

# To All Local Government, Public Offices and IPAS: Coronavirus (COVID-19) Frequently Asked Questions (FAQ)

This FAQ document is intended to help local governmental entities with important local-level decisions they may encounter during the coronavirus declaration of emergency. The Auditor of State's office (AOS) is continuing to view various forums such as those posted by the Ohio Association of School Business Officials (OASBO), Ohio Township Association (OTA), Ohio Attorney General's Office (OAG), etc. as well as keeping communication lines open in the AOS office to help provide global guidance on the issue. **The FAQ will be updated on a regular basis throughout the coronavirus crisis.**

## • AUDITOR OF STATE ADVISORY MEMOS / POLICY UPDATES

1. [All Local Governments, Public Offices and Independent Public Accountants - March 13, 2020](#)
2. [All IPA Firms – March 17, 2020](#)
3. [All Auditor of State Clients – Billing Statement Policy Update – March 26, 2020](#)
4. [Local Governments - 2020 Local Government Officials Conference Cancellation Notice – April 9, 2020](#)
5. [Ohio County Commissioners, County Boards of Elections and County Prosecutors - Partial precinct election official compensation for March 17, 2020 Primary Election – April 10, 2020](#)
6. [Ohio Local Governments – COVID-19 Economic and Budgetary Impacts – April 24, 2020](#)
7. [GAAP December 31, 2019 Hinkle System Filers, IPA Firms - Information Regarding Extension for December 31, 2019 Hinkle System GAAP Basis Filing – May 8, 2020](#)
8. [All Auditor of State Clients – Workplace Safety – May 11, 2020](#)
9. [County Officials – County Revenues and the Covid-19 Economic Impacts – May 19, 2020](#)

## • CONTACT INFORMATION

1. **Auditor of State Regional Offices:**
  - Northwest: 419-245-2811
  - Northeast: 216-787-3665
  - East: 330-438-0617
  - West: 937-285-6677
  - Southwest: 513-361-8550
  - Southeast: 740-594-3300
  - Central/State: 614-466-3402
2. LGS: 800-345-2519
3. UAN: 800-833-8261
4. Media Inquiries: 614-644-1111
5. Legal Counsel: 800-282-0370
6. Fraud Hotline: 866-FRAUD-OH (866-372-8364)
7. [Federal Agency Single Audit, Key Management Liaison, and Program Contacts](#)

## • ADDITIONAL INFORMATION

### STATE

1. [Ohio's Open Meeting Act Letter \(Ohio Attorney General's Office\) – March 13, 2020](#)
2. [FAQ: Ohio Attorney General's Open Meetings Act Under the COVID-19 Emergency Declaration:](#)
3. [Ohio Legislation – House Bill 197](#)
4. [Ohio Department of Education's Coronavirus Frequently Asked Questions \(FAQ\)](#)
5. [Ohio Department of Education's Coronavirus Guidance for Community Schools and Sponsors](#)
6. [Ohio Department of Health Coronavirus Updates](#)
7. [Ohio Department of Administrative Services –Virtual Meeting Guidance for Local Governments and Political Subdivisions](#)
8. [Ohio Department of Administrative Services – Virtual Meeting Guidance for State Agencies, Boards, and Commissions](#)
9. [Ohio Public Works Coronavirus Updates](#)
10. [Ohio Water Development Authority Updates](#)
11. Ohio Environmental Protection Agency:
  - a. [Coronavirus Updates](#)
  - b. [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program Memo – March 26, 2020](#)
12. [Ohio Department of Taxation COVID-19 Tax Relief FAQ](#)

### FEDERAL

1. [Administrative Relief for Recipients and Applicants of Federal Financial Assistance Directly Impacted by the Novel Coronavirus \(COVID-19\) due to Loss of Operations Memo – March 19, 2020](#)
2. [Ohio Department of Job and Family Services Coronavirus Updates for Local Agencies](#)

### OTHER

1. [Governmental Accounting Standard Board \(GASB\) Emergency Toolbox](#)

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2. [Will the Office of Management and Budget \(OMB\) grant an extension for single audit filings?](#)
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10. [What is the allowability of salaries and other project activities charged to Federal Awards during the Pandemic? \(2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405\)](#)
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14. [Will my Federal Award deadlines be extended for financial, performance, and other reporting? \(2 CFR§ 200.327, 2 CFR§ 200.328\)](#)
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41. [Are any of the implementation dates for Governmental Accounting Standard Board \(GASB\) statements postponed due to the pandemic?](#)
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43. [What accounting guidance should my entity follow if we received Bureau of Worker's Compensation \(BWC\) dividends during the pandemic?](#)
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- **KEY QUESTIONS**

**1. Will the Auditor of State extend the financial statement filing deadline for December 31, 2019 year-end audits?**

Yes, the Auditor of State's office will extend the financial statement filing deadline by 30 days currently, with an additional extension evaluated if the circumstances warrant it. Refer to [Hinkle System GAAP Basis Filing Memo](#) sent May 8, 2020. See original memo sent in March 2020 [here](#).

**2. Will the Office of Management and Budget (OMB) grant an extension for single audit filings?**

Yes, as of March 19, 2020, the Federal awarding agencies, in their capacity as cognizant or oversight agencies for audit, should allow recipients and subrecipients that have not yet filed their single audits with the Federal Audit Clearinghouse that have fiscal year-ends through June 30, 2020, to delay the completion and submission of the Single Audit reporting package, as required under Subpart F of 2 CFR § 200.501 -Audit Requirements, to six (6) months beyond the normal due date.

No further action by awarding agencies is required to enact this extension. This extension does not require individual recipients and subrecipients to seek approval for the extension by the cognizant or oversight agency for audit; however, recipients and subrecipients should maintain documentation of the reason for the delayed filing.

Recipients and subrecipients taking advantage of this extension would still qualify as a "low-risk auditee" under the criteria of 2 CFR § 200.520 (a)-Criteria for a low-risk auditee. For additional details, please refer to [OMB's Memo of March 19, 2020](#).

**3. Will the Government Finance Officers Association (GFOA) approve filing extensions for Comprehensive Annual Financial Reports (CAFRs)?**

GFOA has indicated they will review CAFR extensions on a case-by-case basis and will approve extensions resulting in difficulties caused by the COVID-19 outbreak. Instructions for filing GFOA extensions can be located at: <https://www.gfoa.org/request-extension>.

**4. How will I receive my released audit report from the Auditor of State Clerk of the Bureau (COB)?**

Released reports from the COB will be sent by email. We are trying to limit the number of report releases that are sent by US Mail since our Clerk of the Bureau is working remotely at this time. Please refer to the [Auditor of State's Advisory memo](#) sent on March 13, 2020. It offers further details related to the Auditor of State's operations during the COVID-19 declaration of emergency.

**5. What is the applicability of Ohio's Open Meetings Act (OMA) during this time?**

House Bill 197, COVID-19 Emergency Bill Section 12, enacted provisions for public bodies to conduct meetings and administrative hearings, as defined in R.C. 119.01, during the period of emergency declared by Executive order 2020-01D, **from March 9, 2020 but not beyond December 1, 2020 if the period of emergency extends beyond that date**. As the Auditor of State does not represent local governments, the office cannot give advice on how to implement these provisions; local governments should consult their statutory legal counsel for guidance on how to conduct meetings and hearings pursuant to these provisions.

HB 197, Section 12 -(B) permits the following:

Members of a public body may conduct and attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology. All of the following applies to such meetings:

(1) Any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.

(2) Notwithstanding R.C. 121.22(C), members of a public body who attend meetings or hearings by means of teleconference, video conference, or any other similar electronic technology, shall be considered present as if in person at the meeting or hearing, shall be permitted to vote, and shall be counted for purposes of determining whether a quorum is present at the meeting or hearing.

(3) Public bodies shall provide notification of meetings and hearings held under this section to the public, to the media that have requested notification of a meeting, and to the parties required to be notified of a hearing, at least twenty-four hours in advance of the meeting or hearing by reasonable methods by which any person may determine the time, location, and the manner by which the meeting or hearing will be conducted, except in the event of an emergency requiring immediate official action. In the event of an emergency, the public body shall immediately notify the news media that have requested notification or the parties required to be notified of a hearing of the time, place, and purpose of the meeting or hearing.

(4) The public body shall provide the public access to a meeting held under this section, and to any hearing held under this section that the public would otherwise be entitled to attend, commensurate with the method in which the meeting or hearing is being conducted, including, but not limited to, examples such as live-streaming by means of the internet, local radio, television, cable, or public access channels, call in information for a teleconference, or by means of any other similar electronic technology. The public body shall ensure that the public can observe and hear the discussions and deliberations of all the members of the public body, whether the member is participating in person or electronically.

HB 197 Section 12 (C) provides: When members of a public body conduct a hearing by means of teleconference, video conference, or any other similar electronic technology, the public body must establish a means, through the use of electronic equipment that is widely available to the general public, to converse with witnesses, and to receive documentary testimony and physical evidence.

HB 197 Section 12 (D) provides: The authority granted in H.B. 197 applies notwithstanding any conflicting provision of the Revised Code. Nothing in this section shall be construed to negate any provision of R.C. 121.22, R.C. Chapter 119, or other section of the Revised Code that is not in conflict with this section. For additional details, please refer to the [Ohio Attorney General's Open Meeting Act FAQ](#).

**6. As a local school district, how do we deal with employee pay during this crisis?**

While the Auditor of State does not serve as legal counsel to local school districts, we recognize the challenges school districts are facing in this state of emergency. While the situation is still very fluid, the following statutes provide direction to schools regarding employee contracts, including in some cases, authority to pay employees during an epidemic. Schools districts should consider the statutes below, taken together with the terms and conditions of their individual bargaining agreements and employee contracts, as they consult with their legal counsel on the appropriate course of action. As always, during an audit, the Auditor of State will defer to the well-reasoned opinions of legal counsel on interpretations of the law.

3319.08\*

3319.081\* (non-teaching employee contracts)

3311.77\*

3311.81

3319.02 for administrators

3319.0811 (supplemental contracts)

3319.224 (contracts for speech and audiology services)

3319.0810 (transportation staff)

3313.72 and 3313.721 and 3313.68 (services of physician, dentist, or nurse)

3313.812 (contract for food service)

3319.01 (superintendent of district)

3319.088 (education assistants)

3319.141 (sick leave)

3313.482

\*The statutes marked with an asterisks above include specific guidance relative to paying employees during an epidemic.

As a matter of best practice, the AOS strongly encourages members of the governing authority to approve decisions regarding employee pay during this pandemic. This approval will serve to help document the decisions made regarding each class of employee.

**7. As a county, city, or civil service township, how do we deal with employee pay during this crisis?**

While the Auditor of State does not serve as legal counsel to government entities, we recognize the challenges they are facing in this emergency. While the situation is still fluid, the following statutes provide direction. Entities should consider the statutes below, taken together with new leave entitlements under federal law, as they **consult with their legal counsel on the appropriate course of action**. As always, during an audit, the Auditor of State will defer to the well-reasoned opinions of legal counsel on interpretations of the law.

124.34

124.38

124.382

124.386

124.387

124.388

As a matter of best practice, the AOS strongly encourages members of the governing authority to approve decisions regarding employee pay during this pandemic. This approval will serve to help document the decisions made regarding each class of employee.

**8. As a non-civil service township or village, how do we deal with employee pay during this crisis?**

While the Auditor of State does not serve as legal counsel to government entities, we recognize the challenges they are facing in this emergency. While the situation is still fluid, the following provide some guidance on their authority to provide leave. Entities should consider the guidance below, taken together with new leave entitlements under federal law, as they **consult with their legal counsel on the appropriate course of action**. As always, during an audit, the Auditor of State will defer to the well-reasoned opinions of legal counsel on interpretations of the law.

- *Doughton v. Village of Mariemont*, 476 N.E.2d 720, 721, 16 Ohio App.3d 382 (Ohio App.,1984)
- 2002 Ohio Atty.Gen.Ops. No. 2002-034
- 1986 Ohio Atty.Gen.Ops. No. 86-050

As a matter of best practice, the AOS strongly encourages members of the governing authority to approve decisions regarding employee pay during this pandemic. This approval will serve to help document the decisions made regarding each class of employee.

**9. Our employee receives the Pandemic Unemployment Assistance (PUA) benefits and we are a reimbursable employer. Are we responsible to pay the \$600.00 per week benefit directly to ODJFS, since this is a federal and not a state benefit?**

No. If a claimant is eligible to receive the \$600, employers, including reimbursing employers, are not responsible for the \$600 Federal Pandemic Unemployment Compensation payment. The PUA will be covered by the Federal Government.

**10. What is the allowability of salaries and other project activities charged to Federal Awards during the Pandemic? (2 CFR § 200.403, 2 CFR § 200.404, 2 CFR § 200.405)**

Refer to your Federal Awarding or State Pass-Through Agency for guidance. As of March 19, 2020, [OMB issued Memo 20-17](#) indicating Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants).

Federal Awarding agencies may allow recipients to continue to charge salaries and benefits to currently active Federal awards consistent with the recipients' policy of paying salaries (under unexpected or extraordinary circumstances) from all funding sources, Federal and non-Federal. Federal Awarding agencies may allow other costs to be charged to Federal awards necessary to resume activities supported by the award, consistent with applicable Federal cost principles and the benefit to the project.

Federal Awarding agencies may also evaluate the grantee's ability to resume the project activity in the future and the appropriateness of future funding, as done under normal circumstances based on subsequent progress reports and other communications with the grantee. Federal Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR §200.302 - Financial management and 2 CFR §200.333 – Retention requirement of records to substantiate the charging of any salaries and other project activities costs related to interruption of operations or services. For additional details, please refer to [OMB's Memo 20-17](#).

**11. During the COVID-19 Pandemic, what is the allowability of costs not normally chargeable to Federal Awards? (2 CFR § 200.403, 2 CFR §200.404, 2 CFR § 200.405)**

Refer to your Federal Awarding or State Pass-Through Agency for guidance. As of March 19, 2020, [OMB issued Memo 20-17](#) indicating Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants).

Federal Awarding agencies may allow recipients who incur costs related to the cancellation of events, travel, or other activities necessary and reasonable for the performance of the award, or the pausing and restarting of grant funded activities due to the public health emergency, to charge these costs to their award without regard to 2 CFR § 200.403, Factors affecting allowability of costs, 2 CFR § 200.404, Reasonable costs, and 2 CFR § 200.405, Allocable costs. Federal Awarding agencies may allow recipients to charge full cost of cancellation when the event, travel, or other activities are conducted under the auspices of the grant. Awarding agencies must advise recipients that they should not assume additional funds would be available should the charging of cancellation or other fees result in a shortage of funds to eventually carry out the event or travel.



Federal Awarding agencies must require recipients to maintain appropriate records and cost documentation as required by 2 CFR § 200.302 - Financial management and 2 CFR § 200.333 - Retention requirement of records, to substantiate the charging of any cancellation or other fees related to interruption of operations or services. As appropriate, awarding agencies may list additional guidance on specific types of costs on their websites and/or provide a point of contact for an agency program official. For additional details, please refer to [OMB's Memo 20-17](#).

**12. Do I need prior approval for Federal Award requirement waivers? (2 CFR § 200.407)**

Refer to your Federal Awarding or State Pass-Through Agency for guidance. As of March 19, 2020, [OMB issued Memo 20-17](#) indicating Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants). Federal Awarding agencies are authorized to waive prior approval requirements as necessary to effectively address the response. All costs charged to Federal awards must be consistent with Federal cost policy guidelines and the terms of the award, except where specified in this memorandum. For additional details, please refer to [OMB's Memo 20-17](#).

**13. Will there be an exemption of certain Federal Award procurement requirements? (2 CFR§ 200.319(b), 2 CFR§ 200.321)**

Refer to your Federal Awarding or State Pass-Through Agency for guidance. As of March 19, 2020, [OMB issued Memo 20-17](#) indicating Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants).

Federal Awarding agencies may waive the procurement requirements contained in 2 CFR§ 200.319(b) regarding geographical preferences and 2 CFR§ 200.321 regarding contracting small and minority businesses, women's business enterprises, and labor surplus area firms. For additional details, please refer to [OMB's Memo 20-17](#).

**14. Will my Federal Award deadlines be extended for financial, performance, and other reporting? (2 CFR§ 200.327, 2 CFR§ 200.328)**

Refer to your Federal Awarding or State Pass-Through Agency for guidance. As of March 19, 2020, [OMB issued Memo 20-17](#) indicating Federal awarding agencies are authorized to take the following actions, as they deem appropriate and to the extent permitted by law, with respect to the administrative provisions that apply to recipients grantees affected by the COVID-19 (for both recipients with COVID-19 related grants and other types of Federal grants).

Federal Awarding agencies may allow grantees to delay submission of financial, performance and other reports up to three (3) months beyond the normal due date. If an agency allows such a delay, grantees will continue to draw down Federal funds without the timely submission of these reports. However, these reports must be submitted at the end of the postponed period. In addition, awarding agencies may waive the requirement for recipients to notify the agency of problems, delays or adverse conditions related to COVID-19 on a grant by grant basis (200 CFR 200.328(d)(I)). For additional details, please refer to [OMB's Memo 20-17](#).

**15. Does the Auditor of State believe that R.C. 713.21 permits a Regional Planning Commission to accept federal funds from the Paycheck Protection Program (PPP)?**

The Auditor of State cannot provide legal advice to a regional planning commission, and a commission should consult with its own legal counsel prior to receiving any moneys under the Paycheck Protection Program. However, the Auditor of State will not take issue with a Regional

Planning Commission's receipt of moneys under the Paycheck Protections Program, so long as the regional planning commission has complied with all of the requirements of the program. It is the Auditor of State's opinion that the forgivable loan provided under the PPP is permitted by R.C. 713.21(B), which permits a regional planning commission to accept, receive, and expend federal funds. It would be a reasonable interpretation to characterize funds given through a forgivable loan as a grant as a practical matter, and would not conflict with R.C. 713.21. This is consistent with the express purpose of the CARES Act.

**16. How do I obtain my Certified Public Records Training (CPRT) also known as Ohio Sunshine Law Training during this time?**

The Ohio Attorney General's Office has provided an online webinar during periods where no in-person trainings are being conducted. Refer to the Ohio Attorney General Website link below: <https://sunshinelaw.ohioattorneygeneral.gov/>

**17. How do I obtain my Fiscal Integrity Act (FIA) training during this time?**

Due to the rescheduling of the Local Government Officials and other key conferences during this time, the Auditor of State's office is working on identifying and recording webinars for local governments. The webinars will be available soon on our website and will identify those topics that are appropriate for FIA credit.

**18. I'm a local government official, how do I obtain continued professional education during the pandemic?**

Although we regrettably had to cancel the 2020 conference, we will be publishing virtual training opportunities on our website beginning in May and we be hosting expanded regional training opportunities in the Fall. Refer to the [2020 Local Government Official Conference Cancellation Notice](#).

**19. How will the Auditor of State's Office provide audit/LGS services to local governments whose offices are closed?**

Please refer to the [Auditor of State Advisory memo](#) sent out on March 13, 2020.

The Auditor of State intends to continue operations by providing audit and LGS staff flexibility to work remotely. Audit and LGS staff will remain engaged with clients, not only in the completion of work but to offer assistance as issues arise. In short, the Auditor of State remains open for business and we are here to serve and assist. The Auditor of State is fortunate to have teleconferencing and other means available for meeting remotely and exchanging electronic information securely.

**20. Will the Auditor of State's Office audit/LGS services continue to work remotely through the month of May?**

The Auditor of State has a long standing remote work location policy that allows audit staff to perform their duties remotely - from home, in community or on location with audit clients.

Accordingly, as Ohio begins reopening and while we maintain social distancing and other public health measures to protect our clients and employees must be in place, the AOS will continue to provide audit staff flexibility to work remotely, where feasible. Audit staff will remain engaged with audit clients, not only in the completion of the assigned audit work but to offer assistance to clients as issues arise. In short, the Auditor of State remains open for business and we are here to serve and assist.

**21. This is not a completely specific topic, but what will be the AOS audit approach to compliance leniency and what documentation will AOS expect for various issues that may arise out of COVID-19?**

Document, document, document -- documentation is the key! Much like the 2009 American Recovery and Reinvestment Act (ARRA), the stimulus money is flowing faster than the compliance requirements are being communicated. The CARES Act is more than two and a half times larger than the ARRA. Its accountability provisions roughly parallel those in ARRA with increased funding for existing Federal Offices of Inspector Generals and the creation of a government-wide, independent oversight body, the Pandemic Response Accountability Committee (PRAC). The Act also requires a one-stop website providing spending transparency to the public. Much like ARRA, the CFDA numbers and COVID-specific requirements are not always being identified in Federal terms and conditions, which makes it difficult to track down the source of the funding and related compliance requirements. As of mid-April, we understand that the Federal OMB is holding the release of the 2020 OMB Compliance Supplement (used by auditors to determine applicable Single Audit procedures for FY20 audits) so that COVID-19 updates can be made by USDE and other Federal agencies. As AOS begins its upcoming Single Audits of FY20 school districts and others, AOS will accept well-reasoned and documented decisions about spending, compliance, etc., to the greatest extent possible.

**22. In light of the governor's executive order regarding social distancing, do I have to have a pre- or post-audit conference?**

If your entity would like to hold a pre- or post-conference during this time, the Auditor of State's office will be available to discuss the audit via phone or teleconferencing options. If your entity would prefer to waive a post audit, please let your regional auditor know. See the regional AOS office contact information above. The auditor will send a letter to waive the post audit conference. The governing authority of your entity will be asked to sign the post audit conference waiver.

**23. Will public water systems enforce drinking water fees and disconnections during the period of emergency?**

House Bill 197, COVID-19 Emergency Bill Section 8, allows the Ohio Environmental Protection Agency (EPA), during a state of emergency declared by the Governor under Executive Ord 2020-01D, to issue an order that does any of the following between the period of March 9, 2020 and December 1, 2020:

- Requires a public water system to restore service to any customer whose service was disconnected as a result of nonpayment of fees and charges;
- Requires a public water system to waive all fees for connection or reconnection; and
- Prohibits a public water system from disconnecting customers for nonpayment of fees and charges.

This order is not valid beyond December 1, 2020.

**24. Will penalties and late fees on certain local government loans be waived during the period of emergency?**

House Bill 197, COVID-19 Emergency Bill Section 27, allows the Ohio Public Works Commission (OPWC), Ohio Water Development Authority (OWDA), and the Ohio Environmental Protection Agency (OEPA) to waive penalties and late fees associated with outstanding loans and other requirements.

Although the legislation gave authority to the agencies to provide flexibilities, each agency must choose whether to adopt those flexibilities into their programs. Below are the decisions made and actions taken, if applicable, by each agency:

**Ohio Public Works Commission (OPWC):** Due to the COVID-19 pandemic, the Ohio Public Works Commission is deferring all July 2020 Loan Repayments with no payment due until the January 2021 billing cycle. Loan amortization schedules will be reissued and made available on their website in the forthcoming future to show no payment due for July 2020, with a six-month deferment for the life of the loan. Loan recipients have the option to make a double payment (for July 2020 and January 2021) in January 2021 which will be applied as an extra payment, or to make a single payment in keeping with the revised amortization schedule. There are no late fees or additional accrued interest as part of this deferral. For additional details, please refer to the [OPWC Important COVID-19 Changes and Guidance website](#).

**Ohio Water Development Authority (OWDA)**

In response to concerns relating to COVID-19, the Ohio Water Development Authority is strongly recommending electronic submission of disbursement/fund payment requests. OWDA has not waived any penalties and late fees. For additional details, please refer to the [OWDA website](#).

**Ohio Environmental Protection Agency (OEPA)**

All regulated entities remain obligated to take all available actions necessary to ensure compliance with environmental regulations and permit requirements to protect the health and safety of Ohioans and the environment. However, in the instance where regulated entities will have an unavoidable noncompliance situation, directly due to impact from the coronavirus, a form has been created by Ohio EPA to accept requests for the Director of Ohio EPA to consider providing regulatory flexibility, where possible, to assist entities in alternative approaches to maintaining compliance, such as extending reporting deadlines, consideration of waiving late fees and exercising enforcement discretion. For additional details, please refer to [Ohio EPA](#) and [COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program Memo](#)

**25. Can a County waive a taxpayer's obligation to pay fees associated with electronic payment of taxes for the duration of the COVID-19 crisis?**

Fees associated with the electronic payment of taxes for the duration of the COVID19 crisis may be waived by the county commissioners. County commissioners must pass a resolution to take on the fee obligation and ensure that it does not violate any agreement(s) governing the use and acceptance of the financial transaction device. R.C. 301.28(E).

**26. Can County Jobs and Family Services Departments waive the waiting period that an individual must serve prior to receiving unemployment benefits?**

House Bill 197, COVID-19 Emergency Bill Section 19, automatically suspends the requirement that an individual serve a waiting period before receiving unemployment benefits for a benefit year that begins after March 9, 2020 but before December 1, 2020, or the end of the period of emergency. Additionally, HB 197 allows the Director of Job and Family Services to waive the requirement to be actively seeking work for any claims filed during the same period. If a person is unemployable or unable to return to work because of an order issued by the person's employer, the governor, a health district board of health, a health commissioner, or the Director of the Ohio Department of Health, those benefits shall be charged to the mutualized account created by O.R.C. 4141.25(B) provided that no charge shall be made to the mutualized account for benefits chargeable to a reimbursing employer, except as provided in division (D)(2) of section 4141.24 of the Revised Code.

**27. As a county or city, what are the requirements for our entity to receive a loan from the Municipal Liquidity Facility (MLF)?**

The Municipal Liquidity Facility (MLF), as revised on April 27, 2020, will purchase up to \$500 billion of short-term notes issued by U.S. states (including the District of Columbia), U.S. counties with a population of at least 500,000 residents, and U.S. cities with a population of at least 250,000 residents. The new population thresholds allow substantially more entities to borrow directly from the MLF than the initial plan announced on April 9. The facility continues to provide for states, cities, and counties to use the proceeds of notes purchased by the MLF to purchase similar notes issued by, or otherwise to assist, other political subdivisions and governmental entities. The expansion announced also allows participation in the facility by certain multistate entities. Counties and cities should consult their statutory legal counsel in regards to the loan requirements from the MLF. For additional details, please refer to [Board of Governors of the Federal Reserve System](#) and [Federal Reserve Municipal Facility Limit per State](#).

**28. Can schools make up through distance learning any number of days or hours necessary due to school closure as a result of the Director of Health’s order, any local board of health order, or any extension of an order regarding COVID-19?**

Yes, House Bill 197, COVID-19 Emergency Bill Section 15, permits, for the 2019-2020 school year, school districts, STEM schools, community schools that are not e-schools, and chartered nonpublic schools to make up through distance learning any number of days or hours necessary due to school closures as a result of the Director of Health’s order, any local board of health order, or any extension of an order regarding COVID-19. A district or school may amend its existing plan or adopt one if it does not have a plan.

**29. Are schools exempt from any other requirements as a result of COVID-19?**

Yes. Among other school waivers provided for in House Bill 197, COVID-19 Emergency Bill Section 17, allows the following exemptions, for the 2019-2020 school year, due to the Director of Health’s order, any local board of health order, or any extension of an order to close all kindergarten through 12th grade schools:

1. Exempts all public and chartered nonpublic schools from administering state achievement and alternative assessments.
2. Prohibits the Department of Education from publishing and issuing ratings for overall grades, components, and individual measures on the state report card, and submitting preliminary data for report cards for school districts and buildings.
3. Establishes a safe harbor from penalties and sanctions for districts and schools based on the absence of state report card grades for the 2019-2020 school year. Includes safe harbor from:
  - a. Restructuring under state law based on poor performance
  - b. The Columbus City School Pilot Project
  - c. Provisions for academic distress commissions and progressive consequences for existing commissions (but specifically retains the chief executive officers’ powers prior to the 2020-2021 school year)
  - d. Buildings becoming subject to the Ed Choice Scholarship
  - e. Determination of “challenged school districts” where new start-up community schools may be located
  - f. Community school closure requirements
  - g. Identification of school districts and buildings for federal and state targeted support and improvement

- h. Restrictions on which community schools may change sponsors.
- 4. Exempts schools from retaining students in the third grade under the Third-Grade Reading Guarantee, unless the school principal and student's reading teacher determine the student is not reading at grade level.
- 5. Permits public and private schools to grant a diploma to any student on track to graduate and for whom the principal, in consultation with teachers and counselors, determines that the student has successfully completed the student's high school curriculum or individualized education program at the time of the Director's order.  
Declares the General Assembly's intent that public and private schools continue to find ways to keep students actively engaged in learning opportunities for the remainder of the school year, and to grant students who need in-person instructional experiences to complete diploma requirements or career-technical education programs access to school facilities as soon as reasonably possible after the Director of Health permits access, even if the last instructional day of the school year has passed.
- 6. Prohibits the use of the value-added progress dimension from the 2019-2020 school year to measure student learning attributable to teachers for their performance evaluations.
- 7. For community school sponsor ratings: (a) prohibits the Department from issuing a rating for the academic performance component; (b) prohibits the use of that rating for the overall rating; and (c) prohibits the Department from rating a sponsor on components other than those listed in O.R.C. 3314.016(B)(1)(b) and (c). The Department may not find a sponsor out of compliance with laws and rules for any requirement for an action that should have occurred while schools were closed pursuant to the Director of Health's order.
- 8. Permits the Superintendent of Public Instruction to waive the requirement to complete any report based on data from assessments that were to be administered in the 2019-2020 school year.

**30. Are schools required to refund students for cancelled student activities?**

The District's should follow their current policy on refunds. If they do not have a policy, then the School Board should adopt one and/or take action on the decision to refund or not and for which programs and in what amount(s). The Auditor of State's office is not aware of any statute that would govern in this instance.

**31. There was mention about 100 million dollars being provided through the Emergency Support Fund to provide payments to public employees and contractors. As it relates to contractors, school districts would like more guidance on how auditors will evaluate contractors paid during the pandemic in light of the Ohio proper public purpose laws. The group is seeking guidance as to what the AOS will be looking for this year and if they have any advice or want to share anything to watch out for.**

Ultimately, the terms/conditions of the grant dictate whether an expenditure is for a proper public purpose. If the moneys granted under the federal program have been spent in accordance with the terms/conditions of the specific grant/relief program, the expenditures have been made for a proper public purpose. If the federal law permits moneys to be used to pay employees (like bus drivers and transportation workers), even though work was not performed, there is a strong legal basis for AOS to conclude that those expenditures constitute a proper public purpose during the pandemic emergency. Federal dollars expended under this program that are used to pay contractors and employees, even if those contractors and employees are not providing service, with the proper

documentation and approval, are allowable under the program and will not be questioned as to their proper public purpose.

Refer to FAQs #1 and #11 in the [CCIP COVID guidance](#) from the Ohio Department of Education (ODE) Office of Federal Programs with ODE's Document Library. (Note the CCIP COVID Guidance is the version as of April 22, 2020, and schools should go to the Document Library to find the most recent, updated information.) In FAQ #1, the U.S. Department of Education (USDE) answers the question of paying employee contracts during the pandemic. In FAQ #11, ODE responds to questions pertaining to paying contracts during the pandemic. While there are no specific answers from USDE on paying contractors yet, ODE provides good advice to schools.

For vendor contracts, the CARES Act suggests that school districts can continue to pay contractors for reduced services and in situations where the contract cannot be broken- assuming it is a lawful contract. However, there could be provisions in a contract that allow it to be broken for force majeure events or generally unforeseeable circumstances that prevent someone from fulfilling a contract. Therefore, AOS strongly encourages school districts to consult with legal counsel regarding payments to contractors when they are unable to provide services or are providing services at significantly reduced levels.

AOS will audit according to the guidance provided by USDE and ODE, which may still be evolving. Additionally, AOS will defer to well-reasoned legal opinions school districts obtain from their legal counsel. AOS will not issue Findings for Recovery for expenditures that appear to conform to this guidance and have documentation to support the district's due diligence in performing an evaluation of the matters at hand. Additionally, AOS will consider the facts and circumstances present and the information available to schools while district officials were making relevant decisions as AOS evaluates potential questioned costs in a Single Audit. We anticipate the Federal Office of Management and Budget (OMB) along with USDE will provide further clarification on flexibilities related to these determinations for both schools and their auditors in the coming weeks.

**32. Can school districts terminate contracts with Educational Service Centers (ESCs) during the pandemic due to the building closures and an inability for the ESC to provide the contracted services?**

Presently the law provides that city, exempted village and local school districts with an average daily enrollment of 16,000 or less must enter into an agreement with an ESC under ORC Section 3313.843. In addition to service contracts under ORC Section 3313.843, city, exempted village, local and joint vocational school districts may set up contracts with ESCs for various services based on agreed upon fees beyond those covered by ORC Section 3313.843 contracts. ESC contracts cannot be broken, unless it is within the parameters provided by Ohio law. Because the pandemic declaration is outside the window to cancel an ESC contract, federal funds could be used to subsidize the cost of the contracts so long as it is an allowable expense of the funds. The language in certain Federal COVID programs may make use of the COVID funds allowable for subsidizing the cost of these contracts.

**33. For schools, will there be a state reduction in foundation revenue for FY20 and FY21? If so, how will this impact revenue sources such as Student Wellness and Success Fund (SWSF)?**

The Governor announced budget cuts to the FY20 Foundation payments. The Office of Budget and Management (OBM) released the materials that can be found at the following links:

1. [District-by-district listing of reductions](#) (Printout with various pieces of information – including the Total Reduction, the Per Pupil Reduction, the Reduction as a Percent of Operating Expenditures, and the district Estimated FY20 Cash Balance.)
2. [K-12 Reduction Summary Tables by Wealth Quintile and by Typology](#)
3. [OBM Press Release and Budget Reductions webpage](#)

More information on the methodology will be available in the coming days.

However, no decisions have been made yet with regard to cuts in FY21. We are aware that the Ohio Department of Education (ODE) is working closely with the Governor and OBM to determine the pandemic's impact on FY21 Foundation and other revenue streams, including SWSF. See the [AOS COVID-19 Economic and Budgetary Impacts](#) memo to assist local governments in evaluating potential budgetary impacts in the coming months. Additionally, see the [OBM's Monthly Economic Summary and State Financial Report](#). The report includes the previous month's performance in the areas of Economic Growth, Employment, Consumer Income and Consumption, Industrial Activity, and Construction; in addition to details on monthly general revenue fund (GRF) receipts and the year-to-date GRF revenues. This is a helpful resource to all that are monitoring the pandemic's impact to statewide resources. As soon as more information is available on potential FY21 funding changes or cuts, the Governor, OBM, and ODE will provide notice to school districts.

#### **34. How will federal dollars help to prop up the gap in the state budget?**

The Auditor of State (AOS) and Ohio Department of Education (ODE) want to caution schools that, to date, the Coronavirus Relief funds are not budget stabilization funds, but rather additional monies to help schools offset unanticipated/significantly different costs incurred as a result of the pandemic.

On April 23rd, ODE received the official CARES Act award notification/application from the U.S. Department of Education (USDOE) for the Elementary and Secondary School Emergency Relief Fund (ESSER). One of the allowable uses is "(12) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency." ODE expects USDOE will have more guidance and ODE will pass that along, but this provision may help fill the gaps in state and local funding.

Additionally, the CARES Act included funding from the U.S. Department of Agriculture (USDA) for the Child Nutrition Program. ODE's guidance from USDA is to use the funds to support the normal meal reimbursement process. ODE knows many schools will post operating deficits and require transfers into the food service fund from the General Fund as a result of the ordered school building closure. ODE is working to see if the funds awarded can be used for other purposes. AOS expects ODE to issue more guidance on this issue as it becomes available.

#### **35. Will the federal funding to be distributed by the Ohio Department of Education (ODE) to Kindergarten to 12<sup>th</sup> grade need to be accounted for in a special revenue fund? When will we receive these monies?**

While there is not much information available yet, the CARES Act includes language suggesting that separate accountability will be required for Coronavirus Funding. Therefore, AOS generally anticipates most governments will need to establish separate funds, or at minimum, separate special cost centers or subfunds to track federal Coronavirus funding.



On April 23rd, ODE received the official CARES Act award notification/application from the U.S. Department of Education for the Elementary and Secondary School Emergency Relief Fund (ESSER). AOS and ODE have been in discussion regarding the ESSER funds and we anticipate requiring a separate Special Revenue Fund will be required. ODE and AOS will issue guidance to schools in the coming weeks regarding these requirements and when schools can expect to receive these monies.

**36. Are local offices required to remain open during the period of emergency?**

House Bill 197, COVID-19 Emergency Bill Section 20, suspends, until August 30, 2020, a provision of law regarding liability of a county recorder for failure to perform certain duties of the office, including the duty to record a document by the morning of the day after the document was filed for recording. Section 21 of HB 197 provides the following during the period of the emergency declared by Executive Order 2020-01D:

- a) Requires the office of a county recorder, the office of a county auditor, the title office of a clerk of court of common pleas, and a county map office to remain open and operational in order to allow land professionals physical access to the office as necessary to search records that are not otherwise available online, digital, or by some other means, so long as all necessary public land records are available. Specifies that all essential services to effectuate a property transfer must remain open and available with all offices.
- b) Requires the title office of a clerk of court of common pleas to remain open and operational in order to allow land professionals, automobile, watercraft, outboard motor, all-terrain vehicles, and mobile home dealers access to the office as necessary to process titles that are not otherwise available online.
- c) Specifies that the office may provide such access during limited hours and for a limited duration, and may subject searchers to requirements and restrictions in the interest of public health.
- d) Specifies that the office may allow persons other than land professionals physical access to the office at the discretion of the office during such limited hours and limited duration, and subject to such requirements and restrictions in the interest of public health as the office determines.

These provisions apply notwithstanding an order or directive from the court of common pleas or the board of county commissioners.

**37. Are there resources available to help local governments recognize, arrest, and reverse patterns of financial decline?**

Yes, many associations offer tools to assist local government deal with the tenuous financial situation. For example, GFOA has provided a program called Fiscal First Aid: Recovering from Financial Distress. This program was actually created more than 10 years ago to help local governments deal with the 2008 Great Recession. It was very popular at the time and a number of GFOA members have indicated they are using it again now.

The site at [www.gfoa.org/fiscal-first-aid](http://www.gfoa.org/fiscal-first-aid) contains the following:

- A 12-step process for financial recovery: The web site breaks down the three stages of recovery described above into 12 detailed steps.
- Catalog of fiscal first aid techniques: The site highlights the most and least recommended techniques for providing short-term relief for financial distress.
- Catalog of long-term treatments: A number of strategies to improve financial condition over the long term are discussed.

- Diagnostic model: A full, ready-to-use diagnostic model is available to help find causes of financial distress that you can address.

Additionally, the Auditor of State has Fiscal Distress resources available at: <http://www.ohioauditor.gov/fiscaldistress.html>. Local governments seeking assistance may contact the Local Government Services (LGS) division of our office by calling 800-282-0370.

**38. Can elected officials sign resolutions and other official documents electronically during the COVID-19 emergency?**

Ohio Revised Code Chapter 9 allows for facsimile signatures on checks, warrants, vouchers, and other documents for the payment of money. The Code does not expressly address electronic or other signatures on resolutions and actions taken during public and official meetings. However, during an audit of a public office, the Auditor of State will not take issue with resolutions or other official documents that were signed electronically during the COVID-19 emergency. Section 12 of House Bill 197 states that “any resolution, rule, or formal action of any kind shall have the same effect as if it had occurred during an open meeting or hearing of the public body.” In addition, under O.R.C. 1306.06(A), a signature may not be denied legal effect solely because it is in electronic form. O.R.C. 1306.06(D) further states “[i]f a law requires a signature, an electronic signature satisfies the law.” It is strongly recommended that local officials consult with legal counsel for advice on how best to conduct official business during the emergency. If a decision is made to adopt the use of electronic signatures, the Auditor of State recommends that local officials provide written notification to the clerk specifying when an electronic signature is allowed to be used on an official document.

**39. Will email approvals for "Ok to Pay" and "Then and Now" be acceptable without an actual digital signature?**

The AOS will have a maximum flexibility policy/approach during this time period. Documentation is the key. AOS will accept well-reasoned and documented decisions (even where documented via alternative methods) about spending, compliance, etc. to the greatest extent possible.

**40. As a governmental entity, where can I find Governmental Accounting Standard Board (GASB) guidance on dealing with accounting and financial issues during this emergency?**

The Governmental Accounting Standard Board (GASB) has developed an [Emergency Toolbox](#). The GASB Emergency Toolbox will help entities identify the GASB’s authoritative guidance that could be relevant to the current circumstances. The toolbox provides links to identify additional professional organizations to obtain nonauthoritative recommendations for financial reporting and other activities as governments deal with the effects of the pandemic.

**41. Are any of the implementation dates for Governmental Accounting Standard Board (GASB) statements postponed due to the pandemic?**

Yes, GASB has recently issued GASB Statement No. 95, Postponement of the Effective Dates of Certain Authoritative Guidance. This GASB pronouncement delays the implementation of various GASB pronouncements. Following are paragraph 4, 5 and 6 from GASB 95. Paragraph 4 identifies the GASB pronouncements postponed along with the new effective dates. Paragraph 5 explains that governments are still permitted to early implement these GASB pronouncements. Meaning, if a government is in the process of implementing GASB 84 for its calendar year 2019 financial statements, it may continue with its efforts to implement GASB 84 for 2019; however, it is not

required to do so. If a government has implemented one of the impacted GASB pronouncements in a previous reporting period, it should continue to apply that pronouncement. Paragraph 6 clarifies that GASB 95 is effective immediately, thus there is no waiting period. This GASB pronouncement is effective upon issuance. GASB has acknowledged that if the pandemic's ramifications for financial reporting extend further, additional consideration of effective dates may be necessary. GASB 95 can be found [here](#).

#### **POSTPONEMENT OF EFFECTIVE DATES**

4. The requirements of the following Statements and Implementation Guides are effective as indicated:

- a. Statement 83—reporting periods beginning after June 15, 2019
- b. Statement 84 and Implementation Guide 2019-2—reporting periods beginning after December 15, 2019
- c. Statement 87 and Implementation Guide 2019-3—fiscal years beginning after June 15, 2021, and all reporting periods thereafter
- d. Statement 88—reporting periods beginning after June 15, 2019
- e. Statement 89—reporting periods beginning after December 15, 2020
- f. Statement 90—reporting periods beginning after December 15, 2019
- g. Statement 91—reporting periods beginning after December 15, 2021
- h. Statement 92, paragraphs 6 and 7—fiscal years beginning after June 15, 2021
- i. Statement 92, paragraphs 8, 9, and 12—reporting periods beginning after June 15, 2021
- j. Statement 92, paragraph 10—government acquisitions occurring in reporting periods beginning after June 15, 2021
- k. Statement 93, paragraphs 13 and 14—fiscal years beginning after June 15, 2021, and all reporting periods thereafter
- l. Implementation Guide 2017-3, Questions 4.484 and 4.491—the first reporting period in which the measurement date of the (collective) net OPEB liability is on or after June 15, 2019
- m. Implementation Guide 2017-3, Questions 4.85, 4.103, 4.108, 4.109, 4.225, 4.239, 4.244, 4.245, and 5.1–5.4—actuarial valuations as of December 15, 2018, or later
- n. Implementation Guide 2018-1—reporting periods beginning after June 15, 2019
- o. Implementation Guide 2019-1—reporting periods beginning after June 15, 2020.

5. Earlier application of the provisions in paragraph 4 is encouraged and is permitted to the extent specified in each pronouncement as originally issued.

#### **EFFECTIVE DATE**

6. The requirements of this Statement are effective immediately.

**42. With GASB delaying the implementation date for GASB 84, do schools need to begin budgeting according to GASB 84 fund classifications for fiscal year 2021, as originally indicated in AOS Bulletin 2020-003?**

No, with the delayed implementation of GASB 84, schools will need to begin budgeting according to GASB 84 fund classifications for fiscal year 2022. However, there is nothing to prevent a school from adopting their fiscal year 2021 budget following GASB 84 fund structure.

**43. What accounting guidance should my entity follow if we received Bureau of Worker's Compensation (BWC) dividends during the pandemic?**

[Bulletin 2013-007 Bureau of Worker's Compensation \(BWC\) Rebate](#) provides accounting guidance entities should follow for all BWC rebates and dividends. Although BWC uses the term "dividends," the substance of the transaction is the same as the previous "rebates" and the guidance in Bulletin 2013-007 applies. For additional details, please refer to [BWC's FAQs](#)

**44. What are the changes for sales tax and income tax collections?**

The Ohio Department of Taxation has [COVID-19 Tax Relief FAQs](#) on their website addressing the HB 197 tax filing and payment extensions, including those related to income and sales taxes.

**45. For local governments, can we collect daily deposits in a single location and hold them in a safe location to allow the virus to dissipate over a 2-3 day time frame?**

Local governmental entities must continue to comply with Ohio Rev. Code Section 9.38 during the pandemic. However, this statute provides allowable options for depositing public moneys with the treasurer / fiscal officer until they can be deposited in a designated depository.

Public money must be deposited with the treasurer/fiscal officer of the public office or to a designated depository on the business day following the day of receipt. Public money collected for other public offices must be deposited by the first business day following the date of receipt.

For example, a government employee, other than the fiscal officer collecting funds and issuing a receipt, must deposit the funds with the government's fiscal officer on the business day following the day of receipt. As an alternative to depositing the funds with the government's fiscal officer, the employee instead may deposit funds with the government's designated depository on the business day following the day of receipt.

If the amount of daily receipts **does not exceed \$1,000 and the receipts can be safeguarded**, public offices may adopt a policy permitting their officials who receive this money to hold it past the next business day, but the deposit must be made no later than 3 business days after receiving it. If the public office is governed by a legislative authority (counties, municipalities, townships, and school districts), only the legislative authority may adopt the policy. The policy must include provisions and procedures to safeguard the money during the intervening period. If the amount **exceeds \$1,000 or a lesser amount cannot be safeguarded**, the public official must then deposit the money on the first business day following the date of receipt.

Note: The statute does not require the fiscal officer to deposit receipts with the designated depository on the business day following the day of receipt, or any other specified time. However, the fiscal officer should avoid holding significant amounts of cash and checks for an unreasonable period based on the fluid facts and circumstances during the period of the pandemic.

**46. We have some employees scheduled for out of state professional development meetings that were cancelled. Airlines are issuing credits in the employee's name instead of cash refunds. Do you have a recommendation on how to account for those situations?**

Ohio Ethics Commission Advisory Opinion No. 91-010 prohibits a state official or employee (Ohio Rev. Code §102.03(D) and (E)) and a state officer or employee (Ohio Rev. Code Sections 2921.42(A)(4) and

2921.43(A)) from accepting, soliciting, or using the authority or influence of her position to secure, for personal travel, a discounted or free “frequent flyer” airline ticket or other benefit from an airline if she has obtained the ticket or other benefit from the purchase of airline tickets, for use in official travel, by the department, division, agency, institution, or other entity with which she serves, or by which she is employed or connected.

Governmental entities should have adopted policies to allow employees and/ or officials to be reimbursed for travel related to official business, training, etc. The government should have a policy governing travel reimbursements established by the government’s legislative body. These policies should, at a minimum, identify the types of travel authorized; guidelines for allowable and unallowable expenses; limitations on amount of reimbursement; types of supporting documentation required for reimbursement requests; reporting; monitoring of use by appropriate levels of management; and other guidelines the legislative body deems appropriate. Governing boards should consider including procedures for reimbursing the public office for credits employees receive from travel vendors for refunded travel costs.

Additionally, local governments wishing to allocate the cost of out of state professional development meetings to federal programs should refer to the terms and conditions and federal program guidance available from their awarding entity to determine whether such nonrefundable costs are chargeable a federal program when an event has been cancelled due to the COVID-19 pandemic. Certain federal awarding agencies/programs are offering flexibility with regard to a conference, training, or other activity related to a grant that is cancelled due to COVID-19. However, in most cases, local governments are first required to seek recovery of nonrefundable costs (e.g., travel, registration fees) associated with a grant from the relevant entity charging the fee. Some entities are offering flexibility with regard to refunds, credits and other remedies for losses due to the COVID-19 outbreak. Moreover, many agreements or contracts contain an emergency or “act of God” provision and the grantee must consult with their statutory legal counsel and seek to exercise those clauses to the extent possible in light of the pandemic before allocating such costs to a federal program.