

## Compromise is where works gets done



**Chris Kershner**  
President and CEO  
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Our nation, state and the Dayton region were founded on principles of free enterprise, entrepreneurship and collaboration. In fact, they're hallmarks of democracy.

Respecting differing opinions and viewpoints are a true value-add of our society, and it is this value

that has allowed our great country to succeed for hundreds of years.

Constructive debate, understanding differing perspectives and finding a mutually agreeable compromise allows for a productive environment that supports economic growth.

Compromise is where real change, growth and evolution can occur in business and government – both sides sacrificing for the greater good and both sides succeeding for their constituency allows natural evolution to occur.

We have to find our way to this place, because supporting business growth and creating an environment in which businesses

can thrive is the responsibility of our government leaders, and our responsibility as a community. Single-sided perspectives that result in single-sided outcomes only benefit a select few and don't move a country, state or community forward.

We face great challenges. COVID-19 has put our economy in a fragile state. Our economic health is at a true tipping point and everyone needs to work together, or we could face an unprecedented economic spiral from which our business community will take years to recover.

In this same vein, if we work together, support our business community,

reduce regulatory burdens, and create an environment that is conducive to a healthy economy, we could emerge from this pandemic stronger than we have ever been. Crisis breeds opportunity, and we have a true opportunity to help our economy and our businesses.

There is real work that needs to be done in Washington, D.C., to help our business community rise out of this crisis. Paycheck Protection Program loans need to be forgiven, investment in our infrastructure is critical, and helping our nation return to a healthy economy must be paramount.

In addition, our employers are finding

new ways to utilize existing talent and identifying new employee skill sets they never knew existed. These employers need support from our government partners to re-tool, upskill and train their workforce for a post COVID-19 era.

We can't achieve these objectives alone, and we need all our elected officials to work together toward these pro-economic recovery objectives. We must move forward, but if we don't work as collective that respects differing opinions, we will end up going in reverse.

We have a lot on our plate that needs to be accomplished for our business community. Compromise

is where the work gets done.

The world is watching. This is our opportunity to lead and show them how to grow from this crisis. Diversity of opinions, perspectives and experiences is a core value of the Chamber. It creates constructive deliberation, resulting in a healthier democracy.

It's our responsibility to show the world how these foundational principles remain constant, especially in times of economic unrest and political transition.

Chris Kershner is the president and CEO of the Dayton Area Chamber of Commerce.

### RESTAURANTS



LongHorn Steakhouse and Raising Cane's Chicken Fingers make the Glassdoor Employees Choice Award list of the "2021 Best Places to Work." MARK FISHER / STAFF

## LongHorn Steakhouse, Raising Cane's score a shout-out on 'Best Places to Work' list

Two restaurant chains with a presence in region earned a spot on national list.

By Mark Fisher  
Staff Writer

Two restaurant chains with a presence in the Miami Valley – Raising Cane's Chicken Fingers and LongHorn Steakhouse – earned a spot on a national list of the top 100 best places to work based on reviews from their employees.

The Glassdoor Employees Choice Awards 2021 Best Places to Work were released last week, and included 100 companies. LongHorn Steakhouse was ranked no. 76, and Raising Cane's at no. 89. They were two of only three restaurant chains with a presence on the tech-company-heavy top-100 list. The third restaurant company, In-N-Out Burger, does not operate in southwest Ohio.

Glassdoor is a job-search and recruitment company. On its website, it says its "Best Places to Work" list is "based entirely on employee feedback" over a one-year period and is unlike other workplace awards in that, "there is no self-nomination process and no cost involved."

Raising Cane's operates six restaurants in the broader Miami Valley, including two that have opened in recent weeks at the Mall at Fairfield Commons in Beavercreek and in Springfield. Other locations include Huber Heights, a second Beavercreek location across from the Greene Town Center, east of the Dayton Mall in Washington Twp., in Fairfield and in the West Chester area.

This is the third time Raising Cane's has made the list since 2017.

"It means so much to receive such positive feedback from our crew, and even more so in this time of COVID-19," Raising Cane's founder and co-CEO Todd Graves said in a release. "Throughout the pandemic, our crew stepped up to the challenges. We are one of only a few restaurants on the list because it's so hard to

operate during a pandemic – but our crew made it happen! And I'm so grateful for them and this recognition."

Raising Cane's officials touted their company's "fast-paced environment, fun culture, flexible schedules and growth opportunities."

An employee's review left on the Glassdoor website last fall by a Cincinnati-area employee praised the company's "good crew and work culture (and) profit-share bonuses every quarter."

Michelle Webster – recruiting director for RCO Limited, Raising Cane's franchisee that operates all of the Louisiana-based chain's restaurants in southwest Ohio – told this news outlet Monday that the Glassdoor recognition "means a lot because it comes voluntarily from our crewmembers, and we were one of only a few restaurants on the list. ... Our culture is the best, and we are all about working hard while having fun."

LongHorn Steakhouse operates four restaurants in the region: on Miller Lane in Butler Twp., near the Mall at Fairfield Commons in Beavercreek, on West Dorothy Lane in Moraine and in the West Chester area.

LongHorn Steakhouse is run by the large restaurant holding company Darden, which also owns and operates Olive Garden, Cheddar's, Capital Grille and a handful of other chains. The parent company was included in job-search company Indeed's Top 50 workplaces in 2019, and was also named by Forbes.com as among the "Best Employers for Diversity" in 2019.

"Management really helps you with where you want to go, and is constantly helping you succeed," LongHorn Steakhouse employee review as saying.

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### Vaccine

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Can they be fired if they refuse to get vaccinated? Should they lose their jobs if they won't do their part to achieve herd immunity? Questions like these will be asked with increasing frequency as more doses of COVID-19 vaccine become available in the weeks and months to come. And there are no easy answers.

"It's not cut and dry," said Ubaka Ogbogu, professor of law and bioethics at the University of Alberta in Canada. "Not all vaccines are created equal and not all diseases are created equal. It's a very complex thing."

The legal issues alone are complicated. An employer can establish a mandatory vaccination policy if the need for it is job-related or if remaining unvaccinated would pose a direct threat to other employees, customers or themselves, according to guidance released last month by the U.S. Equal Employment Opportunity Commission.

For instance, a dentist could make a case that an unvaccinated hygienist would be a danger to others, or a retailer could say a cashier is at risk because of daily exposure to customers.

But there are two main exceptions, said Michelle Strowhiro, employment law partner at McDermott Will & Emery. Employees can object to the vaccine if they think it will exacerbate an established disability or medical condition. They can also turn it down if it goes against their sincerely held religious belief.

In either case, the employer and employee work together to find a reasonable way to accommodate the worker, such as allowing them to work from home instead of going into an office, Strowhiro said. If they work on-site, they can be moved to an area where they're less exposed to other employees.

If the exemption is based on a religious belief, an employer may deny a potential accommodation that would be more than a small cost or burden, Strowhiro said. For disability-related objections, the bar is higher.

Ultimately, though, employers have the final say on how far they're willing to go to accommodate an employee, she said. If they can't find a reasonable accommodation, an unvaccinated worker can be fired – though such drastic action could prompt a lawsuit, she said.

And though employers could require workers to take the COVID-19 vaccine, it's more likely they'll make it voluntary.

For starters, a vaccine mandate could invite a lawsuit, said Karla Grossenbacher, an attorney at Seyfarth Shaw who chairs the law firm's labor and employment practice in Washington, D.C.

Considering that a completely vaccinated workforce is a long shot even with a



Health care workers wait in line to receive the COVID-19 vaccine in Daly City, Calif. A survey found that 27% of Americans are "vaccine hesitant," saying they probably or definitely would not get a COVID-19 vaccine even if it were available for free. AP 2020

mandate, "at the end of the day, do you want to get hung up in litigation over all this?" Grossenbacher said. "Probably not."

The fact that the Food and Drug Administration sanctioned the vaccines through an emergency use authorization procedure instead of its usual approval process may also make a mandate trickier.

Vaccines for diseases such as polio, measles and whooping cough have been around for decades, and their track records inspire confidence that they're safe and effective. The same can't be said of the COVID-19 vaccine – at least, not yet.

Fear is a powerful motivator, and the belief that the COVID-19 shots were developed too quickly and haven't been through enough safety testing "leads to people coming up with more inventive ways to legally challenge a requirement to get a vaccine," Grossenbacher said.

Even in cases in which a vaccine mandate can be legally enforced, there may be ethical reasons not to, said Ruth Faden, founder of the Johns Hopkins Berne Institute of Bioethics.

For example, a long history of unequal care and outright abuse from medical and public health professionals has given Black, brown and Native communities good reason to be suspicious of a vaccination campaign, Faden said. She calls it "justified distrust."

Indeed, a survey by the Public Policy Institute of California found that 69% of Black adults in the state would definitely or probably skip the vaccine, along with 43% of Latinos. (By contrast, 35% of white respondents and 30% of Asian Americans shared that view.)

At the same time, others may have social, cultural or political reasons for not wanting to get vaccinated. For example, the Kaiser Family Foundation poll found that across the country, 42% of Republicans are vaccine hesitant, compared with 12% of Democrats and 31% of people who described themselves as independents.

"Do we want to distinguish between people who we think have a good reason to not want to be vac-

inated and those who don't?" Faden said. "That's an ethical conundrum and a political nightmare."

Another factor to consider is that although the two vaccines authorized so far are at least 94% effective in reducing the risk of developing COVID-19, whether they also reduce the risk of transmitting the coronavirus to others has not yet been tested. In some scenarios, that lack of evidence may weaken the ethical imperative for requiring it.

After all, if a vaccinated teacher can still infect his students, and a vaccinated restaurant worker can spread the virus to her customers, does that diminish the rationale for requiring them to get the shot?

"You have to have a good reason to give people about why it is ethically right for them to subject themselves to a vaccine they don't want to get," Ogbogu said.

Data on how effective the vaccines are at stopping the spread of the virus should be coming in the next few months, Faden said. Until then, employers might encourage their workers to get vaccinated but stop short of requiring it, she said.

Ogbogu added that workers who have managed to avoid an infection so far – such as intensive care unit nurses who have been fastidious in using personal protective equipment and following other safety measures – may rightly feel they don't need a vaccine to keep themselves and others safe. In that case, he said, there is little ethical reason to mandate a vaccine they don't trust.

But a mandate might be in order if "you are able to show the vaccine is the only thing that would prevent them from transmitting the disease," he said.

He added that even after vaccines are widely available, employers will still be responsible for providing PPE and other safety equipment; they can't rely on the shots alone to keep their workforces safe.

Ogbogu said he would rather take his chances with a COVID-19 vaccine that hasn't killed anyone than with a virus responsible for more than 388,000 deaths in the U.S. alone.

"My reasoning is that getting the disease itself is worse than getting the vaccine," he said.

Workers are grappling with these issues as well. Kari Helgeson, an X-ray technician at St. Joseph Hospital in Eureka, Calif., said deciding to get the COVID-19 vaccine required "a pretty big thought process."

In her 20 years at the hospital, she has never seen chest X-rays as bad as the ones from COVID-19 patients. "They can turn within hours and end up on a ventilator," Helgeson said. "For so much of the public to not believe it's real still is scary to me."

Helgeson usually skips the flu shot but was heartened by the 95% efficacy of the COVID-19 vaccine from Pfizer and BioNTech, which she received.

"This obviously is not the flu, and I need to trust science right now," she said. "This is our best hope, honestly."

She said most members of the radiology department were more than happy to get the vaccine. For many, posting photos of themselves getting their shots or showing off their COVID-19 vaccination cards was "a badge of honor."

Even so, she said, the shots should be "highly suggested" but not mandatory – especially because those available rely on messenger RNA, a technology that hasn't been used in vaccines before.

Colton Wheeler, a meat cutter at a Vons grocery store in La Crescenta-Montrose, said he plans to get the vaccine when he's eligible because he wants to protect himself and his family from the virus.

"We're just at the front line," said Wheeler, who has worked at the supermarket for 14 years. "We're ground zero."

He said he and his co-workers in the meat department are working longer hours to fill in for their colleagues who are out sick with COVID-19 or exhibiting symptoms of the disease. He said he's in favor of a company-wide vaccine mandate to bolster the health and safety of workers.

"That's how it's been spread – employee to employee," Wheeler said.