

# CHAMBER NOTES

A Monthly Newsletter of the  
Delaware Area Chamber of Commerce

May 2020

## Sustaining Members

Industry Exclusive  
Platinum Level



## Gold Level



## Silver Level



## Bronze Level



The Delaware Area  
Chamber of Commerce  
Established 1907



Dear Chamber Members,

In this space a month ago I announced that the Chamber was canceling all events for the month of April and hoped that the April 6th ban would not be delayed. Obviously, how little we knew then. That hope feels like a lifetime ago. And even with the phased in reopening, there is still so much information to digest.

Here's what I know for sure: You are overwhelmed. Overwhelmed with concern, updates, offers to help, help that is insufficient or a confusing moving target; overwhelmed with resources, and overwhelmed with what is arguably the most over-used word today in any language: uncertainty.

As the Chamber, on your behalf, is managed like your business, and as the steward of that responsibility, I share that feeling of being overwhelmed with information in some areas as well as the lack of information in others. But know this: The Chamber is in good hands and, like you, its members, will remain relevant. The board of directors is supportive of efforts to retain your membership, allowing the staff to work with you if you think you have to decide whether or not you can afford to continue your membership or participate in programming. You can because we'll be as creative as we need to be to keep our Chamber family together.

So our May events are canceled as well and as much as we lament not holding opportunities for you to network, we know keeping you safe is not even a decision. The Chamber culture thrives because of its in-person relationships; a virtual Chamber feels like an oxymoron. So let's hope all the sacrifices we're all making will bring us back together soon.

Our thoughts remain with each and every one of you, your families and the families of the employees you care so much about. I believe in your strength and resilience and courage and know absolutely that however messy the road back will be, the fellowship of this organization will be at your side.

Regards,

Holly Quaine, president

## Our Vision

The Delaware Area Chamber of Commerce shall be the region's business leader and community voice.



## Our Mission

The Chamber serves as the visionary leader for programs and services benefiting our members by promoting and advocating a favorable business climate, quality of life and the orderly growth and development of the Delaware area community.



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### Staff

Holly Quaine, President

[hquaine@DelawareAreaChamber.com](mailto:hquaine@DelawareAreaChamber.com)

[safetycouncil@DelawareAreaChamber.com](mailto:safetycouncil@DelawareAreaChamber.com)

Sarah Yoakam, Office Manager

[dachamber@DelawareAreaChamber.com](mailto:dachamber@DelawareAreaChamber.com)

Matt Carbery, IT Mgr.

[mcarbery@DelawareAreaChamber.com](mailto:mcarbery@DelawareAreaChamber.com)

32 S. Sandusky Street

Delaware, Ohio 43015

740-369-6221

Fax:740-369-4817

[www.DelawareAreaChamber.com](http://www.DelawareAreaChamber.com)

## Great news for small business and health care

As a member in good standing with the Delaware Area Chamber of Commerce, your business is eligible for discounted group health care, sold through our Chamber-member authorized agents. In an effort to continue to provide our members with saving opportunities at this critical time, we are happy to announce great news for small business' health insurance needs.

Effective **July 1, 2020**, and for a very limited time, our new Chamber exclusive discounted Anthem Health Insurance Plan (SOCA MEWA Plan) for **Chamber-member-only** small businesses (2-50 employees) will now be available to **SOLE PROPRIETORS!!** Our Anthem SOCA MEWA approved agents below can begin quoting for this plan to sole proprietors on **April 20, 2020**. We strongly encourage if you are at all interested to reach out to one of the agents listed below soon to make sure they are ready to assist you with a free quote on April 20.

### MORE Exciting news for all our small businesses!

And these amazing health insurance rates just got better! We are pleased to also announce **Anthem will be making pricing adjustments as well as group size adjustments** for this plan, also with the effective date of July 1, 2020!!! Quoting begins **now** so reach out to one of our approved agents TODAY!

### Benefits included with our Chamber Exclusive Small Group SOCA MEWA Plan:

- Blue Card
- Strong provider networks and name recognition
- Sydney and SydneyCare mobile app for instant access to benefits and care
- Live Health Online access to care 365 days a year/24 hours a day
- Dual option available for 5-9 enrolled; triple option available to 10+ enrolled
- Smart Shopper (employees can get CASH for making smart decisions on eligible services)
- Variety of Ancillary offerings (dental, vision, life and disability) with ONE ID CARD, ONE BILL.
- Ease of employer administration with Employer Access (beginning 4/8/20 for SOCA MEWA—full administration active now for ACA).

**Get a free quote today and join hundreds of chamber member businesses already saving thousands on health insurance through this new plan!**

*An eligible sole proprietor must meet certain underwriting requirements, work more than 30 hours per week (documentation required), and needs to submit cover page from form 1040 with Schedule C OR cover page from 1040 with Schedule F AND schedule SE.*

Contact one of the Anthem Elite Certified approved agents for more information.

### Creative Financial Insurance

Jim Roesch

[jwroesch@discovercfi.com](mailto:jwroesch@discovercfi.com)

740-363-5433

### Preferred Benefits Services

Mark Pettitt

[mark@pbsai.com](mailto:mark@pbsai.com)

740-363-6028



# 2020 Golf Outing

## Corporate Sponsor



**Friday August 7, 2020**

**Kings Mill Golf Club**

2500 Berringer Road

Waldo OH 43356

Check-in and breakfast 8:00am

**Shotgun start 9:00am**

**\$100 per golfer**

\$125 hole sign sponsorship

\$125 goody table on the hole sponsorship

\$200 hole sign AND goody table on the hole

\$50 skill prize sponsorship

Skins \$20 per team ~ Mulligans \$5 each

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## Breakfast Sponsor



## Lunch Sponsor



[Click here to register today!](#)

**Deadline to register is  
July 31, 2020**

## Drink Cart Sponsor



ARC Consulting Services, LLC., a Managed Care Consulting and Software Solutions company, announces its corporate name change to [ARC Healthcare](#). The company's headquarters will remain in Columbus, Ohio.

The name change reflects the company's broader healthcare commitment and expertise in driving innovations that shape the future of provider network management, network development, and provider contracting and credentialing. Later this year, ARC Healthcare will be expanding product offerings to include a new proprietary healthcare-focused Customer Relationship Management (CRM) software. Our CRM tool will be an industry-leading scalable software solution that will transform and optimize provider network management.

ARC Healthcare has a continued commitment to being results-driven while revolutionizing the healthcare industry with best practices for rapidly building quality provider networks, providing compliant document management systems, and cost-effective network management. Our solution-focused experts are dedicated to delivering innovative healthcare consulting services that reduce cost and optimize network operations.

As industry leaders, we are committed to providing knowledgeable resources and reliable tools that enhance workflows, create efficiencies, and improve processes. We deliver the value that helps organizations succeed.

Our name change to ARC Healthcare allows us to emphasize our wide-ranging business objectives around addressing the critical needs of both the managed care and provider communities. Amanda Ratliff, CEO of ARC Healthcare states, "It is imperative that we stay engaged and connected during these changes and put our best foot forward. We are committed to providing breakthrough products and services while embracing forward-thinking change".

To view ARC Healthcare's website and to learn more about our services, please visit: <https://www.myarchhealthcare.com>.



ARC Healthcare



## Member celebrates 90 years!

**Maloney + Novotny** (M+N) celebrates its 90<sup>th</sup> anniversary as a leading regional CPA firm. Named as INSIDE Public Accounting's (IPA) **Top 200 Public Accounting Firms** in 2019 and a **2019 Best Employers in Ohio** by the Ohio SHRM State Council, Crain's Cleveland Business, and Best Companies Group, the Firm will celebrate the anniversary with several events throughout the year. The Firm is headquartered in Cleveland and has offices in Canton, Columbus, Elyria, and Delaware, OH.

Founded by Herb Hausser in 1930, and later joined with Bill Taylor's firm, the Firm has built its reputation on core values including creative solutions, outstanding client service and the belief in maintaining the highest quality and ethics in the accounting profession. In 2008, the Firm changed its name to Maloney + Novotny LLC. Today, M+N has 18 shareholders and more than 140 service personnel.

"The Firm's founders and prior leaders heavily influenced Maloney + Novotny's culture and commitment to the business community," reflects Jon Ruple, Managing Shareholder at Maloney + Novotny. "I believe the Firm has thrived over the years, in part, because of those core values and entrepreneurial culture that run so deeply through the Firm and its people," said Ruple.

Ruple said the Firm has enjoyed a long history of attracting and retaining exceptional clients. Likewise, Maloney + Novotny has recruited and retained talented shareholders and employees. Ruple adds, "M+N offers a great environment for bright and creative people to excel."

The entire team at Maloney + Novotny is proud of the Firm's legacy and looks forward to serving clients for many more years in the future.

Maloney + Novotny is one of Ohio's largest full-service CPA and business consulting firms and celebrates 90 years of helping clients achieve their goals and financial success. The Firm provides attest, tax and advisory services through a long-term relationship built on trust and service. Maloney + Novotny is a member of Nexia International, a worldwide network of independent accountants, business advisors and consultants. For more information visit [maloneynovotny.com](http://maloneynovotny.com).



**Bill Rogers, CPA**  
Shareholder



Delaware | 740.362.9031  
Columbus | 614.781.6174

[maloneynovotny.com](http://maloneynovotny.com)

If you're thinking

**I need a better bank**

then you need to think **beyond the banks.**



**Lisa Clark, Manager**

Delaware Service & Lending Center  
33 London Road  
by Walgreens, Delaware, OH 43015

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Looking for product or service? Look to your fellow Chamber members *first*.  
The Chamber exists for and by its members— *check here* before you buy.

Delaware Area Chamber of Commerce ~ 32 S. Sandusky St., Delaware, Ohio 43015 ~ 740-369-6221 ~ fax 740-369-4817  
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## BWC steps up for business

Roughly 100 businesses in Delaware County are members of the Chamber-sponsored Safety Council program. The program allows members an opportunity to receive rebates on their workers comp premiums, based on meeting certain requirements facilitated by the Safety Council. In a move that was both swift and incredibly generous, the BWC was the first to step up and provide Safety Council member businesses one less thing to worry about. The Chamber is grateful to the BWC for making sure bureaucracy works FOR those engaged in the program. We are proud to share their announcement with you. (For more information about Safety Council, [click here.](#))



Dear Safety Council Rebate Program Participants,

We thank you for your patience as we've determined how to proceed with the FY20 Safety Council Rebate Program in the midst of COVID-19.

As you know, we directed safety council sponsors to cancel March, April, and May safety council meetings in light of public health concerns. And today's announcement will eliminate the need for sponsors to host a June meeting. As a result of these cancellations, we realize it is impossible for many of you to complete the program's FY20 rebate eligibility requirements.

Therefore, we will provide the FY20 rebate to safety council members who, **as of Feb. 29, 2020, had attended at least FOUR Safety Council meetings.** This determination was based on crediting each member with one meeting credit for each cancelled meeting, the maximum of two external training credits and waiving the CEO attendance and calendar year 2019 semi-annual report requirements.

Although we realize a small number of safety councils host more than one meeting a month late in the program year, we are granting relief for only one safety council meeting credit per month in March, April, May, and June. This resolution reinforces the program's goal of active participation for the purpose of education, networking and resource sharing and, unfortunately, members who condense participation to the latter part of the program year will not appreciate relief from this solution.

Ultimately, employers we determine have earned the rebate under the revised guidelines will receive the maximum percentage rebate allowed per their BWC group-rating status:

- 2% for employers enrolled in BWC's Group-Retrospective-Rating Program and eligible for the participation rebate.
- 2% for employers enrolled in BWC's Group-Experience-Rating Program and eligible for the performance bonus - there will be no claims data measurement calculation.
- 4% for employers not enrolled in a BWC Group-Rating Program.

Your safety council sponsor will submit July 1, 2019 through February 29, 2020 attendance records to us when normal business operations resume. The timeline for the processing of these rebates is yet to be determined but we will continue to update safety council sponsors when you should expect FY20 safety council program rebate checks.

Our most sincere interest is the health, wellness and safety of Ohio's workforce. Be safe and take care.

*Michelle Francisco,*

BWC Safety Council Program Manager

### Steering Committee

Susan Garrett

[Mail Pro 1](#)

Billy Gibson

[Del-Co Water](#)

Jessica Hamilton

[Liberty Casting Company](#)

Dave Letterle

[Delaware General](#)

[Health District](#)

### MEETINGS HAVE BEEN CANCELED FOR MAY and JUNE

Monthly meetings are the 2nd Tuesday of the month:

11:30 – 12 optional lunch

12-1 program

All meetings are at the Eagles Lodge, 127 East William Street Delaware, OH unless otherwise specified.

Check the [Safety Council website](#) for more details.

**Want more  
Safety Council  
news?**

[Click here](#) for this month's Safety Council newsletter

The Delaware Area Safety Council is here to provide our community with quality programs addressing occupational safety and health, workers' compensation and risk management, education and information.

# The SOCA self-funded medical plan. A big opportunity for small employers.

The Southern Ohio Chamber Alliance (SOCA) teamed up with Anthem Blue Cross and Blue Shield to create a health program that can lead to more rate stability – and it could offer potential savings for groups with 50 or fewer employees. This self-funded multiple employer welfare arrangement (MEWA) lets smaller employers join together to share in the overall claims risk. By being part of a larger, self-funded pool, employers have financial protection backed by Anthem's stop loss coverage.

**In addition to financial protection, this innovative alternative offers:**

- Competitive rates
- Fixed, predictable monthly payments
- A variety of plan designs
- Anthem's broad Blue Access PPO provider network and Essential Rx formulary
- Coverage for claims run-out/terminal liability coverage
- Expanded wellness offerings
- Specially discounted rates on SOCA-exclusive specialty products including dental, vision, life, optional life, and disability insurance

**As a member in good standing with the Delaware Area Chamber of Commerce, your business is eligible for discounted group health care *including plans for sole proprietors*, sold through our Chamber-member authorized agents.**

**Contact one of our agents to see if there's a plan that's right for you.**

## **Creative Financial Insurance Services Agency**

Jim Roesch

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Mark Pettitt

[mark@prefben.com](mailto:mark@prefben.com)

740-363-6028

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PREFERRED BENEFITS SERVICES AGENCY, INC.

## **Chamber accepting Leadership Delaware program applications for class of 2021**

Leadership Delaware is now accepting applications for the class of 2021. This prestigious program has become a must-have experience for emerging leaders in Delaware County. Through Leadership Delaware, class participants learn first-hand about the challenges and opportunities facing the community. Participants are exposed to people and places they could not on their own and discover a perspective unavailable in the normal course of their work. Even participants who've lived their entire lives in Delaware County are amazed at what they learn.

The nine-month program, which is held on the second Thursday of each month September through May, focuses on various topics, including

Spectrum Leadership

Delaware County History and Tour

Agriculture

Education

Social Services, Volunteerism &

Board Service

Government

Law Enforcement and the Courts

Health Care

Economic Development



Over 700 Delaware County professionals have graduated from the program since its inception in 1992. These alumni serve on local boards and committees helping to shape the future of the Delaware area.

[Click here to view the program brochure](#) and [click here to apply on-line](#). Get more information at [DelawareAreaChamber.com](http://DelawareAreaChamber.com) or by calling the Chamber at 740-369-6221. All applicants will be notified as to their acceptance by mid-July. Space in the program is limited and it fills up fast. Consider this the year that you or a valuable member of your staff should experience Leadership Delaware.



## Our Guiding Principle

The Delaware Area Chamber of Commerce acts as a champion of prosperity by influencing policy and regulations that impact the interests of business; researches, communicates, educates and advocates public issues on behalf of the interests of business and quality of life.



## Follow Ohio Chamber legislative updates

As a proud member of the [Ohio Chamber of Commerce](#), we're grateful for their advocacy on behalf of small business. For chambers like ours with bare bones staff, the value of our membership with Ohio Chamber is the vetting, education and lobbying that we lack the adequate resources to take on. We urge you to click on their logo and follow their updates.



# CORE VALUES



## Our Values—The Delaware Area Chamber of Commerce will:

- treat all of our relationships with honesty, respect and fairness;
- be actively involved in our community and be leaders in identifying and addressing issues of community and regional concern;
- foster partnerships to improve the economic well-being and quality of life in the community;
- hold the business needs of our membership to be our highest priority;
- remain committed to fostering a rich sense of community and an unrivaled quality of life;
- stay connected to our membership - communicating information and opportunities to our members, public policy leaders, and the residents of the greater Delaware community;
- be an inclusive organization, sustaining a diverse membership by welcoming all interested parties to become involved and encouraging a variety of thoughts and view points; and
- be trustworthy and responsible stewards of the Chamber's funds, seeking to direct resources with wisdom and integrity.

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## Don't let Memorial Day get lost this year

With so much on our minds this spring and the prohibition on large crowds, let's not let Memorial Day be diminished in any way.

Memorial Day commemorates the men and women who died while in the military service of their country, particularly those who died in battle or as a result of wounds sustained in battle. In other words, the purpose of Memorial Day is to memorialize the veterans who made the ultimate sacrifice for their country. We spend time remembering those who lost their lives and could not come home, reflecting on their service and why we have the luxury and freedom that we enjoy today. We might consider how we can support and safeguard their grieving families and loved ones who are left behind.



# Terracon

800 Morrison Road  
Columbus, Ohio 43230

Kevin M. Ernst, P.E.,  
Office Manager  
[kevin.ernst@terracon.com](mailto:kevin.ernst@terracon.com)

(614) 328 5168  
[terracon.com/Columbus](http://terracon.com/Columbus)

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# Welcome

## New Members

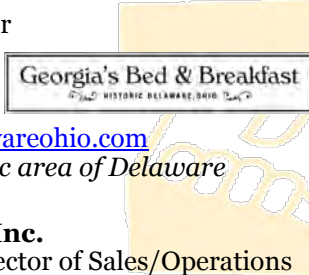
### ActionCOACH R & C

Raymond Cyrus - Owner/President  
 7060 Scioto Parkway  
 Powell, OH 43065  
 (262) 751-1145  
[randccoaching@actioncoach.com](mailto:randccoaching@actioncoach.com)  
*Offers business coaching*



### Georgia's Bed & Breakfast

Diane Seely - Owner/Innkeeper  
 76 North Franklin Street  
 Delaware, OH 43015  
 (614) 504-3325  
[georgiasbedandbreakfastdelawareohio.com](http://georgiasbedandbreakfastdelawareohio.com)  
*Provides lodging in the historic area of Delaware*



### Gordon Flesch Company, Inc.

Doug Gleichauf - Regional Director of Sales/Operations  
 5655 Venture Drive  
 Dublin, OH 43017  
 (614) 789-5700  
[gflesch.com](http://gflesch.com)  
*Offers print & document services; IT support, copiers, printers & plotters*



### Henmick Farm & Brewery

Michael Sheets - Owner/Operator  
 4380 North Old State Road  
 Delaware, OH 43015  
 (614) 551-9587  
[henmick.com](http://henmick.com) – coming soon  
*Offers a brewery & event space on a 100+ year old family farm*



### Money Concepts Sunbury

Andrew Panyik - President  
 PO Box 770  
 Sunbury, OH 43074  
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[mcsunbury.com](http://mcsunbury.com)  
*Offers personalized service & investment strategies*



# Reinvesting Members

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- [Acoust-A-Fiber](#)
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- [Bill Kistner & Company, LLC](#)
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- [Buckeye Valley Local Schools](#)
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- [Syntero, Inc.](#)
- [Terracon Consultants, Inc.](#)
- [V & P Hydraulic Products](#)
- [Valley Title & Escrow Agency, Inc., dba Lawyers Title Agency](#)
- [Yemc Law Office](#)

**PLEASE NOTE**  
 OUR NEW HOME FOR THIRD THURSDAY  
 LUNCHEONS IS  
 BROOKSHIRE BANQUET  
 405 GREIF PARKWAY, DELAWARE

# May Calendar

### Chamber Board Meeting

Wednesday, May 20  
 7:30 am, via Zoom

### Memorial Day

Monday, May 25  
 Chamber office closed



### SAVE THE DATES

### New Member Orientation

Tuesday, July 28  
 8:00-9:15 am Chamber office  
[Click here for details & registration](#)

### Golf Outing

Friday, August 7, 2020  
 Kings Mill Golf Course  
[Click here for details and registration](#)

### Clay Classic

Friday, October 9, 2020  
 Black Wing Shooting Center

### Annual Dinner 2021

Monday February 1, 2021  
 Hilton Polaris

[Click here to visit the chamber's interactive calendar of events](#)

**Looking for product or service?**  
 Look to your fellow Chamber members *first*.  
 The Chamber exists for and by its members – [check here](#) before you buy.



## What will a return to work look like?

That is the question weighing heavily on the minds of government leaders and public health officials, employers and their employees, and American families striving for the delicate balance of staying safe and making ends meet.

It is a question that begs more questions. But this much is increasingly certain: returning to work will be gradual, phased-in, and will vary by factors such as location, sector, business type or size, and the health status of workers. It also will require continued social distancing, expanded use of personal protective equipment, and other counter-measures.

Whenever the return to work begins, the planning for it must begin now. The American business community must begin preparing now for new processes, requirements, or restrictions for which there is no playbook or precedent. And we must not allow a lack of resources, regulations that are not fit-for-purpose, and the fear of litigation to sideline efforts to return to work and life—safely, successfully, and sustainably.

To help business and government anticipate the challenges we may face, the U.S. Chamber of Commerce has begun to explore and catalogue some of the major implications of returning to work in this environment—ranging from workplace safety and employee rights to liability concerns and continued revenue disruptions.

Some of our initial thoughts are detailed below across three different sections:

[Essential Services and Resources](#)

[Resolution of Regulatory and Legal Liability Issues](#)

[Support for Businesses and Individuals](#)

This article is intended to spur discussion. We hope you will not only read it, but also react to it and add to it. We don't have all the answers today – or even all the questions.

It is worth pausing to thank all of those who never stopped working, who risk their personal health to keep everyone

else safer. As we proceed, we should think about how we honor them and recognize their efforts.

Working together, we know we can be better prepared for the successful reopening of our economy and an eventual return to normal ways of working and living.

### Issues to Resolve for a Successful Return to Work

#### Essential Services and Resources

Bringing employees back to work and reopening commerce will require that certain essential services and resources are in place. These include:

#### General Health Screening

The CDC has recommended that critical infrastructure employers screen certain exposed employees for temperature, ideally before entering the facility. If this recommendation is expanded to cover all employees and potentially customers, employers will have to acquire temperature checking equipment and develop a process to screen individuals. Early and federally consistent guidance as to what will be expected is critical because it will take time to acquire equipment and establish protocols.

#### COVID-19 Testing

To the extent that return to work is based on the testing of employees either for the COVID-19 virus or antibodies to COVID-19, there will have to be sufficient testing capacity, as well as clear resolution on who is responsible for administering the tests, paying for the tests, and checking test results. Most employers are not well-positioned to administer these medical tests, so there must be widely accessible third-party providers. There also will need to be standardization as to when employees need to be tested, the frequency of tests (especially important if testing for infection, rather than antibodies), and the documentation employees will provide to employers. Frequent testing could be especially costly, and it should be determined who will bear those costs.

#### Personal Protective Equipment (PPE)

If public health professionals recommend

widespread use of PPE, such as masks, it will require clarity as to what is needed and who is responsible for providing such equipment, especially if shortages persist. For example, with respect to certain employees in critical infrastructure, the CDC has said: “Employers can issue facemasks or can approve employees’ supplied cloth face coverings in the event of shortages.” However, the purpose of these masks should be made clear as many are not rated for protecting the wearer and employers asking employees to wear them should not be held liable if an employee contracts COVID-19 while wearing such a mask.

#### Transportation

Approximately eight million Americans rely on public transportation to get to and from work each day. Public transportation is most efficient when it maximizes density, which needs to be avoided to preserve social distancing. While staggered worktimes can help spread out the rush hour, transit systems likely will need to operate at what would normally be excess capacity in order to support public health. Transit systems will likely require some form of financial assistance to support a safe return to work.

#### Childcare

Throughout the United States, many childcare providers that are still operating are primarily only caring for the children of essential workers. They also have implemented various public health recommendations to increase social distancing, such as lowering teacher-child ratios. In order to allow other parents to return to work, childcare providers will need to presumably operate under sub-optimal financial conditions: below previous capacity levels (as not all employees will return to work at once) and with increased costs (to maintain social distancing and accommodate staggered work times). Childcare providers will likely require some form of temporary financial assistance in recognition that they will need to operate at a loss in order to allow parents to return to work.

*Continued on next page*

*Return to work continued*

## **Resolution of Regulatory and Legal Liability Issues**

A reopening plan that is medically based and relies on social distancing and other best practices for public health may raise significant regulatory and legal liability risks. These are in addition to numerous lawsuits already filed as a result of COVID-19 and litigation risk that will become exacerbated during a reopening. Issues include:

### **Health Privacy**

Federal and some state laws are designed to maximize the health privacy of individuals. However, this objective could conflict with potential reopening requirements for employers to verify an employee's COVID-19 status and/or their vulnerability due to underlying health conditions. Employer efforts to protect other employees and conduct contact tracing in the workplace after an individual has tested positive could be slowed by obligations to protect the infected individual's health privacy. In addition, confidentiality requirements could prevent businesses from narrowly focusing their contact tracing so as to balance workforce safety while minimizing business interruption. During the COVID-19 national emergency and recovery period, employers will need a broad safe-harbor to make necessary inquiries regarding health status and to make certain limited disclosures to prevent the spread of the disease.

### **Discrimination Claims**

Employers who conduct a medically-based or risk-based reopening (using factors such as age or underlying health conditions) may face liability under existing anti-discrimination rules, including the Age Discrimination in Employment Act and the anti-discrimination provisions of the Americans with Disabilities Act. In addition, employers could face claims for adverse employment actions by employees who are delayed in returning to work or who feel they are not provided other reasonable employment accommodations. At the same time, employers can likewise face liability if they return at-risk

employees to work too soon. There is a need for clear guidance about what practices are acceptable in conducting a medically-based or risk-based reopening and provide a safe harbor for actions taken by employers consistent with those guidelines.

### **Safe Workplace Requirements**

Generally, when maintaining a safe workplace requires the use of personal protective equipment (PPE) such as masks, respirators, and physical barriers, OSHA requires employers to be responsible for ensuring the availability of such equipment and training employees on the use of the equipment. This is simply not possible if PPE becomes recommended in all workplaces. The federal government should make clear that PPE recommended specifically to combat the spread of COVID-19 is not subject to the normal OSHA requirements around workplace PPE.

Employers also may face lawsuits around the limited supply of or training for PPE. Worker's compensation issues dealing with shortages of PPE or its incorrect use are also likely to emerge. The federal government should clarify the scope of liability for the provision (or inability to provide due to scarcity) of PPE.

### **Support for Independent Contractors**

More than 23 million Americans receive income as independent contractors in fields as varied as construction, news reporting, professional services, and online-platform-enabled work. Businesses want to be able to provide the same type of workplace protections to independent contractors as they do for employees. However, doing so could be used to argue that the individual has ceased to be an independent contractor and is instead an "employee." Congress should settle this tension by creating a safe harbor that would allow businesses to implement health practices and provide benefits, including PPE, without establishing a formal employment relationship for the duration of the COVID-19 return to work transition.

## **Employment Practices**

Employers already are facing litigation regarding employment practices related to the pandemic. This includes class actions in the transportation industry regarding employees' scope of work and travel destinations. Employers also could face liability around wage-and-hour issues (for example: Are employees compensated while getting tested or passing through screening?), leave policy, travel restrictions, telework protocols, and worker's compensation. In addition, employers could risk legal actions if they do not accommodate employees who either insist on returning to work even though they have not completed health screenings or are high risk, or who refuse to return to work and provide adequate support for such refusal. There should be a safe harbor for temporary employer-implemented workplace policy changes designed to combat the spread of the coronavirus.

Another source of liability are charges against employers forced to lay off workers in response to social distancing policies and government-mandated closures. The federal WARN Act and many similar state laws require employers comply with procedural requirements, including notice to employees in the event of layoffs. California Governor Gavin Newsom issued an executive order on March 17, 2020 that suspended some requirements under California's WARN Act and ordered the state's labor agency to issue guidance on the suspension. Policymakers should implement similar statutory and/or regulatory changes designed to limit the application of the WARN Act for COVID-19 related layoffs.

*Continued on next page*

## **Exposure Liability**

This is perhaps the largest area of concern for the overall business community. It encompasses multiple types of claims that could be brought against business that have been designated as “essential” as well as large swaths of the remaining business community once the economy is reopened. The core component of claims in this category is that a customer/employee/patient/member of the public/etc. was exposed to COVID-19 in a business facility or as the result of a business’ particular action, or failure to act, and then that claimant became sick. The legal theories underlying these claims may range from simple negligence to strict liability to public nuisance, which the plaintiffs’ bar could try to pursue through contingency fee arrangements with cash-strapped states and municipalities. Depending on the legal theory underlying the claim, proving causation may be a challenge for plaintiffs. If enough claims are brought, the scope and magnitude of the litigation still may exert enough pressure to threaten businesses or industries with bankruptcy. The threat of exposure-related lawsuits also will deter some businesses from reopening even after it is determined that they could safely operate by following the guidance of appropriate health authorities.

Reforms to address these types of claims are largely dependent on which legal theory underlies a particular claim. For example, in the negligence space, providing a safe harbor for companies following CDC or state/local health department guidance could be helpful so long as the companies’ actions do not amount to gross negligence, recklessness, or willful misconduct. Procedural reforms such as channeling certain claims into federal court rather than allowing them to remain in various state courts could be helpful. Prohibiting or tightly circumscribing public nuisance claims also could be useful. Finally, policymakers should look to the reforms contained in prior economy-wide federal legal reform laws, such as the Y2K Act for guidance.

## **Product Liability**

Makers of certain products/devices/equipment to either protect against, treat, or test for COVID-19 may not have sufficient protection against speculative litigation. While the PREP Act currently provides protection against some types of liability for some categories of key “countermeasures,” it does not cover others. For example, while respirators are now covered by the Act, hand sanitizers, soaps and other key cleaning supplies are not. Furthermore, the Act does not provide protection outside key healthcare-related spaces. For example, a non-healthcare provider business that provides PPE to its employees or uses recommended cleaning products does not receive any protections under the PREP Act. The list of product types covered by the PREP Act should be expanded to include widely recommended protective products such as hand sanitizers and cleaning supplies. In addition, the Act could be expanded to cover additional categories of users and providers of essential countermeasures.

## **Medical Liability**

There is increasing concern about medical liability claims being brought against healthcare providers and facilities caring for COVID-19 patients. For example, the plaintiffs’ bar could try to bring medical liability/malpractice claims arising from care decisions, lack of care due to equipment shortages, as well as mistakes due to long hours or staff shortages. Also of concern are lawsuits brought against nursing homes and assisted living facilities for allegedly failing to protect residents/patients from contracting COVID-19. Healthcare facilities could be forced to ration care and make difficult decisions about who does and does not receive specific types of treatments, and each of those decisions has the potential of becoming a lawsuit. In addition, there are liability concerns about claims brought by non-COVID-19 patients who allege that they did not receive the appropriate standard of care due to the influx of COVID-19 patients that a healthcare facility or provider was required to treat.

At the federal level, the CARES Act provides some liability protections for volunteer healthcare providers caring for COVID-19 patients. The CARES Act language should be expanded to include all healthcare providers and facilities (not just volunteers). In addition, significant state-level COVID-19 medical liability statutes, such as one New York recently enacted, could serve as a model for a preemptive federal fix in this area.

## **Securities Litigation**

Securities class actions already have been filed against businesses impacted by the coronavirus—such as those in the cruise line and pharmaceutical sectors—based on stock-price drops resulting from the impact of the virus and claims that companies should have been warning investors about the potential consequences if the world was faced with an unprecedented pandemic. In addition, securities litigation also has been filed related to data privacy concerns for certain video conferencing platforms that have increased in popularity due to the increased use of teleworking because of COVID-19 stay-at-home orders. An automatic stay should be placed on securities litigation cases arising out of or related to the COVID-19 emergency until after the President’s declaration of a public emergency has been rescinded. In addition, these types of securities cases could be consolidated into one or a few federal district courts for efficiency purposes. Also, defendants in these cases should be allowed to have interlocutory appeal rights for the denial of a motion to dismiss and plaintiffs should have to plead with particularity all the elements of their claim in these cases; and all discovery should be stayed until after the motion to dismiss stage of the litigation. Finally, it is worth considering a cap on damages in COVID-19 related securities lawsuits.

*Continued on next page*



*Return to work continued*

### **Customer Communications**

Businesses have an enhanced need during the COVID-19 emergency to communicate to customers via telephone and text messages regarding operating status, restricted access, and other issues. However, the threat of litigation under the Telephone Consumer Protection Act (TCPA) can cause a business to limit the use of the important informational phone calls and texts. Approval of a pending petition at the FCC to expand the type of communications subject to an emergency exemption due to the COVID-19 situation would be helpful.

### **False Claims Act**

Cases brought under the federal False Claims Act (FCA) can impose significant liability on entities receiving federal funding or contracts and these types of liability concerns have the potential of slowing down relief under the CARES Act and any future relief measures. In the FCA space, the Small Business Administration's Interim Final Rule implementing the paycheck protection loan program under the CARES Act does contain very helpful hold harmless language for financial services providers; to more fully effectuate that language a memorandum of understanding between the SBA and the Department of Justice (DOJ) regarding how DOJ will approach FCA litigation under the CARES Act loan program would be extremely valuable and similar reforms also should be implemented for any future relief measures.

### **Support for Businesses and Individuals**

The federal government took unprecedented steps to support employers and individuals during the current shutdown. These programs will need to be modified

and to some extent extended and targeted to assist those businesses and individuals who will remain under distress during a phased or gradual reopening.

### **Businesses Dependent on High-Density Gatherings or Travel**

Entertainment venues, restaurants, bars, companies that host meetings and events, and many other businesses are only profitable when they achieve the type of occupancy and density that is not possible during social distancing. In addition, many businesses rely on business, trade show, and personal travel that may be greatly reduced based on social distancing guidance. A gradual or phased reopening that restricts the size of gatherings or limits travel may technically permit these businesses to reopen but this will mean operating at a significant loss. During the period where occupancy and gatherings are numerically restricted, these businesses should be provided with bridge assistance to enable them to remain viable.

### **Individuals Delayed in Returning to Work**

Until there is a widely available vaccine, or at least a widely available effective treatment for those who fall ill, not everyone will be able to resume normal work activities. High risk populations will need to engage in social distancing or even remain at home entirely. Individuals, including independent contractors, who must stay home because of their risk profile will need ongoing financial support if they cannot work remotely. This may require an extension of regular unemployment insurance or the creation of a new "high risk" unemployment insurance system.

### **Questions**

What additional essential services do you

see as necessary to support a phased reopening?

What additional resources do you anticipate needing to operationalize a phased reopening?

What additional guidance, including specific regulatory guidance, from the federal government would be beneficial for a phased reopening?

What additional legal liability issues are you concerned about during a phased reopening?

Do you anticipate your businesses needing additional financial support to bridge a phased reopening? If so, what form should that take?

How have you changed how you operate your business as a result of COVID-19 and what changes do you anticipate continuing after the pandemic?

Have you benefitted from any of the federal support, including the SBA's Paycheck Protection Program, implemented since the onset of the pandemic? If so, which support programs and do you have feedback on these programs and the federal response? Are there any changes you would recommend?

What new support do you envision needing going forward? For example, some types of standing support for business interruption in the case of a pandemic? How concerned are you about the potential costs of such support?

While restoring the economy will be a matter of private sector employers being able to resume activity, what other role should the private sector be playing, and what hindrances do you see in the way of any of these efforts?

What did we forget to ask?

*Source: US Chamber of Commerce*



**Looking for product or service? Look to your fellow Chamber members *first*.  
The Chamber exists for and by its members – [check here](#) before you buy.**

## Delaware County gearing up for 2020 census

Census Day is April 1<sup>st</sup>. Where you live on that date determines where you are counted for the U.S. Census (students in college on April 1<sup>st</sup> should list their college address when completing their form).



Changes for the 2020 Census include:

- Accurate address lists with automated field operations will keep residents' info confidential and safe.
- For the first time, **census takers can respond on-line, by mail or by phone.**
- **Residents will receive a postcard** with a personal identification number that they can enter securely on-line.
- The Decennial (ten year) Census **only has nine questions.**
- Response data will reduce in-person visits to non-responding households.

The Regional Planning Commission and County Auditor's office have worked with the Census Bureau to identify all addresses where people can live.

It is important that everyone is counted as census data impacts all of us including supporting the strategies in the CHIP along with the services that we provide to improve the health of our residents. Census data are used to:

- Forecast future transportation needs for all segments of the population;
- Forecast future housing needs for all segments of the population;
- Analyze local trends;
- Create maps to speed emergency services to households in need of assistance;
- Plan for public transportation services;
- Establish fair market rents and enforce fair lending practices;
- Plan for school projects;
- Determine areas eligible for housing assistance and rehabilitation loans.

**Census employees will always have: 1. badges with photo IDs, and 2. black canvas bags and laptops with 2020 census logos.**

For more information and resources, visit [regionalplanning.co.delaware.oh.us/data/census/2020census.gov/en](http://regionalplanning.co.delaware.oh.us/data/census/2020census.gov/en)

or call 740-833-2260 and we can help schedule a Census representative to speak to your jurisdiction or community group.

### Have YOU signed up for auto-pay and received your FREE newsletter ad? What are you waiting for?

The Chamber offers an recurring, incremental payment option for annual dues investment. Members can choose to deduct the payment from bank account or credit card [securely stored offsite via Authorize.net](#). You'll also be able to opt in to the billing frequency of choice: monthly, quarterly or annually.

**Auto pay must be set up at least 30 days prior to the month of your membership renewal date\*.**

You can sign up now, even if your renewal date is up to twelve months from today. Fill out the [Membership Investment Auto Pay Form](#). Bank account EFT is preferred to avoid credit cards that expire and interrupt the deduction.

Your banking/credit card account is secure; the Chamber renews its PCI compliance annually. Only *membership* invoices are eligible for this option. All other Chamber invoices remain due within 15 days. And remember that you can pay those online as well.

**Members who sign up receive a free 1/4 page newsletter ad!** Call the office for format details. So sign up today to make paying for your Chamber investment a snap. There are no administration or set-up fees.

\* *Don't know the month in which your renewal is due? Email [dachamber@DelawareAreaChamber.com](mailto:dachamber@DelawareAreaChamber.com).*





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**Census**  
**2020**



## Who we are

The Chamber is a voluntary organization of businesses investing their time and money to improve the economic, civic and cultural well-being of the community. Through this investment, the individual volunteer, company or corporate sponsor increase their business, expand their profile and value and in turn accomplish their personal and professional goals. Everyone shares in the benefit created by the growth and prosperity generated.

The dues structure is designed to permit even the smallest business to be a member. The work of the Chamber is financed by the investment of individuals and businesses that support it. *The Chamber is not part of the city or the government. It is a unique organization and it belongs to the members.*

## What we do

The Chamber provides its members with a platform to accomplish their business goals. Belonging to the Chamber increases a member's opportunity to network, develop professional and personally, build a referral base and increase their visibility. A recent study from the Shapiro Group shows that consumers are 49% more likely to think favorably of a Chamber-member business and 80% more likely to purchase goods or services from the company in the future. A Chamber membership comes with a 73% increase in customer awareness and a 68% increase in local reputation.

Your organization helps create jobs through stimulation of industrial and commercial growth. The Chamber is a voice for small business and keeps abreast of issues that affect the business climate and alerts membership to resources that may assist in their resolution. It also assists in bringing new business to the community by acting as a resource to the business principals and leaders. The Chamber serves as a resource for membership and provides referrals from a trusted network of business men and women.

The program of work is facilitated by the Chamber's member volunteers and committees under the direction of the board of directors. The goal is always to

create more prosperity and opportunity for all members. Every member has a voice in determining the Chamber's work, policies and projects- and every member is needed to work to get the job done!

And programming? Your Chamber knows how vital networking and educational programming are to its members. Monthly Before Hours and After Hours, Third Thursday luncheons, ribbon cuttings and other celebrations; annual golf outing and clay classic, the unique annual dinner and awards event; educational series, Safety Council and Leadership Delaware are the organization's sweet spot.

And what of your investment in the organization? In 2018, the Delaware Area Chamber received its second consecutive 5-year, 4-Star accreditation. Only 3% of chambers nationwide (and only four in Ohio!) seek and receive this prestigious recognition. What this means is that from finances to communication; HR to programming your Chamber is run like a business. A solid, well-run business and is committed to the accreditation process every day.

No other organization can do all that the Chamber does. We've been doing it since 1907. Times change but the relevancy of your Chamber endures.



## Chamber newsletter advertising a good value

More than 1200 readers at over 450 businesses receive our electronic monthly newsletter. The newsletter is also linked to and archived on our website for even more exposure. Using the Chamber newsletter to reach hundreds of customers is a terrific value. All ads are in full color and should be sent electronically in either a Publisher, png, jpeg or PDF format **ONLY** by the 20th of the month for placement in the next month's edition.

**And if you prepay for 10 months, you'll receive two additional months of the same size ad FREE!** Email your ad to [hquaine@DelawareAreaChamber.com](mailto:hquaine@DelawareAreaChamber.com)

Ad prices are for one run:

Full page: 8.5 x 11 portrait	\$125
Half page: 8 x 5.25 H	\$90
Quarter page: 4 x 5.25 H	\$75
Eighth page: 4 X 2.62 H/V	\$50



...is a program that rewards current members for referring new member businesses. Your efforts to grow your organization will earn you \$50 in **Chamber Referral Buck\$\$**. You'll receive a certificate good for *any* Chamber invoice. You may use more than one Chamber Referral Buck\$\$ certificate for any invoice. Redeem your **Buck\$\$** for advertising, sponsorships, event attendance or membership renewal.

***The more we are, the stronger we are. Working together.... It's Good for Business!!***



**DELAWARE AREA**  
CHAMBER OF COMMERCE





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**Loan Amount:  
\$10,000 - \$75,000**

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**Term: Up to 7 years**

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**Fixed Rates: As low  
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automatic payment  
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**Fee: \$250.00**

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**Collateral: Vehicle or  
Equipment**

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- ⇒ [15% off Guest room Nationwide Hotel and Conference Center—Nationwide Hotel and Conference Center](#)
- ⇒ [Oak & Brazen Wine Co: Daily Deals— Oak and Brazen Wine Co.](#)
- ⇒ [SourcePoint Shares Aging Expertise via Speakers Bureau—SourcePoint](#)
- ⇒ [Construction Savings—Steller Construction](#)
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## Leadership Delaware Class of 2020



Leadership Delaware Class of 2020 is taking a break. The April and May sessions as well as graduation have been moved to September and October. The class' community projects have also been delayed until summer. The Leadership class will get the full experience, albeit put off for a bit. MISS YOU KIDS!!!

### Leadership Delaware Class of 2020

Bob Anderson  
[Delaware County Dept. of Job & Family Services](#)

Emily Baugher  
[Delaware General Health District](#)

Jeff Beard  
[Orange Township](#)

Angel Boulis  
[Maloney + Novotny](#)

Tamra Bower  
[Polaris Fashion Place](#)

Bethany Brown  
[Performance Chrysler Jeep Ram](#)

Lindsay Buis  
[Alpha Group of Delaware](#)

Meg Canavan  
City of Powell

Cheryl Copley-Cimino  
[Delaware County Board of Developmental Disabilities](#)

Susie Daily  
[City of Delaware](#)

Lisa Fowler  
[Delaware County Board of Developmental Disabilities](#)

Jen Fry  
[Delaware City Schools](#)

Billy Gibson  
[Del-Co Water Co.](#)

Karen Gray  
[Ohio Wesleyan University](#)

Doug Gurney  
[Delaware County District Library](#)

Jackie Haight  
[SourcePoint](#)

Sara Harrison-Mills  
[Syntero](#)

Tish Hays  
[Ohio Living Sarah Moore](#)

Amanda Hines  
[Amanda Plumbing, Sewer & Drain](#)

Andy Horne  
[Sims Bros. Recycling](#)

Mallory Hope  
[Fidelity Federal Savings & Loan](#)

Jessie Jackson  
[Delaware County Sheriff's Office](#)

Lawrence James  
[Columbus State Community College](#)

Nancy Krueger  
[Manos, Martin & Pergram](#)

Dave Letterle  
[Delaware General Health District](#)

Eric Macwhinney  
[Payroll Services, Inc.](#)

Crissie Manley  
[Marion Technical College](#)

Jon May  
[Pathways Financial Credit Union](#)

Rhianna Mattix  
[Delaware-Morrow Mental Health & Recovery Services Board](#)

Beth McCollam  
[Preservation Parks of Delaware County](#)

Jackie Merkle  
[Olentangy Local Schools](#)

Cheryl Mitchell  
[First Citizens National Bank](#)

Kanasha Moss  
[OhioHealth Grady Memorial Hospital](#)

Rich Niccum  
[Preservation Parks of Delaware County](#)

Tonette Orsini  
[OSU Wexner Medical Center – Lewis Center](#)

Josh Page  
[Delaware City Schools](#)

Eric Penkal  
[Delaware County Prosecutor's Office](#)

Caroline Pusaten  
[MainStreet Delaware](#)

Karen Sedoti  
[Olentangy Local Schools](#)

Hannah Simpson  
[Delaware County District Library](#)

Gwynnie Stetler  
[Family Promise of Delaware County](#)

Marisa Stith  
[Delaware County Board of Commissioners](#)

Kirk Swinehart  
[2K General Co.](#)

PJ Terry  
[Delaware City Schools](#)

Trevor Thomas  
[Emergency Plumbing Service](#)

Jessica Ulmer-West  
[Liberty Casting Company](#)

Brooks Van Kirk  
[Delaware Automotive Service](#)

Dani Villaca  
[Acoust-A-Fiber](#)

Terri Wolfe-Anderson  
[Delaware County Board of Developmental Disabilities](#)

Erica Wood  
[Syntero](#)

## New member orientation- it means you veteran members, too

Every quarter the Chamber holds a new member orientation. Members mingle with board members over coffee and pastries and then retreat to the conference room where Chamber staff run through the benefits of membership.

But we know that there are many of our current/long-standing members who could use a brush-up or have new staff who should be brought up to speed.

Everyone is invited– even prospective members, and the Chamber staff encourages you to register to attend; bring a client who may be considering membership.

Our next orientation is **Tuesday, July 28**. [Click here to register](#). We'd love to see you! It's not just for new members!



## Six degrees of chamber member-to-member

The Chamber is relentless about encouraging its members to do business with other members. Do you look to Chamber members first for goods and services?

We encourage you to do business with your fellow Chamber members and to let us know about your experience. Tell us who you've done business with and send us a testimonial. [hquaine@DelawareAreaChamber.com](mailto:hquaine@DelawareAreaChamber.com).



### Did you know...

...that as a member of the Delaware Area Chamber you may use the Chamber's conference room at no cost? The conference room sits 25 comfortably and has a screen, projector and Wi-Fi. Also on hand: podium, easel and white board. It's the perfect location for training, strategic planning or meetings you'd rather have off-site; for home-based members it a perfect place to meet your clients. We'll even supply coffee, water and soft drinks. And best of all, it's FREE. To schedule the room, contact the Chamber at 740-369-6221 or [dachamber@DelawareAreaChamber.com](mailto:dachamber@DelawareAreaChamber.com).

## Are you making the most of the freebies that your Chamber membership offers?

The Chamber uses an integrated database system called ChamberMaster. From the staff's point of view, ChamberMaster's integration with our secure accounting system and website, and its use as a database system are only the tip of the iceberg; CM's features are robust and responsive to chambers of commerce who subscribe. But ChamberMaster is also a multi-faceted tool for our members that increases the value of membership to those who use it.

To use any of the features offered, you will need a username and password.

[Click here for instructions](#).

Your online calendar displays events from other members, Chamber events, and of course, any events that you have posted. You can register online for Chamber events only; to register for another member's event, please contact that member directly. If the event you'd like to register for has a fee associated with it (for example, Third Thursday luncheon is \$20 per person), you can pay online right then and there, select to pay at the door, or let us know you'd like an invoice. [Click here for the full instructions on registering for Chamber events](#). So, you've attended an event and you opted to be invoiced for it. You can pay that invoice online as well as ANY Chamber invoice. [Click here for instructions on how to pay invoices online](#).



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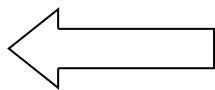


## Let them know you belong and support; link to Chamber logo

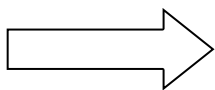
The most comprehensive research study to date on the relationship between Chamber membership and consumer confidence shows a marked effect for both large and small business. The caveat, however is that the positive outcomes only occur when the consumer knows that a business is a Chamber member. As a member of the Delaware Area Chamber of Commerce in good standing, you are encouraged to use the Chamber's logo on your email signature, website, stationery and marketing materials. Call the Chamber for an electronic version of our logo. Take advantage of the cache your membership brings to your business.



Click the image to the left for a high quality version of the Chamber **web stamp**.



Click the image to the right for a high quality version of the "Proud Member" **web stamp**.



### Your Chamber membership: True or False?

- The Chamber receives several requests each year for goods or services provided in our community and recommends Chamber member businesses. **TRUE!** The Chamber encourages members to supply the office with their brochures for display at no charge. The Chamber receives *hundreds* of requests each year by phone, email and in the Chamber office.
- Free for the asking is a prescription discount card that you can distribute to all your employees. **TRUE!** There's nothing to sign; no charge to distribute or to use; accepted at all the big chain pharmacies; and the discount is often a bigger savings than the co-pay. Look like a hero to your staff and contact the Chamber today: 740-369-6221 or [dachamber@DelawareAreaChamber.com](mailto:dachamber@DelawareAreaChamber.com)
- The Chamber's conference room may be reserved at a very reasonable cost to Chamber members. **FALSE!** The conference room sits 25 comfortably and has a screen, projector and Wi-Fi. Also on hand: podium, easel and white board. It's the perfect location for training, strategic planning or meetings you'd rather have off-site; for home-based members it a perfect place to meet your clients. We'll even supply coffee, water and soft drinks. **And best of all, it's FREE.** To schedule the room, contact the Chamber at 740-369-6221 or [dachamber@DelawareAreaChamber.com](mailto:dachamber@DelawareAreaChamber.com)



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