MIKE DEWINE
GOVERNOR
STATE OF OHIO

Executive Order 2020-03D

Lifting Certain Unemployment Compensation Benefit Restrictions During an Emergency

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose or eyes; and

WHEREAS, on January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class A reportable disease in Ohio; and

WHEREAS, on January 28, 2020, the Ohio Department of Health hosted the first statewide call with local health departments and healthcare providers regarding COVID-19; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar II, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments and healthcare providers with updated guidance for COVID-19 and revised Person Under Investigation (PUI) criteria; and

WHEREAS, on February 3, 2020, the Ohio Department of Health trained over 140 personnel to staff a call center for COVID-19, in the event it was needed; and

WHEREAS, on February 5, 2020, the Ohio Department of Health began updating and notifying the media of the number of PUIs in Ohio every Tuesday and Thursday; and

WHEREAS, on February 6, 2020, the Ohio Department of Health updated all agency assistant directors and chiefs of staff on COVID-19 preparedness and status during the Governor's cabinet meeting; and

WHEREAS, on February 7, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency met to conduct advance planning for COVID-19; and

WHEREAS, on February 13, 2020, the Ohio Department of Health conducted a Pandemic Tabletop Exercise with State agencies to review responsive actions should there be a pandemic in Ohio; and

WHEREAS, on February 14, 2020, the Ohio Department of Health held a conference call with health professionals across the state. The purpose of the call was to inform and engage the healthcare community in Ohio. Presentations were provided by the Department of Health, Hamilton County Public Health, and the Ohio State University; and

WHEREAS, on February 27, 2020, the Ohio Department of Health and the Ohio Emergency Management Agency briefed the directors of State agencies during the Governor's cabinet meeting regarding preparedness and the potential activation of the Emergency Operations Center; and

WHEREAS, on February 28, 2020, the "Governor DeWine, Health Director Update COVID-19 Prevention and Preparedness Plan" was sent to a broad range of associations representing healthcare, dental, long-term care, K-12 schools, colleges and universities, business, public transit, faith-based organizations, non-profit organizations, and local governments; and

WHEREAS, on March 2, 2020, the Ohio Department of Health activated a Joint Information Center to coordinate COVID-19 communications; and

WHEREAS, on March 5, 2020, the Ohio Department of Health hosted the Governor's Summit on COVID-19 Preparedness, a meeting with the Governor, cabinet agency directors, local health department commissioners, and their staff; and

WHEREAS, on March 6, 2020, the Ohio Department of Health opened a call center to answer questions from the public regarding COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio, creating a potentially dangerous condition which may affect the health, safety and welfare of citizens of Ohio; and

WHEREAS, on March 9, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center; and

WHEREAS, on March 9, 2020, I declared a state of emergency in the State of Ohio to blunt the spread of COVID-19; and

WHEREAS, on March 11, 2020, testing by the Ohio Department of Health confirmed that one (1) more patient was positive for COVID-19 in the State of Ohio; and

WHEREAS, on March 12, 2020, the Ohio Department of Health issued a Director's Order to prohibit mass gatherings in the State of Ohio; and

WHEREAS, on March 12, 2020, testing by the Ohio Department of Health confirmed that one (1) more patient was positive for COVID-19 in the State of Ohio; and

WHEREAS, on March 13, 2020, the Ohio Department of Health issued an amended Director's Order to Limit Access to Ohio's nursing homes and similar facilities; and

WHEREAS, on March 14, 2020, the Ohio Department of Health issued an amended Director's Order to require health screening for admission to state operated psychiatric hospitals and Ohio Department of Youth Services facilities; and

WHEREAS, on March 14, 2020, the Ohio Department of Health issued a Director's Order to close all K-12 schools in the State of Ohio; and

WHEREAS, multiple areas of the United States are experiencing "community spread" of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control spread; and

WHEREAS, previously studied human coronaviruses (including SARS, which is very closely related to COVID-19) can survive on paper, wood, glass, plastic for up to 4-5 days. *Persistence of coronaviruses on inanimate surfaces and their inactivation with biocidal agents*, The Journal of Hospital Infection, March 2020, Volume 104, Issue 3, Pages 246–251; and

WHEREAS, Michael Osterholm, PhD, MPH, director of the Center for Infectious Disease Research and Policy at the University of Minnesota, said that research findings confirm that COVID-19 is spread simply through breathing, even without coughing. *http://www.cidrap.umn.edu/news-perspective/2020/03/study-highlights-ease-spread-covid-19-viruses*; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest) however some spread might be possible before people show symptoms although that is not the main way the virus spreads; and

WHEREAS, I have since that declaration of emergency, ordered restrictions on certain activities affecting commerce in this state to prevent the spread of COVID-19, such as restrictions on bars and restaurants, along with mass gatherings; and

WHEREAS, I will likely continue to order further restrictions on certain activities affecting commerce to prevent the spread of COVID-19; and

WHEREAS, many Ohio workers have and will continue to lose wages and employment due to the spread of COVID-19; and

WHEREAS, Ohio workers that have and will continue to lose wages and employment due to the spread of COVID-19 have and will apply for unemployment compensation benefits through the Ohio Department of Job and Family Services ("OJFS"); and

WHEREAS, workers with such lost wages have not been considered eligible for unemployment compensation benefits.

NOW THEREFORE, I, Mike DeWine, Governor of the State of Ohio, by virtue of the authority vested in me by the Constitution of the United States, specifically the implied police powers of the Tenth Amendment, the Constitution of the State of Ohio, Article III, Section 5, and the laws of this State, do hereby order and direct that:

1. Unemployed workers will include individuals requested by a medical professional, local health authority, or employer to be isolated or quarantined as a consequence of COVID-19 even if not actually diagnosed with COV-19; and

2. Individuals totally or partially unemployed, or who are participating in the SharedWork Ohio Program will not be required to serve a waiting period before receiving unemployment insurance or SharedWork benefits; and

3. Any benefit paid on these unemployment claims shall not be charged to the account of the employer who otherwise would have been charged but instead shall be charged to the mutualized account, except reimbursing employers; and

4. Waiver of work search requirements shall include those individuals requested by a medical professional, local health authority or employer to be isolated or quarantined as a consequence of COVID-19 even if not actually diagnosed with COV-19; and

5. Penalties for late reporting and payments will be waived for employers affected by COVID-19.

The above orders apply only to those workers that do not have access to leave benefits from their employer(s).

I signed this Executive Order on March 16, 2020, in Columbus, Ohio, and it shall take effect immediately and remain in full force and effect until the emergency no longer exists, such time to be determined by the Director of Health and the Executive Director of the Emergency Management Agency in consultation with the Governor, who will coordinate State response efforts and terminate the emergency upon the recommendation of appropriate officials of the other responding State departments and agencies.

Mike DeWine, Governor

ATTEST:

Frank LaRose, Secretary of State

Filed on MARCH 16, 2020
Per
In the Office of the Secretary
of State at Columbus, OH
FRANK LaROSE
Secretary of State