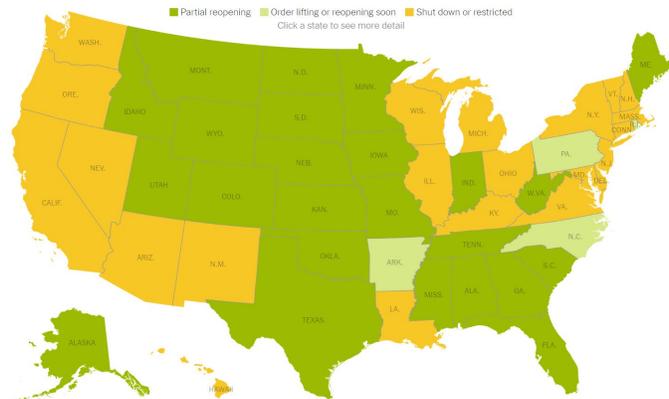


For more information: www.cdc.gov/COVID19

Balancing Staying Safe, Reopening the Economy + Getting Back to Work

Companies and employees across Ohio and the world are facing unprecedented challenges due to the coronavirus pandemic and HR professionals are the compass to help them navigate these uncharted waters.

The [NY Times map](#) (right) depicts the states that are beginning to reopen their economies, but a deeper dive shows that, in some states, the number of coronavirus cases are going down while others are still going up. No one wants to see more hospitalizations or deaths due to the coronavirus. Many individuals and businesses are managing the coronavirus chaos, but tensions are mounting to completely reopen the economy. This pressure is coming from small business owners and independent contractors that have been unable to benefit from any local, state or federal government assistance and have been without any income for nearly two months.



Source: NY Times

Governor Mike DeWine, along with Lt. Governor Jon Husted and Ohio Department of Health Director Dr. Amy Acton, have set forth a [path for restarting Ohio's economy](#) (see graphic right). The plan calls for gradually opening up different sectors of the economy over the coming weeks, with restaurants, as well as salon and barbershop services, reopening on May 15. On the other hand, Ohio House Speaker Larry Householder and many Republicans have stated that all businesses should be permitted to open immediately. Business closures also mean less tax revenue for state and local governments and the services they provide. On May 5, Governor DeWine announced \$775 million in cuts to Medicaid, K-12 and higher education, as well as executive offices, to balance the state budget.



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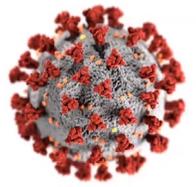
One business owner had a valid comment describing the current circumstances by saying "we are all in this together, but we are not all in the same boat." Working together is the best way to get past the global disruption caused by this pandemic, but safety and hygiene, as well as business practices and planning, will forever be changed as a result of the coronavirus. HR needs to be at the epicenter leading this change.

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Employers Guide to Coronavirus – Part 6

(Published May 8, 2020)



For more information: www.cdc.gov/COVID19

Table of Contents

| | |
|--|----|
| New Stay Healthy and Stay at Home Order..... | 3 |
| CDC Recommendations for Cloth Face Covering..... | 4 |
| Responsible RestartOhio Plan..... | 4 |
| Reopening Other Industries..... | 4 |
| Business and Operations that Remain Closed Until Further Notice..... | 5 |
| Testing and Contact Tracing..... | 6 |
| Unemployment Benefits and COVID-19 Work Refusals..... | 6 |
| How to Manage Employees on Unemployment Refusing to Return to Work | 7 |
| Federal Government Developments – President Trump and Congress..... | 7 |
| Treatments and Vaccine..... | 7 |
| “Opening Up America Again” Initiative | 8 |
| Employer and Individual Guidelines for All Phases..... | 8 |
| Phase 1 Guidelines for Employers..... | 8 |
| EEOC Guidance Regarding COVID-19: ADA + Rehabilitation Act + Other EEO Laws..... | 9 |
| Domestic and International Travel Restrictions..... | 10 |
| Future Issues for State and Federal Discussion and Debate..... | 12 |
| Next Steps for Business Owners..... | 12 |
| Additional Information with Hyperlinks..... | 13 |

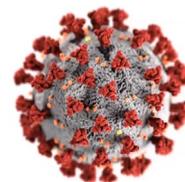
DISCLAIMER: The information provided by the Ohio SHRM State Council is not exhaustive. There may be other programs and assistance available to you or your business. This information should not be construed as legal advice. The Ohio SHRM State Council encourages you to speak to an accountant, attorney, and/or consultant for specific guidance on the resources provided by federal, state, and local governments. If you would like to speak to an attorney who can help you navigate the law and counsel you on your options, please click [here](#).

Prepared by Tony Fiore, an attorney with Kegler Brown Hill + Ritter and the Director of Government Affairs for the Ohio SHRM State Council. Connect with Tony by e-mail: afiore@keglerbrown.com; LinkedIn: [acfiore](#); Twitter: [@TonyFioreEsq](#).



Employers Guide to Coronavirus – Part 6

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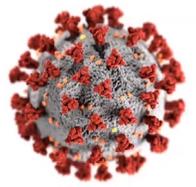


For more information: www.cdc.gov/COVID19

New Stay Healthy and Stay at Home Order

- On May 1, Governor DeWine announced replacing the “Stay At Home” order that expired on April 30th with the new [“Director’s Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order.”](#) which is effective until May 29, 2020.
- He advised that Ohioans should not get too hung up on the expiration date, as “things will change during the month,” but he couldn’t make the order for an indefinite period.
- **Individual responsibilities** - For individuals, the order states “all individuals currently living within the state of Ohio are ordered to stay at home or at their place of residence, except as allowed in this Order.” It provides an exception by stating “all persons may leave their homes or place of residence only to participate in activities, businesses or operations as permitted in this order.”
- **Business responsibilities** - The order states that “all businesses and operations in the State, except as defined below, are permitted to reopen within the State, so long as all workplace safety standards are met.” Such businesses are encouraged to reopen or remain open if they have not ceased operation during the prior Stay at Home Orders. All businesses:
 - **shall** maintain six-foot social distancing for both employees and members of the public at all times, including, but not limited to, when any customers are standing in line.
 - **must** allow all customers, patrons, visitors, contractors, vendors and similar individuals to use facial coverings (masks), except for specifically documented legal, life, health, or safety and limited security considerations.
 - **must** require all employees to wear facial coverings, except where they are:
 - prohibited by law or regulation,
 - in violation of documented industry standards,
 - not advisable for health reasons,
 - in violation of the business’s documented safety policies,
 - not required when an employee works alone in an assigned work area, or
 - not functional (practical) to wear in the workplace.
 - **must** provide written justification explaining why an employee is not required to wear a facial covering in the workplace.

Facial coverings (masks) **must** cover the nose, mouth, and chin and should be cloth/fabric.



- The **CDC recommends a cloth face covering** that should—
 - fit snugly, but comfortably, against the side of the face
 - be secured with ties or ear loops
 - include multiple layers of fabric
 - allow for breathing without restriction
 - be able to be laundered and machine dried without damage or change to shape



Responsible RestartOhio Plan

| | | | |
|---|---|---|--|
| Responsible RestartOhio Guiding Principles  coronavirus.ohio.gov |  Protect the health of employees, customers, and their families. | Responsible RestartOhio Sector Openings  coronavirus.ohio.gov |  MAY 1 Health Care Providers |
| |  Support community efforts to control the spread of the virus. | |  MAY 4 General Office Environments, Manufacturing, Distribution, and Construction |
| |  Lead in responsibly to get Ohio back to work. | |  MAY 12 Consumer, Retail, and Services |

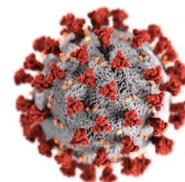
- While the new order has the same basic principles as prior orders, industries such as dentists and veterinarians were allowed to reopen on Friday, May 1, with office buildings on Monday, May 4, and retail on Tuesday, May 12.
- Click here for [Manufacturing, Distribution & Construction](#) guidance.
- Click here for [Consumer, Retail & Services](#) guidance.
- Click here for [General Office Environments](#) guidance.
- While reopening retail is good news for small and medium-sized retailers in Ohio, CNN and MSN are [reporting](#) the potential collapse or bankruptcy of retail giants such as J.C. Penney, Sears, Nieman Marcus and J. Crew due to the coronavirus.
- On May 7, Gov. DeWine announced the reopening of [Hair Salons, Day Spas, Nail Salons, Barbershops & Tanning Facilities](#) on May 15 and [Restaurants and Bars](#) on May 15 for outside dining and May 21 for inside dining. Click here for [COVID-19 Restaurant & Food Establishment Guidance](#)

Reopening Other Industries



Employers Guide to Coronavirus – Part 6

(Published May 8, 2020)

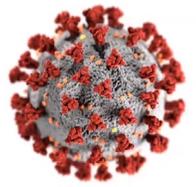


For more information: www.cdc.gov/COVID19

- Governor DeWine is putting together groups to develop best practices for reopening libraries, travel and tourism, outdoor recreation, youth and adult sports, gyms, theater and arts, professional sports, child care, and adult day care.

Businesses and Operations that Remain Closed Until Further Notice:

- K-12 schools and childcare services.
- Older adult day care services and senior centers.
- Adult day support or vocational habilitation services in congregate settings.
- Rooming and boarding houses, and workers' camps.
- Entertainment/recreation/gymnasium sites.
- All places of public amusement, whether indoors or outdoors, remain closed. For example:
 - Laser tag facilities, roller skating rinks, ice skating rinks, arcades, indoor miniature golf facilities, bowling alleys, indoor trampoline parks, indoor water parks, arcades, and adult and child skill or chance game facilities.
 - Gambling industries.
 - Auditoriums, stadiums, arenas.
 - Movie theatres, performance theatres, and concert and music halls.
 - Public recreation centers and indoor sports facilities.
 - Parades, fairs, festivals, and carnivals.
 - Amusement parks, theme parks, outdoor water parks, children's play centers, playgrounds, and funplexes.
 - Aquariums, zoos, museums, historical sites, and similar institutions.
 - Country clubs and social clubs.
- Spectator sports, recreational sports tournaments and organized recreational sports leagues.
- Health clubs, fitness centers, workout facilities, gyms, and yoga studios.
- Swimming pools, whether public or private, except swimming pools for single households.
- Residential and day camps.
- Campgrounds, including recreational camps and recreational vehicle (RV) parks.
 - Excludes people living in campground RVs with no other viable place of residence.
 - Excludes people living in cabins, mobile homes, or other fixed structures that are meant for single families and where preexisting residential activity already has been established. (E.g., for people who have part-time pre-established residences at campgrounds for the summer months.)



- Once best practices for reopening have been established, Governor DeWine said that reopening dates will be set.

Testing and Contact Tracing

- Governor DeWine continues to outline the efforts to escalate the amount of [testing and contact tracing](#) that will occur in May, which he described as “a significant tool” to combat the coronavirus.
- Health Department Director Dr. Amy Acton highlighted the testing guidance the State will be following during the month of May to prioritize the State’s limited testing toward the most vulnerable segments of the population.
- Dr. Acton said that down the road, Ohioans who are asymptomatic will be tested.
- The Ohio Department of Health will now provide 21-day trend data at www.coronavirus.ohio.gov, so the public can better understand COVID-19 developments.
- Currently, the past 21 days indicate a slight downward trend in new cases, deaths and hospitalizations.

Unemployment Benefits and COVID-19 Work Refusals

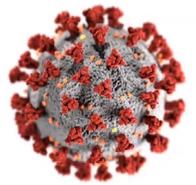
- If you have employees that are now unemployed (W-2), direct them to click [here](#) to file an unemployment claim.
- For a step-by-step guide to unemployment insurance (UI) benefits, click [here](#).
- For additional information on UI benefits, click [here](#).
- Ohioans can apply for UI benefits online 24 hours a day, seven days a week, at unemployment.ohio.gov. It is also possible to file by phone at **877-644-6562** or TTY at **888-642-8203, Monday through Friday (7AM to 7PM), Saturday (9AM to 5PM), and Sunday (9AM to 1PM)**. Employers with questions should email UCTech@jfs.ohio.gov.
- On April 15, Lt. Gov. Husted explained that Ohio’s UI system is on a pace to be insolvent by June absent federal help.
- Unless there is federal help, Lt. Gov. Husted said that he will need to work with the General Assembly on addressing the solvency of the system that could be a combination of higher surcharges to employers; a reduction in benefits to the unemployed, and more federal borrowing.





Employers Guide to Coronavirus – Part 6

(Published May 8, 2020)



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- On May 4, Lt. Governor Husted acknowledged that Ohioans who are 1099 employees still haven't received any compensation since March, but those individuals may apply now and the claims should be processed by "mid-May" and benefits will be backdated to the point when the person was first eligible.

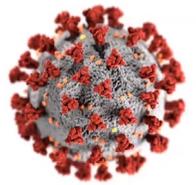
How to Manage Employees on Unemployment Refusing to Return to Work

- Ohio law prohibits individuals from receiving unemployment benefits if they refuse to accept offers of suitable work, or quit work, without good cause.
- If you have employees who refuse to return to work or quit work, it's important that you let the Ohio Department of Job and Family Services (ODJFS) know so they can make accurate eligibility determinations.
- To report these occurrences, please visit unemployment.ohio.gov/employer and click on "Report COVID-19 Work Refusals." This will take you to a web page to report these employees for investigation by ODJFS. Based on an individual examination of the facts from both parties, ODJFS claims examiners will then determine whether good cause exists for the individuals in question to continue receiving unemployment benefits.
- ODJFS will be releasing its full policy that will be used to determine individuals' continued eligibility for unemployment benefits after refusing to return to work. That policy will be posted [here](#). This policy will underscore the presumption that if an individual's job is available for them to work again, they will not be eligible for unemployment benefits.

Federal Government Developments - President Trump and Congress

Treatments and Vaccine

- **Remdesivir** - The Food and Drug Administration has granted emergency use authorization (EUA) for Gilead's remdesivir drug to treat the coronavirus, President Donald Trump announced Friday. President Trump made the announcement in the Oval Office alongside Gilead CEO Daniel O'Day. The EUA means that remdesivir has not undergone the same level of review as an FDA-approved treatment, according to a fact sheet from the agency about the drug.
- **"Operation Warp Speed"** - Trump administration officials are racing to develop a vaccine by January in an effort dubbed "Operation Warp Speed," media reports say. President Trump has essentially given "Operation Warp Speed" a blank check as the team of government officials, scientists and private companies aims to produce hundreds of millions of doses of a life-saving coronavirus vaccine by early next year. The goal is to make 100 million doses of the vaccine available by November, 200 million doses by December, and 300 million doses by January.



- To speed up the process of creating a COVID-19 vaccine, some researchers are planning to give volunteers experimental vaccines and then infect them with SARS-CoV-2, the virus that causes COVID-19, and see if it is effective.
- The approach could speed up the production of a vaccine, which typically take years to develop, but it raises some big ethical questions.
- As of May 5, eight candidate vaccines were in clinical evaluation, four in China, one in Britain, one in the European Union and two in the United States, according to the World Health Organization. None are yet at Phase III trials, in which a vaccine is tested on large numbers of people to see if it works, is safe or has side effects.

“Opening Up America Again” Initiative

- On April 16, President Trump and Vice President Mike Pence, along with the Centers for Disease Control (CDC), published the following [guidelines for reopening America](#) after the coronavirus’s crippling effect on the economy. The steps are intended to help state and local officials when reopening their economies, getting people back to work, and continuing to protect American lives. The White House states that these steps: 1) are based on up-to-date data and readiness, 2) mitigates the risk of resurgence, 3) protects the most vulnerable, and 4) is implementable on a statewide or county-by-county basis at the Governor’s discretion.

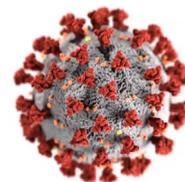


| Employer guidelines for all phases include: | Individual guidelines for all phases include: |
|--|--|
| <p>1) Develop and implement appropriate policies, in accordance with Federal, State, and local regulations and guidance, and informed by industry best practices, regarding:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Social distancing and protective equipment <input type="checkbox"/> Temperature checks <input type="checkbox"/> Sanitation <input type="checkbox"/> Use and disinfection of common and high-traffic areas <input type="checkbox"/> Business travel | <p>Continue to practice good hygiene</p> <ul style="list-style-type: none"> 1) Wash your hands with soap and water or use hand sanitizer, especially after touching frequently used items or surfaces. 2) Avoid touching your face. 3) Sneeze or cough into a tissue, or the inside of your elbow. 4) Disinfect frequently used items and surfaces as much as possible. |



Employers Guide to Coronavirus – Part 6

(Published May 8, 2020)



For more information: www.cdc.gov/COVID19

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| <p>2) Monitor workforce for indicative symptoms. Do not allow symptomatic people to physically return to work until cleared by a medical provider.</p> <p>3) Develop and implement policies and procedures for workforce contact tracing following employee COVID+ test.</p> | <p>5) Strongly consider using face coverings while in public, particularly when using mass transit.</p> <p>People who feel sick should stay home</p> <p>1) Do not go to work or school.</p> <p>2) Contact and follow the advice of your medical provider.</p> |
|--|--|

Phase 1 for Employers

- Continue to **ENCOURAGE TELEWORK**, whenever possible and feasible with business operations.
- If possible, **RETURN TO WORK IN PHASES**.
- Close **COMMON AREAS** where personnel are likely to congregate and interact, or enforce strict social distancing protocols.
- Minimize **NON-ESSENTIAL TRAVEL** and adhere to CDC guidelines regarding isolation following travel.
- Strongly consider **SPECIAL ACCOMMODATIONS** for personnel who are members of a **VULNERABLE POPULATION**.
- If you are a SHRM member see "[Revise Policies to Facilitate Return to Work](#)," published on April 22, 2020.

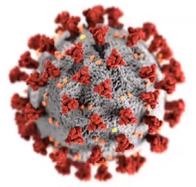
EEOC Guidance Regarding COVID-19: ADA + Rehabilitation Act + other EEO Laws

- The Equal Employment Opportunity Commission (EEOC) has released [guidance on navigating federal anti-discrimination laws during the coronavirus pandemic](#).
- The guidance includes (1) disability-related inquiries and medical exams, (2) confidentiality of medical information, (3) hiring and onboarding, (4) reasonable accommodation, (5) pandemic-related harassment due to national origin, race, or other protected characteristics, (6) furloughs and layoffs, and (7) return to work.
- On May 7, the Equal Employment Opportunity Commission (EEOC) announced that it will delay until March 2021 the collection of EEO-1 Component 1 information—which asks for



Employers Guide to Coronavirus – Part 6

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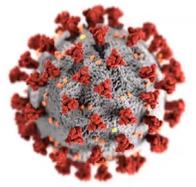
the number of employees who work for a covered business sorted by job category, race, ethnicity and gender. SHRM members read more by clicking [here](#).

Domestic and International Travel Restrictions

- Travel may still be necessary if you are an essential business and worker or if you are trying to return home. The following information summarizes domestic and international travel advisories from Governor Mike DeWine, President Trump's Administration, the U.S. Department of State, and the Centers for Disease Control (CDC).
- On May 1, Dr. Acton and Gov. DeWine released the "Director's Order that Reopens Businesses, with Exceptions, and Continues a Stay Healthy and Safe at Home Order," outlines the following prohibited and permitted travel.
 - People riding public transit must comply with social distancing.
 - Allows travel into or out of the state.
 - Persons entering the state are asked to self-quarantine for 14 days, unless they are doing so for critical infrastructure or healthcare workforce purposes.
 - Does not apply to persons living in one state and work or deliver services in another state.
 - Persons testing positive for, presumably diagnosed with, or exhibiting symptoms of COVID-19 shall not enter the state, unless under medical orders, being transported by EMS, seeking initial medical care, or they are permanent residents of the State.

Domestic Travel

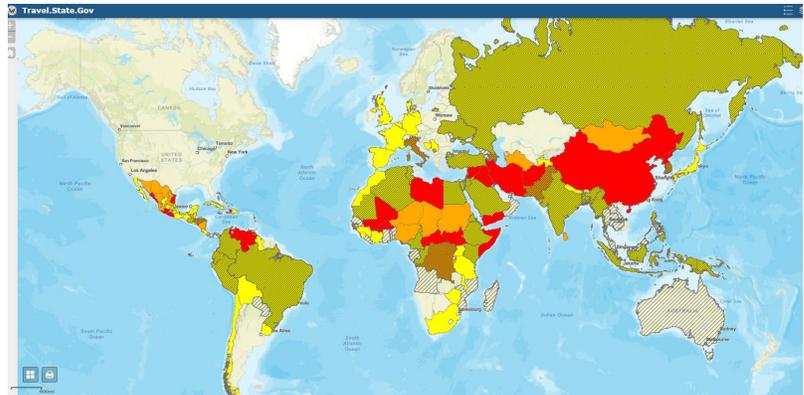
- Most of the guidance from the CDC and other government entities discusses the following precautions when travelling either domestically or internationally:
 - Stay home to avoid close contact with anyone (especially high risk people).
 - Follow [state and territorial health department travel restrictions](#) if you have to travel.
 - Clean your hands often (soap/water for 20 secs or hand sanitizer with 60% alcohol).
 - Avoid touching your eyes, nose, and mouth.
 - Avoid close contact with others (6-feet social distancing when possible).
 - Wear a cloth face covering in public.
 - Cover coughs and sneezes (do either into the inside of your elbow).
 - Pick up food at drive-throughs, curbside restaurant service, or stores.
- Airlines are requiring passengers to wear face coverings on their planes.



- JetBlue and Delta's new rules began May 4.
- Frontier will begin requiring face masks on May 8.
- American Airlines' start May 11.
- The change comes as flight attendants and lawmakers have called for increased protections on flights amid the pandemic, which has left airlines with unprecedented losses in revenue.
- On May 5, U.S. Treasury Secretary Steven Mnuchin encouraged Americans to focus on domestic travel this year as the international travel outlook for the rest of 2020 remains uncertain amid the coronavirus pandemic.
- Mnuchin said it is too difficult to tell right now whether international travel will be opened up this year.
- The Treasury secretary clarified that there may be room for limited international business travel, but due to international travel restrictions; government travel warnings; and limited international flights, those wishing to travel abroad will have few options.

International Travel

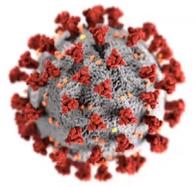
- The U.S. Department of State is advising against any international travel due to the global impact of COVID-19. Failing to do so could result in substantial financial liabilities if an employee is denied reentry to the U.S. or exposed to the disease. Commercial airlines have significantly reduced flight schedules and countries have closed airports and borders with little advance notice. If you or your employees wish to return to the United States, you should make arrangements to do so by contacting the nearest U.S. Embassy or Consulate for assistance. Trip insurance may be a good option to mitigate any trouble getting them home. If an employee elects to travel for personal reasons, you may validly require a quarantine period before allowing them to return to work. This should be determined on a case-by-case basis, depending on where they travel.
 - Click [here](#) for COVID-19 country information.
 - Click [here](#) to keep up to date on the number and locations of active cases.





Employers Guide to Coronavirus – Part 6

(Published May 8, 2020)



For more information: www.cdc.gov/COVID19

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- The map above depicts the U.S. Department of State's international travel recommendations.
 - Click [here](#) to access the interactive map.
 - Click here if you have overseas operations: [CDC's Overseas Checklist](#)
 - Click here for the [World Health Organization's Info on COVID-19](#) and travel.

Future Issues for State and Federal Discussion and Debate

- New programs to help small businesses/additional funding for the PPP
- Additional economic stimulus checks for all Americans
- Economic assistance for non-profits faced with unforeseen COVID-19-related 2020 conference cancellation obligations
- Liability/safe harbor protections for companies that comply with all government orders
- Federal government fully funding unemployment for business, government and non-profits
- Local and state budget shortages due to significantly reduced tax revenues
- Long-term gig economy worker programs that provide assistance (i.e. unemployment)
- Policies to avoid future economic shutdowns from contagious, microscopic organisms

Next Steps for Business Owners

Step 1: Work with financial and legal advisors who can:

- a. help you develop workplace policies that will address the new normal in the post-COVID-19 world, including navigating employment laws, telecommuting, and return-to-work;
- b. guide you in applying for and complying with requirements for currently existing government grant and loan programs;
- c. monitor new legislation aimed at small business owners and help you act fast to take advantage the programs; and
- d. advise you in applying for private funds that are rapidly becoming available.

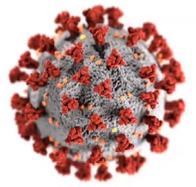
Step 2: Communicate with your elected officials

- a. Thank them for their efforts to help constituents. We elect them to represent us at the local, state, and national levels in good times and bad. But, they are being bombarded by thousands of constituents that all need their help at once. Be patient and understand they are likely putting their best effort toward your needs.



Employers Guide to Coronavirus – Part 6

(Published May 8, 2020)



For more information: www.cdc.gov/COVID19

- b. Tell them what's working, what's not, and what else they can do to help you through these challenging times. These are tough times for all Ohioans. Governments at all levels are trying to help residents stay safe and healthy throughout the coronavirus pandemic. But, your elected officials need to hear from you.
- c. Tell them what else could help individuals, families, and businesses get through this unprecedented time.
- d. Provide them with ideas on how to jump-start the economy once we are past the pandemic. Click [here](#) to provide constructive feedback directly to your federal and state elected officials.

Additional Information with Hyperlinks

- **Gov. Mike DeWine** – [Daily video briefing](#) and [Executive Orders](#)
- **ODH** – www.coronavirus.ohio.gov or 1-800-427-5634 (1-833-4-ASK-ODH), [Top 10 Things You Can Do to Prepare for COVID-19](#) and [Checklist for Business/Employers](#)
- **CDC** – [Interim Guidance for Business and Employers](#)
- **SHRM** – [Coronavirus and COVID-19 Resource Center](#)
- **OSHA** – [OSHA Injury and Illness Recordkeeping and Reporting Requirements](#)
- **US Dept. of State** – [Interactive Travel Advisory Map](#)
- **USDOL** – [Coronavirus Resources](#) - On March 25, the U.S. Department of Labor's (DOL's) Wage and Hour Division published workplace posters that small and midsize employers can use to fulfill their obligations to notify employees of their rights to expanded paid sick leave and expanded paid Family and Medical Leave Act leave under the Families First Coronavirus Response Act (FFCRA). They are: [Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#) and [Federal Employee Rights: Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act \(FFCRA\)](#)
- **EEOC** - [Pandemic Preparedness in the Workplace](#) and [What You Should Know About the ADA, the Rehabilitation Act, and COVID-19](#)
- **IRS** - [COVID-19-Related Tax Credits for Required Paid Leave Provided by Small and Midsize Businesses FAQs](#)
- **The Ohio State University Wexner Medical Center** – [COVID-19 Resource Center](#)
- **OhioHealth** – [COVID-19 Toolkit](#)
- **Kegler Brown Hill + Ritter** - [COVID-19 Resource Center](#)



Why Join SHRM and a Local Chapter?

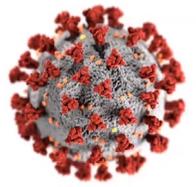
Our membership is made up of volunteer leaders who are elected or appointed to the State Council Board and includes 25 chapter presidents of our local SHRM-affiliated chapters in Ohio. The Ohio SHRM State Council is dedicated to leading, educating, and inspiring over 15,000 HR professionals in Ohio.

We are able to provide these resources mostly free of charge, but some of them are members-only to protect the value of dues-paying members.



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Prepared by Tony Fiore, an attorney with Kegler Brown Hill + Ritter and the Director of Government Affairs for the Ohio SHRM State Council. Connect with Tony by e-mail: afiore@keglerbrown.com; LinkedIn: [acfiore](#); Twitter: [@TonyFioreEsq](#).