



Workforce Investment Board

Wednesday, February 14, 2024, 9:00 a.m. – 10:30 a.m.

Board Members Present:

Debbie Lieberman, Chris Williams, Marvene Mitchell Cook, Cassie Barlow, Linda Ashworth, Kathleen Cleary, Jennifer Duwel, Jamie Gee, Tawana Jones, Amy Lei, Diane Walsh, Erik Collins, Mike Wilson, Lisa Rindler for Sarah Hackenbracht, Marilyn Hickland for Carl Kennebrew

Guests Present: David Cox, Karla Creel, Jacqueline Williams, Susan Warren, Mark Anderson, Regina Lewis, Michael Stern, Stephanie Keinath, and Kathleen Davenport

Call to Order, Introductions and Announcements: Marvene Mitchell Cook

Welcome to new members: David Cox, Executive Director, Dayton Building and Construction Trades Council and Erik Collins, Development Director, City of Centerville.

The meeting called to order by Co-Chair Marvene Mitchell Cook at 9:00 AM

Approval of Minutes: Co-Chair called the motion to approve minutes: Motion to approve by Diane Walsh, Second by Tawana Jones.

Minutes approved without discussion.

Purpose of WIB: The Montgomery County Workforce Investment Board purpose is to drive strategic alliances that advance the region's workforce initiatives and ultimately the region's economic vitality.

Role and Function: The role of WIB is to manage the strategic direction of workforce development activities through the investment in people, fulfilling employer needs, and improving the quality of life in Montgomery County.

Lori Geary – Greater Ohio Workforce Board – Regional Update

No Report

Workforce – Marvene Mitchell Cook

The Montgomery County Construction Job Fair will be tomorrow from 12:00 pm to 4:00 pm at Carillon Historical Park. Job seekers will be able to connect with dozens of employers from across the county.

Stephanie Keinath, Vice President, Strategic Initiatives, Dayton Area Chamber of Commerce/

Employer Impact & Resources: Marijuana Legalization in Ohio

Presentation of the result of 2023 members survey.

New Law: Employers Retain Rights:

- Not required to permit or accommodate an employee's use or possession of marijuana.
- Still permitted to refuse to hire, discharge, discipline or take other adverse employment action against an individual because of that individual's use of marijuana.
- Still permitted to establish and enforce drug testing policies, drug free workplace policies, zero tolerance drug policies.
- If an employer terminates an employee because of marijuana use, in violation of the employer's drug policies, the employee will be considered discharged for just cause for purposes of unemployment compensation.

Employer Roundtable: Issues/Concerns

- Pre-Employment: Do we remove marijuana from the drug panel? If we don't/can't how does that impact recruitment? What is my liability if I don't test?
- During Employment: How will policies need to be updated? What kind of process/criteria do we need to put in place reasonable suspicion? Can we treat this like alcohol?
- If Occurrence Takes Place: How do we determine impairment? Testing technology concerns.
- Termination: When would we terminate? What resources are available for substance abuse support? What is my liability for termination? Do the tests open us up for possible lawsuits?
- Path Forward
- Legal: Connections to local employment attorneys and education.
- Human Resources: Assisting reviewing policies, procedures, employee handbooks, hiring and termination practices, criteria for judging impairment, liability insurance carriers.
- Policy: Clarity from the state legislature on any final/future changes to state policy, Improved testing, and funding to support, consistency between state and federal laws.
- Safety: Training for from line supervisors, reasonable suspicion training, technical and financial assistance.

Kathleen Davenport, Business Consultant with the Ohio Bureau of Worker's Compensation for Southwest Ohio/SURWSP Program Benefits

SURWSP-Employer Eligibility

- Employers enroll online and receive immediate determination.
- State funded employer.
- Current on all payments due BWC
- Active policy status
- Reported actual payroll for the proceeding policy year and paid any premium due upon true-up.
- Does not have be in DFSP to qualify.

SURWSP – Policy Development/Legal Review

Consultation and development of policies and procedures: Initial consultation and development, subsequent policy review or revision. Actual cost up to annual maximum of \$2000.

SURWSP – Employee/Supervisor Training

Training on employer policies of substance use in the workplace, or issues relating to substance use including supervisor training, employee education, train-the-trainer courses. Actual cost up to annual maximum of \$5,000.

SURWSP-Drug Testing

Drug testing for prospective and current employees if the employer has a written “Second Chance” drug testing policy. Preemployment, random, reasonable suspicion, post-accident, return to duty and follow up testing. Must use a SAMHSA certified laboratory. The actual cost is up to \$100 for an individual test. Actual cost up to annual maximum of \$1,500.

Recreational – Medical Marijuana

- BWC Drug Fee Safety Program mirrors Federal testing guidelines.
- Federal testing guidelines include testing for marijuana.
- If Federal testing guidelines change, BSW’s DFSP guidelines will automatically change.
- Contractors who bid on State Funded construction project, must follow BWC’s DFSP guidelines for those employees who work on these sites.

County Administrator and Commissioners Comments

None

Board Member Comments

Cassie Barlow – Lot of states before us and important to learn and use best practices. Fair warning in how we regulate business licensing.

Meeting Adjourned – 9:52 AM

2024 Meetings:

Wednesday, May 8, 2024

Wednesday, August 14, 2024

Wednesday, November 13, 2024