleveland 🗸	1,073*
John Sumodi	285.5
Andy Leach	135
Larry Crookston	108.5
Bob Knight	95
Mark Zollinger	35.5
Doug Leohr	30.5
Russ Sturgess	29
Mike Hudak	15.5
Ed Belair	7
Dave LeHotan	7
Michael Kandra	5.5
Ted Curran	3.5
Charlie Ash	3
Rex Gasser	2.5
Jeremy Krahe	2.5
Chris Chatterelli	2
Ray DiYanni	1.5
Sean Smith	1
Jeff Stuart	1
Bryan Lazor	.5

Above list has been updated via the most current NAHB Spike Club Roster Report *Current Life Spike status



By Vincent J. Squillace, CAE Executive Vice President

OHBA Spring Meeting Update

Just concluded the OHBA Spring Trustees meeting. Members from across Ohio were there and contributed as well as got up to speed on essential industry knowledge. President Jeff Wieland and fellow trustees led another meaningful event packed with substantive information and how your industry advocate is watching out for you.

We spent considerable time on workforce training issues; a top priority of OHBA. We had representatives from the Ohio Department of Education on hand to inform us of the best way to obtain essential credentials for curricula to obtain approval from local school districts to advance needed trades training. Also, on hand was Ed Brady, director of the Home Builder Institute who instructed us on how to avail ourselves of the vast knowledge and information from the HBI.

As usual, we reviewed the latest legislative and regulatory concerns. At press time, we have been assisting NAHB on a troubling amendment in the US Senate which would authorize the federal government to set energy standards for home construction in the United States. We also reviewed a number of issues all of which impact the production of affordable housing development and construction.

All these discussions will continue at our next meeting. Check out the details by contacting OHBA at (800) 282-3403.



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From the MCHBA Office ...

Members and Friends:

Welcome to the new normal - not something any of us want to see. When I included articles last month about Coronavirus, I had NO IDEA what this would turn into. There is a bunch of information out there as it pertains to your health - trust the CDC and daily briefings for the most up-to-date information on keeping you and your family safe.

I've included in this issue of Building Blocks more information as far as what affects you in the construction industry in the State of Ohio during this pandemic. I will also work to keep the website updated as far as information about our industry. Kudos to Lori Howerton from the Akron HBA who has been consistently updating the local industry and providing amazingly accurate and pertinent information. Thank you!

Also - if you need to reach me, I am working limited hours at the HBA so you can contact me at:

> susan@idcreativeltd.com Phone: 330-483-0075

> > Susan Bloch

2020 Dates To Remember

June 6-21, 2020 Spring Medina County Parade of Homes – nBuilders & Associates watch your email for more info on this event.

June 29, 2020 OHBA Summer Board of Trustees Meeting - Grand Hotel, Mackinac Island, MI

From the Executive Director

Members and Friends:

I hope everyone who participated at our recent Topgolf event Thursday, March 12, had a great time and enjoyed this new venue. Those of you who haven't paid your participation fees yet, please do so as your Association has already paid for everyone. Thank you!

At this point, we are still planning to hold the Parade of Homes in early June (Saturday, June 5 through Sunday, June 21). But as you all know, this may depend on what's going on with COVID-19 and business in general at that time so stay tuned.

This April issue is dedicated to COVID-19 and its impact on our industry. Please read through and check our website as we will be updating that as well with the most current information we have to keep you informed.

Everyone stay safe and if you're on the job site, please practice safety (see page 13 for tips). Please take some read and read through the articles in this issue of Building Blocks - there is some very valuable information in these articles.

Respectfully:

Dave LeHotan Volunteer Executive Director





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3991 N. Jefferson Street (behind Kohl's - north most end of Jefferson Street) | Medina, OH 44256 Phone: 330/725-2371

www.medinacountyhba.com moreinfo@medinacountyhba.com susanb@medinacountyhba.com

Your MCHBA member dues also cover these memberships:



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LOTS & ACREAGE

R

AKRON

V/L Sand Run Rd: Approx. 1 acre lot w/approx. 230' frontage. Some mature & newly planted trees in Revere LSD. \$84,900. Gary Stouffer 330-805-6900.

V/L N. Cleveland Massillon Rd: Build your dream home on this breathtaking 8.15 acre lot. Tucked away off of development off Ira Rd, lot provides stunningly private view of babbling stream that snakes throughout the property. Building area is unique & provides scenic one-of-a-kind views. \$240,000. Bill Snow 330-990-0256.

4835 Travertine Way: Desirable Estates of Bath. Approx. 231' frontage & gradually rises to home site approx. 2/3 back, then gradual decline to wooded area. Possibility of w/o lower level. \$150,000. Gary Stouffer 330-805-6900.

1624 Copley Rd: Vacant land in prime location next to I77 off-ramp. Zoned U4 which allows for many uses. Approx. 160' frontage. Water/ sewer at street. \$99,000. Kelly Folden 330-289-1334, Gary Stouffer 330-805-6900.

AURORA

V/L St.Rt. 82: Great corner lot w/high visibility. Zoned C-3. Located next to shopping center & across from car dealership. Approx. 568' frontage on St.Rt.82 & approx. 673' frontage on S. Bissell. \$825,000. Gary Stouffer 330-805-6900, Jeremy Fennell 330-388-8159.

BATH TOWNSHIP – Revere Schools

Lot 45 Ira Rd: Build your dream home. Large 2.28 acre heavily wooded lot w/matured trees. Located near Cuyahoga Valley National Park. Revere LSD. \$125,000. Gina Luisi 330-814-4747, Gary Stouffer 330-805-6900.

681 - S/L 29 Trellis Green Dr., Akron: Private lot in Arbour Green Dev. w/frontage & possible walk-out basement. Wooded in front & open at the back w/beautiful views. City sewer. \$109,000. Gary Stouffer 330-805-6900.

BRECKSVILLE

S/L 5 Glen Forest Trail: Beautiful cul-de-sac lot on private street. Fully wooded hillside setting w/public water & sewer. Approx. 58' frontage w/driveway easement from neighbor's drive. Seller to move telephone pole prior to closing. \$72,000. Gary Stouffer 330-805-6900.

 V/L Woodmill Cir: Build your dream home on this approx. 1.86 acres in Rockledge Estates. Located on a cul-de-sac, close to Rt. 77 & 82.
 \$227,500. Gary Stouffer 330-805-6900.

BRIMFIELD

V/L Congress Lake Rd: Approx. 5.25 acre fairly flat from street to hill at back of property. Close to Mogadore Reservoir & Buckeye Trail. \$55,000. Tara Kleckner 330-289-1315.

COPLEY

V/L Rothrock Rd: Approx. 2.4 acres, zoned Medium Density Residential allowing for single family or 1 two-family home w/173' frontage. Heavily wooded & fairly level. Public water & sewer at street. \$125,000. Gary Stouffer 330-805-6900.

V/L Plainview Dr: Over 6 acres of heavily wooded property located at end of cul-de-sac. Near highways, local shops & restaurants. \$44,900. Gary Stouffer 330-805-6900, Gina Luisi 330-814-4747.

HINCKLEY

V/L Hinckley Hills Rd: Nearly 3 wooded acres located directly across from Hinckley Reservation. Enjoy the sounds of nature in this serene setting, just steps from the reservation's horse trails. Relatively flat w/ rear ravine/drop-off overlooking natural creek. Gas/electric available. Highland LSD. Located between 1990 (to east) and 1996 Hinckley Hills Rd (to west). **\$159,900. Ryan Shaffer 330-329-6904.**

The Trails at Redwood Falls: Located where old Skyland Golf Course was. Conservation development will have 97 parcels, walking trails, club house & 5 lakes. City water & sewer. Robin Pickett 330-322-3181. The Hollow at Willow Lakes: 47-acre new development w/city water. Over 20 2-acre homesites. Call today to build your dream home with Legacy-Carrington Builders. Robin Pickett 330-322-3181.

KENT

5439 Burnett Rd: Approx. 33.5 acres on Summit St. Zoned R-3 High Density Residential. Approx. 630' frontage on Summit St. Sewer/Water/Gas/Electric/Cable (Buyer's responsibility to verify accessibility, capacity, etc. on all utilities). **\$1,200,000. Gary Stouffer** 330-805-6900, Tara Kleckner 330-289-1315.

V/L W Campus Center Dr: Approx. 16.2 acres on east side of W. Campus Center Dr. Approx. 1142' frontage on Campus Center Dr. Subject to new survey, legal description and lot split. \$125,000. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.

V/L Cline Rd: Approx. 8.5 acres made up of 3 parcels on Summit St. and Cline Rd. across from Dix Stadium. Zoned R-1 Low Density Residential. \$300,000. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.

1257 Meloy Rd: Approx. 8 acres on Meloy Rd. zoned R-1 Low Density Residential. Approx. 756' frontage on Meloy Rd. \$59,000. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.

V/L Powdermill Rd: Approx. 7 wooded acres on Powdermill Rd. across from Kent State Golf Course. Zoned C-1 Commercial District. Approx. 558' frontage on Powdermill Rd. **\$165,000. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.**

V/L Powdermill Rd: Approx. 25 acres south of railroad tracks on Powdermill Rd. Zoned R-1 Low Density Residential. Approx. 1076' frontage on Powdermill Rd. Subject to lot split. Sewer/Water/Gas/ Electric/Cable (Buyer's responsibility to verify accessibility, capacity, etc. on all utilities). Call agent for additional info. **\$312,500. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.**

5036 SR 43: Approx. 43 acres on SR 43. Zoned G-C General Commercial. Subject to new survey per Portage Co. Sewer/Water/ Gas/Electric/Cable (Buyer's responsibility to verify accessibility, capacity, etc. on all utilities). \$950,000. Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.

2346 SR 59: Approx. 14 acres corner of SR 59 & Powdermill Rd. Zoned C-1 Commercial District. Approx. 1336 frontage on SR. 59. Sewer/Water/Gas/Electric/Cable (Buyer's responsibility to verify accessibility, capacity, etc. on all utilities). **\$693,000.** Gary Stouffer 330-805-6900, Tara Kleckner 330-289-1315.

LIVERPOOL TOWNSHIP

Estates at Rim Rock: Spectacular 2-3 acre homesites, secluded cul-de-sacs, peaceful country setting. 3 lots left. Robin Pickett 330-322-3181.

MASSILLON

V/L West Pointe Cir NW: 9 parcels total, includes 4 condo pads, each w/2 units (8 units total), 9th unit/"shell" unit (4591 West Pointe, Parcel #504788) included in sale. Unfinished unit, but the exterior & framing have been completed. Being sold as-is. **\$250,000. Sarah** Bergert 330-268-0102, Gary Stouffer 330-805-6900.

MEDINA

1424 Medina Rd: Approx. 3.7 acres close to Rt. 94, zoned commercial w/22' driveway & 2560 sq.ft. steel-sided building. Two 10x10 overhead doors w/2-side entry access points. Approx. 211' frontage. \$465,000. Gary Stouffer 330-805-6900, Gina Luisi 330-814-4747.

V/L Ashford Ct: Approx 3.38 acre lakefront lot on a cul-de-sac, the lot gently slopes down to 3-acre lake. Large pine trees provide privacy and greenery in the winter. \$199,600. Gary Stouffer 330-805-6900.

MOGADORE

354 Excel Ln, Whispering Meadows Estates: Build your dream home on this gently sloping lot in area of beautiful homes. **\$69,900**. Bill Sloan 330-715-2561.



9 Office Locations Throughout NE Ohio

PENINSULA

V/L Stine Rd: Approx. 4 acres w/park-like setting. Large mature trees, perfect for walk-out LL, small creek on far south end of property. \$199,000. Gary Stouffer 330-805-6900.

RAVENNA

V/L Emerald Pkwy: Approx. 120 wooded fairly flat acres in City of Ravenna zoned R-4. Original approved plan was for 300-400 units w/large pond/wetland area in middle of property. **\$875,000. Gary** Stouffer 330-805-6900.

V/L Rootstown Rd: Lakefront property on private Lake Hodgson. Stocked lake w/access to canoeing, kayaking, fishing, boating (NO GAS MOTORS). \$300,000. Gary Stouffer 330-805-6900.

RICHFIELD – Revere Schools

3371 Brecksville Rd: Approx. 5.3 acres zoned Office/Limited Industrial. Land rolls towards back & contains manicured pond. All utilities located at the street. \$420,000. Gary Stouffer 330-805-6900, Matt Stouffer 330-814-4616.

SHARON TWP - Highland Schools

Bonnie Glen - Beautiful lots ranging from 2 to 4 acres w/ravines, woods & open landscape. Spectacular development to bring your own builder & build your dream home. Robin Pickett 330-322-3181, Gary Stouffer 330-805-6900.

STREETSBORO

V/L SR 43: Approx. 43.5 acres w/approx. 682' frontage on SR 43 & approx. 1600' frontage on Kennedy Rd, zoned Rural Residential. \$525,000 OR 33.5 acres for \$399,000. Gary Stouffer 330-805-6900.

TWINSBURG

V/L Creekside Dr: Zoned C-3. Located between busy hotel & Kent State Campus. Conveniently close to freeway access. Great location for restaurant or professional office building. Near other fast food chains. \$99,000. Jeremy Fennell 330-388-6900, Gary Stouffer 330-805-6900.

UNIONTOWN

3663 S. Arlington Rd: Over 4 acres of commercial land w/194' frontage on S. Arlington Rd. & Fortuna Dr. Zoned B-3. Utilities at street. Convenient to I-77 & shopping/retail. \$450,000. Gary Stouffer 330-805-6900, Matt Stouffer 330-814-4616.

VALLEY CITY

V/L Center Rd: 27 acres to be split. Flat & open with long views plus rear wooded acreage. Great horse property potential w/water, gas & electric available at the road. Located in Liverpool Twp, about 8 mi from I-71. Buckeye LSD. Land adjacent & east of 7199 Center Rd. \$255,000. Ryan Shaffer 330-329-6904.

WADSWORTH

599 Brentwood Way S/L 17: Highland LSD. 2.84 acres on cul-desac, well, septic. \$155,000. Gary Stouffer 330-805-6900.

Blake Rd: Approx. 47 acres relatively flat w/approx. 200' frontage, partially wooded, rural setting w/easy access to highway. \$400,000. Gary Stouffer 330-805-6900.

5220 Ridge Rd: Approx. 10 acres w/approx. 326' frontage & relatively flat toward front, soaring pines create privacy from neighboring properties, heavily wooded & gentle slop toward back of property. \$325,000. Gary Stouffer 330-805-6900, Gina Luisi 330-814-4747.

WESTFIELD/CRESTON

6450 Mud Lake Rd: This 1.63 acre lot is ready for your dream home. Wooded w/mature trees & surrounded by beautiful countryside. Approx. 277' frontage. Close to I-71 & US224 & less than 10 min. to town center. Part of Westfield Twp. **\$24,500. Sharon Holderbaum 330-349-2599.**

Legislative



SB 212 NEIGHBORHOOD DEVELOPMENT AREA LEGISLATION VOTED OUT OF THE SENATE, MOVES TO HOUSE COMMITTEE

During the Senate's last session before the March 17th primary, the tax bill from Sen. Kirk Schuring (R-Canton) cleared the chamber 29-1, with only Sen. John Eklund (R-Chardon) opposed.

The bill allows a municipality or township to designate a Neighborhood Development Area in which developers and owners of newly constructed singlefamily homes could apply for full or partial property tax exemption until 10 years after the owner occupies the home.

OHBA had testified in support of SB 212, and will continue to follow the bill as it moves over to the House for hearings, likely in the Ways and Means Committee, chaired by Rep. Merrin.

OHBA ATTENDS REGIONAL MEETING WITH HUD TO DISCUSS BARRIERS TO HOUSING AFFORDABILITY

As part of a traveling roundtable discussion with HUD Staff, OHBA participated in the Ohio stop held in Columbus this week. Representatives from the Ohio Board of Realtors, OHBA, the banking community, builders and developers from around the state, and HUD staff sat down

during the afternoon session to provide feedback that will eventually be used in a white paper on barriers to housing affordability. Common concerns heard from the states around the region will be illustrated in a final report showing the impact of federal, state and local regulations on providing housing. Participants shared valuable input with specific examples on how and why regulation makes up roughly 25% of the price of a new single-family home built for sale, while emphasizing the clear lack of housing supply. OHBA members were also able to share illustrative examples of both citizens and local government blunting 'workforce housing' in communities, whether it be through design standards, and zoning, or an eventual referendum effort by members of the communities themselves.

The final outcome of these roundtable discussions is still unclear. Beyond a white paper to provide HUD and others with facts and common barriers to housing affordability from the region, the discussions may help in encouraging HUD engagement, recognizing the need to defend the Fair Housing Laws in the midst of disparate, discriminatory impacts of some of these regulations.

OHBA will continue to be involved and provide feedback as the white paper is drafted.

Feel free to contact OHBA with any questions or concerns.



New Builder Member

Mallard's Edge

34500 Royalton Road Columbia Station, OH 44028 Contact: Joe Lucarelli Phone: (440) 541-6069 Email: joe.mallardsedge@gmail.com Web: mallardsedge.com Sponsor: Mike Hudak *Business: New Home Builder*

Renewed Builders

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Renewed Associates

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Members ...

Remember, whenever possible, always try to do business with and support our Parade Sponsors and support your Medina County HBA & local community!



Let's Double Our Membership! Know someone interested in joining the Medina County HBA? Doing business with companies that aren't members? They should be! Let's get them in our membership. Application available online.

Photos from our Topgolf Event

Thank you to our sponsors for this event: Lunch Sponsor – All Construction Bay Sponsor – All Construction Bay Sponsor – Kingdom Title Solutions Bay Sponsor – Sundance, LTD Bay Sponsor – TGC Engineering Bay Sponsor – Third Federal Savings & Loan Association









Winning Team – \$300 (\$50/player):

Westfield Bank – Bob Giacomo, Jamie Cleveland, Chris Seeley, Julie Vega, Joe Canestraro & Mike Oster

Congratulations!









2nd place – Carter Lumber – Jen Fawver, Tim Pelton, Rob Root, Mike Hudak, Hannah Vance & Jeff Barnes

3rd place – All Construction – Jim Reindl, Jim Johnson, Ryan Neel, Bob Cifani, Mark Steinberg & Dan Lubertaza









April, 2020



INFORMATION UPDATE

As OHBA fields questions, we will continue passing along the ongoing stream of information, FAQ, and updates. Both included and linked below are a few of the most recent sources for your review.

For any past updates or further information, visit the OHBA website at *www.ohiohba.com* or like us on *facebook/OhioHomeBuildersAssociation*.

Coronavirus Workers Comp Update (See pages)

Bureau of Workers Compensation FAQ (See pages)

COVID-19 RESOURCES FOR BUSINESSES AND FAMILIES https://www.ohiohba.com/covid19/covid-19-resources-for-businesses-families/

OHIO CHAMBER OF COMMERCE INFO/FAQ, EMPLOYMENT CONSIDERATIONS

https://www.squirepattonboggs.com/-/media/files/insights/publications/2020/03/ coronavirus-employment-law-issues-for-employers-in-key-jurisdictions/coronavirusemployment-law-issues-for-employers-in-key-jurisdictions.pdf

https://ohiochamber.com/wp-content/uploads/2020/03/squireboggsfaq.pdf

https://www.fisherphillips.com/faqs

OHIO NURSERY & LANDSCAPE ASSOCIATION RELEASE

https://www.onla.org/news/496819/COVID-19-Essential-Businesses-Guidelines. htm

Contract and Contract Obligations. Even though work may proceed, it is important for contractors to examine their construction contracts to determine their rights and obligations under the current Coronavirus pandemic circumstances.

Practical Tips For Ohio Construction In Response To The Coronavirus Pandemic | Roetzel & Andress - JDSupra

https://www.jdsupra.com/legalnews/practical-tips-for-ohio-construction-in-55567/

http://nahbnow.com/2020/03/evaluating-your-contracts-in-the-wake-of-thecoronavirus-pandemic/

ENGINEERS

The Order referenced utilities, construction, infrastructure, etc., so have interpreted to mean they may be part of essential business language. Engineers were not specified like accountants.

If you want to get more detailed analysis, contact OSPE's lobbyist, Holly Ross, at *pr@obioengineer.com*. She is monitoring full time.

COUNTY RECORDER UPDATE

Currently, we have 17 counties Option 1; 70 Counties as Option 2; and 1 as Option 3.

Trumbull Co. is currently the only county in a level through due to employees presenting with symptoms.

(Cover Story - continued from front cover)

and includes guidance from Dept Of Labor(DOL). The DOL issued a corrected version of the Notice of Employee Rights poster which is also attached. These detailed and thorough updates are courtesy of Harpst Becker.

Today I leave you with this parting thought...

Out of 55 US governor's, BBC news recently featured Governor DeWine and his approach to this pandemic. As one member commented, we should be proud we live in Ohio and have a Governor with a leading approach to managing this pandemic.

I would suggest you take the thought one step further - Think about Governor DeWine's leadership; think about his team and their leadership. Ask yourself, what leadership skills am I demonstrating during this pandemic to my employees, subs, suppliers and the public? - Read the BBC news article in which Governor DeWine is featured.

Stay safe & healthy,

Lori Howerton, CEO HBA of Portage & Summit Counties c. 330.990.6787 lorih@akronhba.com

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COVID-19 Legal Update – FFCRA Paid Leave Fact Sheet

Updated March 31, 2020

Effective <u>April 1, 2020</u> through December 31, 2020, Employers with under 500 Employees must provide Paid Sick Leave and Paid Childcare Leave under FFCRA. Employers must post or distribute (by mail or email) the Employee Notice: <u>https://www.dol.gov/sites/dolgov/files/WHD/posters/FFCRA_Poster_WH1422_Non-Federal.pdf</u>

Mandatory Paid Sick Leave

- <u>Eligibility</u> –employee is unable to work (*or telework*) because:
 - 1. Employee is subject to a government-mandated quarantine or isolation order related to COVID-19;
 - 2. Employee is advised by a health care provider to self-quarantine due to COVID-19;
 - 3. Employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;
 - 4. Employee is caring for an individual subject to a government isolation or quarantine order or who has been advised by a health care provider to self-quarantine due to COVID-19;
 - 5. Employee is caring for his/her child because school or place of care of the child has closed, or the childcare provider is unavailable due to COVID-19; or
 - 6. Employee experiences a substantially similar condition specified by U.S. Secretary of HHS.
- Amount of Paid Sick Leave:
 - o Full-time employees 80 hours per year; and
 - o Part-time employees the average number of hours employee works in a 2-week period.
- Paid Sick Leave based on regular rate of pay for the number of normally scheduled hours during the days missed, but shall not exceed:
 - o Full pay up to \$511 per day if the absence is for reasons 1, 2 or 3 above, capped at \$5,110; or
 - o 2/3 of regular pay up to \$200 per day if the absence is for reasons 4, 5, or 6 above, capped at \$2,000.
- Employees cannot be required to use other paid time off prior to using Mandatory Paid Sick Leave. After using Mandatory Paid Sick Leave, employees may use other available paid time off. Mandatory Paid Sick Leave is not paid out at separation from employment and expires at the end of the calendar year.
- If you have over 50 employees, remember to designate leave as FMLA, even during Paid Sick Leave, if the employee takes leave for their own medical condition or to care for a sick family member. Use the regular FMLA designation forms and internal procedures.

Mandatory Paid Childcare Leave

If an Employee is unable to work due to reason #5 above and has been employed at least 30 days, the Employee is entitled to an additional 10 weeks of Paid Childcare Leave after using the 80 hours of Paid Sick Leave.

- <u>Paid Leave</u> paid at two-thirds (2/3) of employee's regular rate of pay for the number of hours the employee would have normally worked on each day missed; not to exceed \$200 per day or an aggregate of \$10,000.
- <u>Notice</u> Employees should provide notice of the leave as soon practicable. Once Childcare Leave begins, you may require regular updates on the employee's status.
- <u>Intermittent Leave</u> Employers may allow use of the Childcare Leave on an intermittent basis rather than a continuous period. The intermittent leave could be taken in hourly or full day increments.
- <u>Job Reinstatement</u> At the expiration of the leave, you must reinstate employees to the same position they held at the time of the leave or to an equivalent position as if they had been continuously employed.

Updated Guidance from the Department of Labor

What is the small business exception to the Paid Childcare Leave requirement?

- Companies with <u>fewer than 50</u> employees may be exempt from providing Paid Childcare Leave (and Paid Sick Leave for purposes of childcare loss) if providing the leave would jeopardize the viability of the business. A small business may claim this exemption if an "authorized officer" determines:
 - The Paid Sick Leave would cause the employer's expenses and financial obligations to exceed available business revenues and would cause the employer to cease operating at minimal capacity;
 - Absence of the employee or employees requesting Paid Sick Leave or Paid Childcare Leave would create a substantial risk to the financial health or operational capabilities of the small business because of their specialized skills, knowledge of the business, or responsibilities; OR
 - o There are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services provided by the employee or employees requesting Paid Sick Leave or Paid Childcare Leave, and these labor or services are needed for the small business to operate at a minimal capacity.
- Must document in writing the reasons why any of the exemption criteria apply to your small business.
- You do not need to submit documentation to the Department of Labor at this time.

What is the "regular rate of pay" for Paid Leave?

- Regular rate of pay includes wages, salaries, commissions, tips, piece rates, non-discretionary bonuses and overtime pay.
- Use the average weekly amount for the 6 months prior to the date an employee takes leave.
- If employed for less than 6 months, use the average for the entire time the employee has worked for you.
- Alternative method is to take the total pay for the last 6 months and divide by the total hours worked in the last 6 months. This will give you the regular rate of pay per hour.

What Records or Documentation is Required?

- If take payroll tax credits for Paid Sick Leave or Paid Childcare Leave, you must have documentation to track the amount paid to each employee during each quarter.
- Follow regular FMLA certification procedures if taking leave for a qualifying reason under the FMLA.
- You may need to request additional information from employees to meet future IRS requirements.

Can Employees take Intermittent Leave while Working at Usual Worksite?

- Paid sick leave for reasons other than child care must be taken in full-day increments and cannot be taken intermittently.
- Once an employee begins a leave for any reason other than child care, the employee must take paid sick leave continuously until the available leave is exhausted or the employee no longer has a qualifying reason for leave.
- An employee may take any unused leave for a different qualifying reason at a later date up until it expires on December 31, 2020.
- If the paid leave is for child care reasons, you <u>may voluntarily</u> agree to any intermittent leave schedule.

Can Employees take Intermittent Leave while Teleworking?

- You may allow employees to take Paid Sick Leave or Paid Childcare Leave intermittently.
- Employees may take intermittent leave in any increment so long as <u>you and the employee agree</u> on the schedule.

How do I Apply Existing PTO Policies?

- Employees cannot take leave under your PTO policies at the same time as Paid Sick Leave or Paid Childcare Leave unless you agree to allow the employee to do so. (For example, you may agree to allow 2/3 of pay to be covered by Paid Sick Leave or Paid Childcare Leave with 1/3 of pay covered by PTO.)
- You may not require employees take PTO before taking Paid Sick Leave or Paid Childcare Leave. However, employees may choose to use available PTO first to receive full pay rather than the 2/3 available under FFCRA.

After a Layoff or a Business Closure, do I have to continue to pay Paid Sick Leave or Paid Childcare Leave?

- If the closure or layoff was effective prior to April 1, 2020, employees are not entitled to Paid Sick Leave or Paid Childcare Leave.
- If the closure or layoff takes place on or after April 1, 2020, employees will not get Paid Sick Leave or Paid Childcare Leave for any period after the date of the closure or layoff.
- If there is a closure or layoff while an employee is on leave under the FFCRA, your employee is only entitled to paid leave for the period prior to the layoff or closure date.
- If there is a reduction in hours, employees are not entitled to collect paid leave to make up for the reduction.
- After a business closure, reduction in hours or layoff, most employees will be eligible for unemployment • compensation.

For Employers Subject to Multiemployer Collective Bargaining Agreements

- You may satisfy Paid Sick Leave or Paid Childcare Leave obligations by making contributions to a multiemployer fund, plan, or other program in under an existing collective bargaining agreement if the plan provides paid leave that would be available for the same reasons for Paid Sick Leave under the FFCRA; however, you still need to provide at least 80 hours of paid leave.
- Alternatively, you may also choose to satisfy your obligations under the FFCRA by other means, provided they ٠ are consistent with your bargaining obligations and collective bargaining agreement.



HARPST The employment practices team at Harpst Becker is available for your questions about COVID-19 and other employment concerns.

Monica Wallace: 330.983.9974 • Isaac Borsh: 330.983.9971 • Todd Harpst: 330.983.9023

This document is provided for informational purposes only and should not be relied upon as legal or tax advice.

EMPLOYEE RIGHTS

PAID SICK LEAVE AND EXPANDED FAMILY AND MEDICAL LEAVE UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT

The **Families First Coronavirus Response Act (FFCRA or Act)** requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020.

PAID LEAVE ENTITLEMENTS

Generally, employers covered under the Act must provide employees:

Up to two weeks (80 hours, or a part-time employee's two-week equivalent) of paid sick leave based on the higher of their regular rate of pay, or the applicable state or Federal minimum wage, paid at:

- 100% for qualifying reasons #1-3 below, up to \$511 daily and \$5,110 total;
- 3/3 for qualifying reasons #4 and 6 below, up to \$200 daily and \$2,000 total; and
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at ²/₃ for qualifying reason #5 below for up to \$200 daily and \$12,000 total.

A part-time employee is eligible for leave for the number of hours that the employee is normally scheduled to work over that period.

ELIGIBLE EMPLOYEES

In general, employees of private sector employers with fewer than 500 employees, and certain public sector employers, are eligible for up to two weeks of fully or partially paid sick leave for COVID-19 related reasons (see below). *Employees who have been employed for at least 30 days* prior to their leave request may be eligible for up to an additional 10 weeks of partially paid expanded family and medical leave for reason #5 below.

QUALIFYING REASONS FOR LEAVE RELATED TO COVID-19

An employee is entitled to take leave related to COVID-19 if the employee is unable to work, including unable to **telework**, because the employee:

	is subject to a Federal, State, or local quarantine or isolation order related to COVID-19; has been advised by a health care provider to self-quarantine related to COVID-19;	is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons; or is experiencing any other substantially-similar
3.	is experiencing COVID-19 symptoms and is seeking a medical diagnosis;	condition specified by the U.S. Department of Health and Human Services.
4.	is caring for an individual subject to an order described in (1) or self-quarantine as described in (2);	

ENFORCEMENT

The U.S. Department of Labor's Wage and Hour Division (WHD) has the authority to investigate and enforce compliance with the FFCRA. Employers may not discharge, discipline, or otherwise discriminate against any employee who lawfully takes paid sick leave or expanded family and medical leave under the FFCRA, files a complaint, or institutes a proceeding under or related to this Act. Employers in violation of the provisions of the FFCRA will be subject to penalties and enforcement by WHD.



For additional information or to file a complaint: **1-866-487-9243** TTY: 1-877-889-5627 **dol.gov/agencies/whd**



WH1422 REV 03/20

Summary of Federal Coronavirus Aid Relief Package

As you well know, the federal tax deadline for filing and making payments has been extended until July 15. The States of Ohio, Kentucky & Indiana have all extended their filing and payment deadlines until July 15. Please note at this time, Kentucky has not provided extension relief for interest on payments made after April 15. The HBA will host a conference call to discuss details of the CARES Act once more of the details are available.

In addition to the two relief packages passed by Congress last week, today's Coronavirus Aid, Relief, and Economic Security (CARES) Act is significant. This legislation is intended to provide much-needed relief for businesses and individuals through a variety of methods. Here is our quick summary of some key provisions in the CARES Act that will apply to many HBA members:

Relief for individuals:

- Individual Stimulus Payments: You can calculate your stimulus using your 2019 (if filed) or 2018 (if 2019 hasn't been filed) Adjusted Gross Income and this calculator: https://www.washingtonpost.com/graphics/business/ coronavirus-stimulus-check-calculator/. You do not need to apply for this as long as you filed a 2018 or 2019 tax return or get government payments currently, such as Social Security.
- Special Rules for Using Retirement Funds for Costs Coronavirus
- Changes to Charitable Contributions for individuals taking the standard deduction
- Expansion of unemployment benefits, including for self-employed workers: Assistance for applying for unemployment benefits can be found at https:// unemployment.ohio.gov/ or other applicable State unemployment websites; be patient as the process is not fast nor easy, and the system is overloaded.
- Exclusion from Income of Employer Payment of Employee Student Loan
 Debt

Relief for businesses:

There is a lot of information we're unsure of at this point, and we are dedicated to learning which pieces of the law will be more beneficial for HBA members than others. As of today, we believe that taking advantage of some of these loans/grants/ credits will preclude you from taking advantage of others; therefore, it's recommended that, wherever possible, wait until more information is available. We know the SBA is overloaded and not going to be able to move immediately on any of these anyway.

Small Business Loans and Loan Forgiveness of Paycheck Protection and Subsidies

As you well know, the federal tax deadline for filing and making payments has been extended until July 15. The States of Ohio, Kentucky & Indiana have all

extended their filing and payment deadlines until July 15. Please note at this time, Kentucky has not provided extension relief for interest on payments made after April 15.

- Small Business Loans and Loan Forgiveness of Paycheck
 Protection and Subsidies y for Certain Loan Payments. There is a good chance many of our clients will be eligible for these loans, and we will recommend you apply. We will provide details about HOW you apply once it's available
- Emergency Government Disaster Loan and Grant. The SBA website is struggling to keep up, details are coming, and we will share more information as it's available
- Employee Retention Credits
- Delay of Payment of Employer Payroll Tax and Self-Employment Tax
- Exclusion from Income of Employer Payments of Employee Student Loan Debt
- Changes to the Net Operating Loss Rules including a fiveyear carryback of certain 2018, 2019, and 2020 losses and, temporarily, the ability to fully offset income for Certain Loan Payments

There is a good chance many HBA members will be eligible for these loans, and we recommend that you apply. We will provide details about HOW you apply once the information is available. As always, please check with your tax advisor before making any decisions.

Source: Zimmerman & Company, CPAs

JOB SITE SAFETY PROTOCOL (Adopted by Executive Team 03.23.2020)

This tool is provided solely as a guideline for contractors and is not to be relied upon to prevent the spread or transmission of COVID-19, or prevent a safety violation from being issued by a jurisdictional authority. This is not legal advice.

INFECTIOUS DISEASE SPREAD PREVENTION

The health and well-being of our employees, subcontractors, and suppliers come first, and we do not want to put them at risk of any type of exposure. Our most important line of defense requires all employees, subcontractors, and suppliers who may be sick, not feeling well, or may have been exposed to an individual who is sick to stay home.

The following guidelines should be followed by all staff, subcontractors, and suppliers.

- No toolbox talks or gatherings in the Jobsite trailers.
- All meetings with ten or more people shall be held outside.
- Discontinue the use of community water, coffee, or food.
- Employees and subcontractors will be required to leave the Jobsite if they are displaying COVID-19 symptoms.
- Refrain from sharing cups, pens, pencils, plan-sets, tablets, laptops, tools or any items that may carry germs.
- Frequently wash hands. CDC recommends washing hands with soap and water for at least 20 seconds. If facilities are not available, use dissolving disinfectant liquid (hand sanitizer). Allow liquid to dry and do not wipe off excess.
- Avoid touching your eyes, mouth, and face.
- Avoid handshakes and close contact with co-workers, and always wash and sanitize your hands following any contact. Maintain 6 feet of separation as much as possible.
- Keep surface areas clean and disinfect regularly. (See Disinfection of Jobsite section below.)
- Every time you place personal protective equipment (PPE) on your face, wash hands (as directed above) and disinfect PPE.
- Wash Clothing and other Reflective Gear regularly.
- No Food Delivery Service or other similar services allowed to service job sites.

Before Eating or Drinking on the job site, disinfect hands, bottles, and surrounding surfaces.

While we do want to ensure the safety of our employees and jobsite workers, we always have to keep in mind the laws and regulations under the Health Insurance Portability and Accountability Act (HIPAA) and the Americans with Disabilities Act (ADA). If it comes to your attention that an employee or Jobsite worker at your project has become infected with a disease that is being monitored by the Center for Disease Control and Prevention (CDC), please reach out to the appropriate county health department.

SUBCONTRACTOR RESPONSIBILITY

Subcontractors must agree not to enter the jobsite if they have knowingly come into contact with anyone who has exhibited virus symptoms or has tested positive for the virus in the previous 2 weeks. General contractors (GC) have the right to ask any person to leave the jobsite should GC feel the worker has an illness being monitored by CDC.

Symptoms include:

Fever
Cough
Shortness of breath
Body Aches
Sore throat

Each working day, the Jobsite supervisor is to contact owner if they are aware of subcontractors that they oversee are exhibiting symptoms of the virus.

FIELD STAFF DAILY LOG

Field staff must collect emails from any Subcontractor onsite daily confirming workers they oversee are not exhibiting symptoms of the virus, receipt of this message must be logged in the Daily Report for the project.

MEETINGS

Meetings of 10 or more people must be held outdoors. Distancing of at least 6 feet between individuals should be maintained. Should meetings become ineffective due to distancing, meetings may be modified to communicate with smaller groups or individuals or be held as conference calls.

JOBSITE CLEANING SUPPLIES

Make sure to keep the following items stocked at all times in your job office.

- Hand Soap (if facilities are available on site)
- Hand Sanitizer
- Paper towels
- Disinfectant Spray (i.e., Lysol, Clorox, etc.)

DISINFECTION OF JOBSITE

High-touch surfaces, such as countertops, doorknobs, cellphones and toilet flush handles should be disinfected regularly since some pathogens can live on surfaces for several hours or days. Use products with "disinfectant" on the label and include an EPA registration number. These are required to meet government specifications for safety

STOP THE SPREAD OF GERMS AT WORK



COVER YOUR MOUTH AND NOSE WHEN YOU SNEEZE OR COUGH.
 Cough or sneeze into a tissue and then throw it away; use your arm or sleeve to cover if you do not have a tissue.

CLEAN YOUR HANDS OFTEN.

Wash your hands with soap and water, vigorously rubbing together front and back for 20 seconds. Or use alcoholbased hand sanitizers, rubbing hands until they are dry.





CLEAN SHARED SURFACES AND EQUIPMENT OFTEN.

Use disinfectants to clean commonly touched items such as doorknobs, faucet handles, copy machines, coffee pot handles, desktops, handrails, microwave buttons, keyboards, and elevator buttons. Germs travel fast with multiple hands touching shared surfaces.

AVOID TOUCHING YOUR EYES, NOSE OR MOUTH. Germs need an entry point, and the average adult touches his or her face once every three or four minutes. Keep hand sanitizer at your desk to use after meetings or before

grabbing one of those doughnuts from the breakroom.



STAY HOME WHEN YOU ARE SICK AND CHECK WITH A HEALTH CARE PROVIDER WHEN NEEDED.

When you are sick or have flu symptoms, stay home, get plenty of rest and check with a health care provider as needed.



and effectiveness. First remove dust and grime before using disinfectant. Second disinfectant needs to remain on the surface until it dries or is wiped off. Check the label for wait times to make sure the virus kill is effective.

All contractors should incorporate COVID-19 transmission and prevention into safety planning and procedures for all aspects of their work. Contractors should continually evaluate the specific hazards at their job sites along with recommendations from sources such as the Centers for Disease Control and Prevention (CDC) to determine the most appropriate job hazard analysis for the project/task as it relates to the spread and/or transmission of COVID-19 and other safety issues.

Adopted by HBA of Portage & Summit County Executive Team on March 23, 2020.

HB HARPST BECKER

PASSED – Federal CARES Act Stimulus Package Updated March 27, 2020 @ 5:00 pm

The CARES Act was just signed into law by President Trump and provides comprehensive economic relief for individuals and businesses. The following is a detailed summary of the new law:

Relief for Individuals:

- <u>Recovery Rebates</u> Individuals with gross income of \$2,500 to \$75,000 (\$150,000 for joint return) will receive checks of \$1,200 (\$2,400 for joint return), including \$500 for each child.
 - o Based on 2019 tax return if filed, and 2018 return if 2019 return not yet filed.
 - The payment is reduced by \$5 for each \$100 a taxpayer's income exceeds the threshold and is not payable to individuals with income over \$99,000 (\$198,000 for joint filers).
- <u>Retirement Funds</u> Temporarily waives the existing 10% tax penalty for early withdrawals from qualified retirement plans (e.g., 401k) up to \$100,000 for "Coronavirus-Related Distributions" during 2020.
- <u>Emergency Unemployment Assistance</u> Under an agreement with the State, the Federal government will pay qualifying individuals an extra \$600 a week for up to four months, in addition to unemployment benefits paid by the State.
 - o States may not reduce regular unemployment benefit amounts while receiving the assistance.
 - The Federal government will temporarily fund the first week of state unemployment if the State has waived the waiting period to receive benefits.
 - The Federal government will fund an extension of unemployment benefits, plus the additional \$600 a week, for unemployed individuals who have exhausted their unemployment benefits under State law if they are ready and able to work, seeking work and their unemployment is caused by COVID-19. The total period for receipt of any unemployment benefits cannot exceed 39 weeks.
- <u>Credit Protection</u> If a creditor agrees to defer payments or make any other payment accommodations to consumers for reasons related to COVID-19 during the next 120 days, the account must be reported as current unless it was delinquent prior to the deferred payment arrangement.
- <u>Moratorium on Evictions & Foreclosures</u> For the next 120 days, landlords may not initiate any eviction for non-payment of rent or charge any late fees or penalties for nonpayment of rent for any residential properties that are subject to a Federal program or Federally-backed mortgage loan program (FHA, VA, Fannie Mae, Freddie Mac, etc.). Likewise, all Federally-backed mortgage loans for residential property will be eligible for special forbearance terms deferring payment for up to 180 days, and may not be foreclosed for the next 60 days.

Relief for Employers:

• <u>Tax Deferment</u> – The law allows businesses (even if self-employed) to delay paying the 6.2% social security payroll taxes until January 1, 2021 and pay the remainder over the next two years (50 percent owed on December 31, 2021 and the other 50 percent owed on December 31, 2022).

- <u>Payroll Tax Credit</u> In addition to payroll tax credits created under the FFCRA for Mandatory Paid Sick Leave and Mandatory Paid Childcare Leave, eligible employers could claim a payroll tax credit for qualifying wages paid to certain employees through December 31, 2020.
 - o Employers are eligible to claim the credit during a calendar quarter if:
 - Closure your business is closed or is partially suspended during that quarter because of a government order due to COVID-19; OR
 - Sales Decline You experience a 50% or greater decrease in gross receipts (compared to the same quarter in 2019).
 - For employers who averaged over 100 employees during 2019 you can count the wages paid to any employees who were not working (furloughed or laid off) during the qualifying quarter.
 - For employers who averaged 100 or fewer employees during 2019 you can count the wages paid to all employees during a Closure, and all wages paid during a quarter when there was a Sales Decline.
 - Credit is equal to 50% of qualifying wages paid, up to a total of \$10,000 per eligible employee, and includes employer-paid health plan premiums.
 - o The credit is claimed on quarterly tax payments and refundable if it exceeds the amount of tax liability.
 - The credit cannot be claimed for any wages paid as Mandatory Paid Sick Leave or Mandatory Paid Childcare Leave under FFCRA.
- <u>Small Business Loans: Paycheck Protection Plan</u> Businesses with fewer than 500 employees are eligible for a small business loan through the SBA under the Paycheck Protection Plan (PPP), intended to provide funds to cover 4 months of operating expenses. Most FDIC insured banks will be able to process the loans.
 - o \$349 Billion authorized for the PPP; loans are capped at \$10M per business.
 - o Loan Amount up to 4 times the average total monthly payments for payroll (based on last 12 months; seasonal employers should use the 12-week period beginning February 15, 2019), mortgage payments, rent payments, and payments for other debt incurred within 1-year before the loan.
 - PPP program is also available to sole-proprietors, independent contractors and other self-employed individuals, but the payroll relief will be capped at a salary equal to \$100,000 per year.
 - Loan can be used for payroll, including paid sick or family leave, group health plan costs, and salaries (up to \$100,000 annual), mortgage payments, rent, utilities and other debt obligations.
 - o Certain portions of the loan may be forgiven:
 - Mortgage interest, rent obligations, and utility payments paid during the 8-week period following the loan date.
 - Amounts used for payroll and payments on pre-existing debt will be forgiven if you retain employees and payroll levels (as of February 15, 2020) until June 30, 2020.
 - Employers with tipped employees will receive forgiveness for additional wages paid to such employees through June 30, 2020.
 - Employers who re-hire workers previously laid off are not penalized for having a reduced payroll at the beginning of the loan.
 - The remaining loan balance that is not forgiven will be repaid within 10 years and guaranteed by the Federal government.
 - o Collateral and personal guarantee requirements are waived.
 - All SBA 7(a) program loan payments will be deferred for at least 6 months, but not more than 1 year (SBA guidance will be issued for Lenders).
 - o SBA Express loans will be capped at \$1M (up from \$350,000) through December 31, 2020.

- <u>Emergency EIDL Grants</u> The law establishes a \$10B fund to provide emergency advances on Economic Injury Disaster Loans (EIDL) administered by the SBA and expands EIDL to include situations where a public emergency is declared. EIDL loans are available to businesses that are unable to pay normal operating expenses due to a public emergency or disaster declaration. The fund for emergency advances will be available on a first-come, first-served basis until exhausted.
 - Employers in operation as of January 31, 2020 with fewer than 500 employees can apply for the EIDL subject to relaxed rules and for an amount up to \$2M.
 - Eligible employers can receive an emergency advance of up to \$10,000 within 3 days of applying for the loan; the advance must be used to fund paid sick leave, payroll, and/or business obligations such as debt, rent and mortgages.
 - o A certification will need to be signed by an applicant before receiving any advance.
 - o The EIDL advance does not need to be repaid, even if the employer's EIDL loan application is ultimately denied.
 - o The advanced amount reduces the amount that can be forgiven under the Paycheck Protection Plan.
- <u>Economic Stabilization Loans</u> The law establishes several lending programs for eligible businesses.
 - *Direct Loans*: The Secretary of the Treasury may establish a program that provides direct loans or financing through other banks and lenders to U.S. businesses with significant operations and a majority of employees located in the U.S.
 - Borrowers must agree to the following conditions which will apply during the loan and for 1 year after the loan terminates:
 - May not engage in stock buybacks of publicly traded stock of the company or its affiliates (unless required by a prior contractual agreement);
 - May not pay dividends or make capital distributions; and
 - Employees/officers who were paid over \$425,000 in 2019 cannot be paid more than their 2019 annual compensation, or receive more than double that amount under any severance agreement.
 - Employees/officers who were paid over \$3M in 2019 cannot be paid annual compensation exceeding 150% of the 2019 annual compensation.
 - *Midsize Companies*: Direct Loans to mid-size companies (with 500 to 10,000 employees) would carry a maximum APR of 2%, and may be excused from principal or interest payments for the first 6 months. In addition to the requirements above, the borrower must certify:
 - The uncertainty of economic conditions makes the loan necessary to support the ongoing operations of the business;
 - The funds will be used to retain at least 90% of the borrower's workforce, at full compensation and benefits, until September 30, 2020;
 - The business will restore at least 90% of the workforce (as of February 1, 2020) and to restore all compensation and benefits to all employees within 4 months after the Federal public health emergency declaration ends;
 - The business has not filed for bankruptcy;
 - The business *will not outsource* or offshore jobs for the term of the loan and for 2 years after repayment; and
 - The business may not revoke existing collective bargaining agreements for the term of the loan and for 2 years after repayment and will remain neutral in any union-organizing effort for the term of the loan.

- Main Street Lending Program: The Federal Reserve is authorized to establish a program to support lending to small and mid-sized businesses per terms and conditions to be set by the Federal Reserve.
- Changes to Tax Provisions
 - Net Operating Losses You may take net operating losses earned the past three years (2018, 2019, and 2020) and carry back those losses five taxable years.
 - o Interest Deduction Limit Increased The law temporarily increases the amount of interest expense businesses are allowed to deduct on their tax returns; the 30% limitation (set by Tax Cuts and Jobs Act) will increase to 50% of taxable income for 2019 and 2020.
 - o Qualified Improvement Property Deduction The law enables businesses to immediately write off costs for improving facilities instead depreciating the improvements over 39 years.



HARPST BECKER The employment practices team at Harpst Becker is available for your questions about COVID-19 and other employment concerns.

Monica Wallace: 330.983.9974 • Isaac Borsh: 330.983.9971 • Todd Harpst: 330.983.9023



Professional Tools for our Members

The HBA has the professional business tools you need for home sales. The MCHBA Home Construction & Limited Warranty Agreement packages are available at the office for only \$35 each. Or if you have your own contract and you just need the Warranty, the warranty

and folder are available for just \$25. We encourage you to use these tools for your protection, peace of mind and they make a great resource tool for your customers to keep all their pertinent home buying paperwork together. Call the HBA office and order your professional tools today.



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March 24, 2020

Here is a brief analysis of the executive order regarding the COVID-19 crisis. While commentary and analysis from other industries continues to come to our attention, we believe this is the basic info you need at this time. As more information becomes available, we will send it to you.

Try not to be transfixed on the word essential. In the order, it declares home construction, among other activities, are essential and exempt from parts of the health order. The work does not to have to be essential or necessary for any particular purpose. Not exempt are the health protocols, which are fully in force and apply while you conduct your trade. Please review section 6 (15), particularly the wording 'as possible". This provides some flexibility to strict application of the health protocols. We do not advise abusing this accommodation. However, there may be instances where some flexibility is necessary.

In this extraordinary circumstance we suggest you consult professional advice and counsel, as you provide your trade. We are aware many questions will arise and we will try to assist where possible.

Ohio Home Builders Association (OHBA) Stay At Home Order Recap

- 1. What is an essential business?
 - a. Essential businesses have been defined through the Stay at Home Order and US Dept of Homeland Security document. Construction is an essential business.
 - b. Whether or not construction is essential does not depend on the type of project (i.e. emergency repair, etc.)
 - c. Financial Institutions, title agents, realtors also considered essential.
- 2. Building and Construction is an essential business allowed to continue operating under Section 12(K) Critical trades, and more broadly in Section 9 Essential Infrastructure.
 - a. Two Part test set out by Lt. Gov Husted in determining whether business can operate under exemption, MUST satisfy BOTH:

- i. Are you involved in an essential business? Building and Construction, critical trades and supply chains: Yes
- ii. Are you able to satisfy ALL minimum safety protocols set forth in Order? See below.
- b. Critical Trades: Including but not limited to HVAC, plumbing, electrical, cleaning and janitorial staff, exterminators, operating engineers, painting, moving and relocation, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, essential activities, and essential business and operations.
- c. So long as safety protocols can be followed, remodeling tradespeople are included in the exemption, there may need to be further sign off from customers. See NAHB link <u>http://nahbnow.com/2020/03/evaluating-your-contracts-in-the-wake-of-the-coronavirus-pandemic/</u>
- d. If Builder/Construction tradesperson can demonstrate activity/staff is part of essential operation, AND safety procedures can be followed, appears such could fall under essential business exemption.
- 3. Governor DeWine clarified, and it is referenced in the Order, Supply Chains for essential services MAY continue operating
- 4. You must review at the Stay At Home Order and be prepared to defend the rational that you are an essential business and you are following all the safety guidelines.
- 5. Employer should take charge of demonstrating what activities are in the stream of producing the essential end.
- 6. Health and Safety Recommendations. You MUST be able to comply.
 - a. First and foremost, the Stay Home Order, issued March 22, 2020, includes Minimum Procedures issued which MUST be followed. These can be found in Section 15 and 18 of the Order and are listed below.

- i. Sec. 15. Required Social Distancing measures. Essential Businesses and Operations and businesses engaged in Minimum Basic Operations must take proactive measures to ensure compliance with Social Distancing Requirements, including where possible:
 - 1. Designate six-foot distances. Designating with signage, tape or by other means six-foot spacing for employees and customers in line to maintain appropriate distance;
 - 2. Hand sanitizer and sanitizing products. Having hand sanitizer and sanitizing products readily available for employees and customers;
 - 3. Separate operating hours for vulnerable populations. Implementing separate operating hours for elderly and vulnerable customers; and
 - 4. Online and Remote access. Posting online whether a facility is open and how best to reach the facility and continue services by phone or remotely.
- ii. Sec. 18. COVID-19 Information and Checklist for Businesses/Employers
 - 1. Allow as many employees as possible to work from home by implementing policies in a areas such as teleworking and video conferencing.
 - 2. Actively encouraging sick employees to stay home until they are free of fever (without medication) for at least 72 hours AND symptoms have improved for at least 72 hours AND at least seven days have passed since symptoms first began. Do not require a healthcare providers note to validate the illness or return to work of employees sick with acute respiratory illness.
 - 3. Ensure that your sick leave policies are up to date, flexible, and non-punitive to allow sick employees to stay home to care for themselves, children or other family members. Consider encouraging employees to do a self-assessment each day to check if they have any COVID-19 symptoms (fever, cough, shortness of breath).

- 4. Separate employees who appear to have acute respiratory illness symptoms from other employees and send them home immediately. Restrict their access to the business until they have recovered.
- Reinforce key messages-stay home when sick, use cough and sneeze etiquette, and practice hand hygiene—to all employees, and place posters in areas where they are most likely to be seen.
 Provide protection supplies such as soap and water, hand sanitizer, tissues and no-touch disposal receptacles for use by employees.
- 6. Frequently perform enhanced environmental cleaning of commonly touched surfaces, such as workstations, countertops, railings, door handles, and doorknobs. Use the cleaning agents that are usually used in these areas and follow directions on the label. Provide disposable wipes so that commonly used surfaces can be wiped down before each use.
- 7. Be prepared to change business practices if needed to maintain critical operations (e.g. identify alternative suppliers, prioritize customers, temporarily suspend some o your operations.
- b. Safety protocol Guidance has also been issued and shared by other sources (NAHB, NRP, etc), and should be reviewed for implementation. These can be found at the following links:
- c. <u>https://www.ohiohba.com/wp-content/uploads/2020/03/NRP-</u> Construction-Infectious-Disease-Safety-Protocol.pdf
- d. https://www.ohiohba.com/covid19/

March 25, 2020

ENFORCEMENT COMING NOW!! PLEASE READ!

During today's COVID-19 press conference, Governor DeWine and Lt. Gov. Husted made it very clear, ENFORCEMENT of Stay At Home Order is coming and should be expected. Below is a list of bullet points to prepare as best you can.

- READ the Order, and use your best judgment under the plain reading of the Order. Order attached with OHBA Analysis and Guidance.
- DOCUMENT. Create a document or have documentation ready on how you deem your work as an essential business, and be able to justify operations. See list of exempt trades attached.
- SAFETY PROTOCOLS. Have supplies, soap, masks, sanitizer, etc., to show compliance with Section 18 of Stay At Home Order. MUST have safety procedures in place to be able to stay open as an essential business.
- ENFORCMENT. Be prepared to stay at home, and be told to stop operations if you can not comply.

DeWine emphasized determinations will be very fact based, must look at facts, not just specific categories. Read the order, assume business is closed, then look at exemptions and safety requirements required to be satisfied. The Dept. of Health is in charge of enforcement, not their job to interpret the Order.

CareWorks

Coronavirus workers' comp update

CareWorks Comp is committed to keeping our partners and their members up-to-date on necessary, temporary changes in Ohio workers' compensation and guidelines for work-at-home employees as we all navigate the COVID-19 pandemic crisis.

In response to the COVID-19 crisis, the Ohio Bureau of Workers' Compensation (BWC) is initiating temporary policy changes that will allow flexibility in the provision of care to injured workers. These changes will be effective until the state of emergency related to COVID-19 is lifted within the state where the injured resides.

Injured Workers/Providers

- **Telemedicine** BWC will temporarily permit the injured worker's home as an acceptable origination site.
- **Telephone services** BWC will temporarily permit MCOs to authorize the use of telephone visits in lieu of face-to-face visits for injured workers in a state of crisis or who are at risk to travel to a face-to-face visit during the state of emergency.
- **Prior authorization requirements** BWC will waive the prior authorization requirement for telephone services when:
 - The provider substitutes a telephone call in lieu of face-to-face visit for previously approved psychological counseling service; or
 - A provider eligible to render an E&M service substitutes a telephone call in lieu of faceto-face E&M visit when the provider determines the visit would create an unnecessary or increased risk of exposure to either the injured worker or provider.
- **Billing and reimbursement** Telemedicine services that meet the guidelines will be reimbursed at the same rate as equivalent face-to-face visits. To be eligible, providers must have an active license in the state where the injured worker is located.
- **Medical documentation** Under the temporary policy change, providers are required to reference the following:
 - Current state of emergency for COVID-19; and

Behind every good outcome

- Intention to limit exposure of injured worker or provider to COVID-19; and
- Delivery means of the care, either through synchronous telemedicine or telephone delivery; and
- Location (origination site) of the injured worker, including the state if the injured worker does not reside in Ohio.

Employers

- BWC announced that insurance premium installment payments due for March, April and May for the current policy year may be deferred until June 1, 2020, at which time the matter will be reconsidered. This is for public and private employers.
- BWC will not lapse (cancel) coverage or assess penalties for amounts not paid because of the coronavirus (COVID-19) pandemic. Installment payments due for the three-month period total approximately \$200 million.

Claim Compensability for Work from Home Employees

Many employers are concerned about coverage for their employees who may be sent to work from home on a temporary basis. Each claim is unique and will have its own set of facts to guide us. Below are some general guidelines to keep in mind in the event that you have a teleworker who files a claim application. The scenarios described below are not all encompassing but should give you some direction as you investigate these instances:

Typically work from home employees are NOT covered if:				
•	Worker trips over their dog and breaks their wrist while going to the bathroom			
•	Worker decides to load some dishes in the dishwasher and cuts themselves			
•	Worker goes outside their home to go for a walk and falls off their porch			
٠	Worker makes lunch and gets food poisoning from it			
•	Worker goes to McDonalds for lunch and gets in a car accident			
٠	Worker drives into the office to get work items needed for job but deviates from route to stop at the bank for personal reasons and gets into an accident			
Typically work from home employees MAY be covered if:				
•	Worker is at home workstation and reaches for a binder and hurts shoulder			
٠	Worker is at home workstation and chair breaks and they fall and hurt their back			
•	Worker has poor ergo arrangement for their work station and develop wrist tendonitis			
•	Worker drives into the office to get work items needed for job and gets into an accident			

Questions about COVID-19? Visit coronavirus.ohio.gov or call 1-833-4-ASK-ODH for answers.

Questions for CareWorks Comp? Email us at info@careworkscomp.com.

Department of Health (ODH) Director Amy Acton has ordered all Ohioans to stay home or at their place of residence, effective 11:59 p.m. March 23, except for essential activities, governmental functions, or to operate essential businesses and operations.

In this Stay-At-Home Order, essential businesses and operations consist of **critical trades.** This includes:

- Building and construction tradesmen and tradeswomen
- Plumbers
- Electricians
- Exterminators
- Cleaning and janitorial staff for commercial and government properties
- Security staff
- Operating engineers
- HVAC
- Painting
- Moving and relocation services

For the full COVID-19 Guidance for Essential Businesses and Operations – Critical Trades, <u>click here</u>.

For more information, visit<u>coronavirus.ohio.gov</u>. For answers to COVID-19 questions, call 1-833-4-ASK-ODH (<u>1-833-427-5634</u>).

Thank you,

Geoff Eaton Superintendent, Division of Industrial Compliance



Coronavirus (COVID-19) Frequently Asked Questions

To minimize the spread of coronavirus (COVID-19) and continue business operations, our BWC staff is now teleworking. While we may be operating from a different physical location, we do not currently anticipate major issues with continuing to provide our employers, injured workers, and the many others we serve, with service. Phone numbers and email addresses for our customer service representatives remain the same.

We are monitoring the situation closely and will provide updates as necessary. We know you may have questions that we are just not able to immediately answer. We promise to keep you updated and share information as we have it. In the meantime, thank you for your patience as we all work through COVID-19 together.

For the latest information on coronavirus (COVID-19) visit <u>coronavirus.ohio.gov</u>. For questions about COVID-19's effect on BWC, you can email <u>BWCCOVID19@bwc.state.oh.us</u>.

Frequently Asked Questions

Claims and Policy Processing

Q 1: If I contract COVID-19, is it a compensable workers' compensation claim?

A: It depends on how you contract it and the nature of your occupation. Generally, communicable diseases like COVID-19 are not workers' compensation claims because people are exposed in a variety of ways, and few jobs have a hazard or risk of getting the diseases in a greater degree or a different manner than the general public. However, if you work in a job that poses a special hazard or risk and contract Covid-19 from the work exposure, BWC could allow your claim.

Q 2: If I am quarantined due to COVID-19 can I receive workers' compensation wage replacement benefits?

A: BWC can only pay compensation in an allowed claim for disability resulting from the allowed conditions. An executive order issued by Governor DeWine however, expands flexibility for Ohioans to receive unemployment benefits during Ohio's emergency declaration period. For more information on unemployment benefits go to: the <u>Ohio Department of Job and Family Services</u>.

Q 3: Are you making determinations on new claims?

A: Yes. Our staff will be teleworking and have access to our systems.

- Q 4: How will my benefits be extended when my doctor's office is closed, and they haven't completed my Medco-14?
 - A: To minimize the chance of interruption of benefits for injured workers currently receiving temporary total compensation, staff have been instructed to continue payments to April 30, 2020.

Q 5: Will my benefits be extended if I am participating in a rehab program?

- A: To minimize the chance of interruption of benefits for injured workers currently receiving living maintenance compensation, payment plans will continue to April 30, 2020.
- Q 6: Will my wage loss benefits be discontinued if I'm unable to complete the job searches?
 - A: Job searches will be suspended until April 30, 2020 and all forms of wage loss payments (working wage loss/non-working wage loss, living maintenance wage loss) will be continued.
- Q 7: I have an Independent Medical Exam (IME) scheduled and it has been cancelled, will my benefits be suspended?
 - A: No, your benefits will not be suspended. If you need to cancel the exam there will be no penalty for doing so. In the future, you will be notified of a rescheduled date.

Updated 03-19-2020

Q 8: How will BWC be handling 90-day and extent of disability IMEs?

A: Currently, BWC is suspending all IMEs but we are exploring alternative means of obtaining medical evidence including "virtual" examinations. Claims staff will be setting up follow-up reminders.

Q 9: Will I be able to speak with my claim representative?

A: If you are represented by an attorney, call your attorney first. Staff will be monitoring voice mail on a limited basis, but the most efficient method of communication will be via email messaging. The email address for your claims service specialist (CSS) can be found on the bottom of any correspondence you have previously received or look up your claim <u>here</u>. For general questions, you may also call our call center at 1-800-OHIOBWC.

Q 10: What happens if my claim is denied or my employer does not agree with my claim?

A: The normal appeal process remains in place – parties to the claim will continue to have 14 days to appeal. The Ohio Industrial Commission (IC) will continue to have hearings. For the latest information visit the IC website at <u>www.ic.ohio.gov</u>.

Q 11: Will my Ohio Industrial Commission hearing be cancelled?

A: Please feel free to visit the IC website at **www.ic.ohio.gov** to view updated information and press releases.

Q 12: Will I be able to pick up a check for a compensation payment in a local service office?

A: After March 18, 2020, you will no longer be able to pick up your check from a local service office. We will address requests for overnight delivery on a case by case basis.

Q 13: How will BWC handle additional allowance and Temporary Total (TT) entitlement requests that would ordinarily require an IME?

A: BWC will continue processing additional allowance and TT entitlement requests and seek physician file reviews instead of IMEs when possible. BWC is also exploring alternative means of obtaining medical evidence including "virtual" examinations.

Q 14: How is BWC addressing C-92 applications?

A: Except for an increase to a percent of permanent disability (%PP) award these requests must be sent for an IME. While IMEs are temporarily suspended, BWC is exploring alternative means of obtaining medical evidence including "virtual" examinations.

Q 15: Will BWC allow employers to delay installment payment due to COVID-19's hardship?

A: BWC is reviewing legal requirements along with other payment options. We will provide information on this as soon as we are able.

Q 16: Will BWC be suspending audits of self-insuring (SI) and state fund (SF) employers?

A: Yes, BWC has suspended face-to-face audits for both SI and SF employers. Paper and virtual audits will continue. We will be issuing temporary certificates to SI employers.

Q 17: What are employers supposed to do about the classes that were cancelled? What about the ½ day classroom training?

A: Employers are encouraged to take advantage of online classes for program requirements while we continue to assess other training options.

Q 18: Will BWC extend the public employer taxing district (PEC) true-up grace period that ended March 16?

A: BWC is reviewing policy and legal requirements pertaining to this issue.

Q 19: Will BWC be extending program reporting/requirement completion deadlines?

A: BWC is reviewing policy and legal requirements to determine flexibility with these deadlines.

Please continue to monitor the **<u>BWC.ohio.gov</u>** website for updated information.

Updated 03-19-2020

COVID-19 Resources for Businesses & Families

Please regularly visit Coronavirus.Ohio.Gov/BusinessHelp for the most complete and up-to-date information about resources available for Ohio businesses, individuals, and families. Listed below are just a few.

Bureau of Workers' Compensation Payment Deferral

Ohio's Bureau of Workers' Compensation (BWC) system is deferring insurance premium installment payments for March, April and May until June 1, 2020. For more information, visit bwc.ohio.gov.

Health Insurance Premium Grace Period

All health insurers are required to provide the option of deferring premium payments, interest free, for up to 60 calendar days from each original premium due date. This means that employers can defer their premium payments for up to two months, giving them some relief on costs, while keeping their employees insured.

SharedWork Ohio

SharedWork Ohio allows business owners to cut employee pay between 10 percent and 50 percent and provides a portion of the benefit the employee would receive through unemployment to that employee. This program is designed to allow employers to reduce payroll costs during times of business decline, without having to lay off employees. For more information, visit jfs.ohio.gov.

Transportation of Oversized Loads

The Ohio Department of Transportation (ODOT) has modified the process for haulers carrying heavy loads of essential goods. Generally, the state requires haulers with loads classified as "oversized" to seek advanced permission from ODOT before they are permitted to travel in and through the state. Haulers carrying essential goods can download and print the permit at Transportation.Ohio.gov. The federal government has also cut red tape around obtaining or renewing Commercial Drivers' Licenses and other licenses to prevent interruption of essential shipping. The Ohio Department of Public Safety and the Public Utilities Commission have adjusted their enforcement practices to avoid confusion.

Small Business Administration Economic Injury Disaster Loan

Ohio small businesses and nonprofits are now eligible to apply for up to a \$2 million, low-interest loan through the SBA. Apply online at https://www.sba.gov/funding-programs/disaster-assistance, which is recommended, or call (800) 659-2955 to have an application mailed to you.

Utility Assistance

The Ohio Development Services Agency has secured approval from the U.S. Department of Health & Human Services (HHS) to extend the Winter Crisis Program from March 31, 2020, to May 1, 2020, and to extend the Home Energy Assistance Program (HEAP) from March 31, 2020, to June 1, 2020. The Winter Crisis Program helps income eligible Ohioans that are threatened with disconnection, have been disconnected, or have less than a 25 percent supply of bulk fuel in their tank maintain their utility service. The HEAP provides eligible Ohioans assistance with their home energy bills through a one-time benefit applied directly to their utility bill or bulk fuel bill.

The Public Utilities Commission of Ohio also has also extended its winter

reconnect order through May 1, 2020, which helps Ohioans reconnect or maintain electric and natural gas service during the heating season.

For customers enrolling in the Winter Crisis Program or the Percentage of Income Payment Plan Plus (PIPP) for the first time, you are NOT required to have a face-toface appointment at this time. Your local Energy Assistance Provider will complete your application during a phone appointment

Visit energyhelp.ohio.gov to apply for assistance or to find contact information for your local Energy Assistance Provider.

Unemployment Compensation

Individuals who are quarantined during the emergency period are considered to be unemployed. This also applies to companies that determine they need to temporarily shut down. To apply for benefits, visit unemployment. ohio.gov anytime day or night, or call 1-877-644-6562 from 8 a.m. to 5 p.m. weekdays.

FOR MORE INFORMATION:

ONLINE:

Please visit www.Coronavirus.Ohio.gov for the most up-to-date information from the Ohio Department of Health.

PHONE:

For any questions you have about COVID-19, please call 1 (833) 4-ASK-ODH from 9:00 a.m. – 8:00 p.m (7 days/week).

SOCIAL MEDIA:

@GovMikeDeWine @LtGovHusted @OHDeptofHealth

DAILY UPDATES:

Governor DeWine is holding daily press briefings at 2:00 p.m. to deliver the most recent updates as well as give updated guidance for the state's response. These press events are carried live online at: www.OhioChannel.org.