

Navigating the Reasonable Accommodation Process

Learner's Guide

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Overview

Title I of the Americans with Disabilities Act (ADA) requires covered employers to provide reasonable accommodations (RA) to qualified applicants and employees with disabilities during the hiring process and employment, unless the accommodation causes an undue hardship. The Equal Employment Opportunity Commission (EEOC) offers published guidance on the specifics of requesting an accommodation and on an employer's right to make inquiries and obtain documentation to support the request. The ADA requires employers to engage in an informal process, known as the interactive process, with the applicant or employee making the accommodation request. The interactive process helps both parties to better understand what is needed and how to identify an effective solution.

Neither the ADA or the EEOC require employers to create a formal process for requesting and providing reasonable accommodations. However, best practices have been created to support employers in crafting a process for facilitating accommodations.

Reasonable accommodations are changes in the workplace that ensure applicants and employees with disabilities can participate in activities and tasks, as well as access environments. Each applicant and employee are unique, and each employer and workplace are unique, too, which is why reasonable accommodations are considered on a case-by-case basis to determine the effective solution.

According to the Northeast ADA Center's "[The Small Business at Work Toolkit](#)", studies show that 58% of accommodations are free, and those that were not had a median cost of \$500. Studies have also revealed that employees with disabilities have higher performance ratings, are absent less, and stay on the job. These results demonstrate that providing a reasonable accommodation, when needed, to attain or retain a qualified and talented employee with a disability is a good investment.

One of the best ways to provide effective reasonable accommodations in the workplace is to establish a process. An accommodations process helps to ensure requests are processed quickly and accommodations are implemented effectively.

This learner's guide has been organized into the following topics related to the reasonable accommodation process. These topics are based on EEOC guidance, best practices from the Job Accommodation Network, and additional resources:

1. Employee Requests RA
2. Gather Information
3. Identify Options
4. Choose Solution
5. Provide RA
6. Monitor RA
7. Manage Process
8. Train Staff

This guide provides best practices, examples, and resources to support the reasonable accommodation process. The information included in this learner's guide is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Employee Requests RA

The reasonable accommodation process, known as the interactive process, begins when an applicant or employee with a disability makes a request for a change in the hiring process or at work related to a medical condition. A request may be made in the employee's preferred form of communication and use plain language. The request is not required to be in writing or reference the ADA (Americans with Disabilities Act) or reasonable accommodation. An accommodation request can be made at any point in the hiring process or during employment.

When an applicant or employee communicates a problem with the hiring process or in the workplace and relates this to a medical condition, the employer should treat this as a request for reasonable accommodation. If it is not clear whether a request has been made, the employer should ask the applicant or employee to clarify what is needed and why.

When a request is received, the employer should act quickly to begin the interactive process. Begin by contacting the applicant or employee to advise the request has been received and inform him/her of the next steps in the process and what to expect. Then, schedule a time to discuss the request further.

Examples of what is and what is not a request for an accommodation are included below directly from the [U.S. Equal Employment Opportunity Commission](#) (EEOC):

- Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." **This is a request for a reasonable accommodation.**
- Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." **This is a request for a reasonable accommodation.**
- Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. **This is a request for a reasonable accommodation.**
- Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition. **This is not a request for a reasonable accommodation.**

IDEA: Provide training for managers and supervisors on how to recognize a request and what steps to take when one is received. Often frontline managers and supervisors are the first people employees go to when requesting a change at work.

Gather Information

After a request for reasonable accommodation is confirmed, the next step is to gather the necessary information to process the request. This should be an interactive collaboration between the employee with a disability and the employer to clarify what the employee needs and to determine an effective solution. Each request for an accommodation is considered on a case-by-case basis as each employee, disability, workplace, and employer is unique.

The goal of this step in the accommodation process is to identify the work-related barrier(s) the employee is experiencing in relation to the disability and how the barrier(s) can be eliminated through a reasonable accommodation. At times, the need for a reasonable accommodation is obvious.

However, when the need is not obvious, the employer may ask the applicant or employee questions or request medical documentation to analyze the situation and make an informed decision.

The employer is encouraged to review the [EEOC guidance](#) on reasonable accommodations. This guidance addresses medical inquiries and documentation regarding what is permitted to be requested, what professionals may provide documentation, and confidentiality of medical information. Medical documentation can be helpful in documenting a disability exists, describing the need for accommodation, and identifying an effective accommodation.

Although the employer is permitted to request documentation, the employer is not required to obtain documentation. Alternatively, an employer may choose to ask the employee questions to understand the nature of the disability and its functional limitations. The employer is encouraged to explain to the employee that the information is needed to verify the ADA disability exists and to learn why a reasonable accommodation is needed.

When the disability and the need for reasonable accommodation are obvious, obtaining documentation is not permitted.

Once the disability and the need for an accommodation is verified, the employer may find it helpful to consult the job description. The job description should include the job's purpose and essential functions. If it does not, the employer should seek information on the main tasks an employee performing the job is expected to complete. Understanding these essential functions may help determine how the workplace barrier can be overcome with a reasonable accommodation. For more information on how to create inclusive job descriptions, consider these resources:

- Inclusive Hiring: Applicants with Disabilities – virtual training provided by Opportunities for Ohioans with Disabilities (OOD) available on-demand version on the employer's page of the OOD [website](#).
- Job Description Topics – resource on the Job Accommodation Network (JAN) [website](#).

During this process of gathering necessary information, the applicant or employee with a disability should be encouraged to ask questions and voice concerns. When addressing these, it is important to inform the employee of how medical information obtained is kept confidential and with whom information may be shared. All medical information obtained through accommodation requests, discussions, inquiries, and documentation must be kept confidential, with exceptions. The [EEOC guidance](#) indicates that medical information should be kept in separate medical files apart from general personnel files, whether stored in physical filing cabinets or in electronic databases. Medical information may be shared with designated parties under certain circumstances such as:

- Pertinent information may be shared with employee responsible for handling safety and emergency situations.

- Information specific to the proper implementation and use of a reasonable accommodation may be shared with the supervisor(s) involved.
- Information requested for a compliance investigation or to assess an insurance claim, such as a workers' compensation claim, may be shared.

IDEA: When requesting medical information to verify a disability and the need for accommodation, request what is necessary and nothing more; it is unlikely an entire medical record would be needed.

Identify Options

Once the necessary information is gathered, it is time to explore options to overcome the workplace barrier. It is important in this step to be open to new ideas and the possibility of doing things in new ways. The employee and the employer both have important roles in finding an effective accommodation.

Begin with asking the employee with a disability what ideas he/she has about what might be helpful for them. The employee often knows what accommodations will work best. The employer's familiarity with the company's systems, policies, and practices is a helpful contribution to this step of the process. There will be times when the employee and the employer are able to successfully identify an effective reasonable accommodation.

When the employee and the employer are not able to identify possible accommodations, outside sources are available to assist. Here are some examples of outside sources to consider:

- With the employee's permission, an employer may consider asking the employee's medical provider for recommendations for accommodations or to comment on a specific accommodation being considered.
- Opportunities for Ohioans with Disabilities is a state agency that provides Ohioans with disabilities the services and support they need to attain and maintain employment. Vocational Rehabilitation (VR) services are customized for each employee through assessments and one-on-one meetings with professional VR counselors.
 - Interested Ohioans with disabilities may visit www.oodworks.com to learn about VR services, take a self-assessment, create a profile, and apply.
- The Job Accommodation Network (JAN) is a federally-funded source of guidance on workplace accommodations and disability employment issues. Visit JAN to learn more: <https://askjan.org/>
- The ADA National Network provides guidance and training on how to implement the Americans with Disabilities Act (ADA). The network has ten regional ADA centers. Ohio is in the Great Lakes Region.
 - The ADA National Network website: <https://adata.org/national-network>
 - The Great Lakes Region website: <http://www.adagreatlakes.org/>

Once accommodation options are identified, the applicant or employee and employer should work together to determine the effectiveness of each option in enabling the employee access to the work-related activity.

IDEA: Remember to follow confidentiality rules when working with outside sources.

Choose Solution

In this step, the effective reasonable accommodation is selected from the options that have been identified. Ultimately, the employer retains the right to choose the effective accommodation. If there is more than one effective option, the employer can select the option of a lesser expense or that is easier to implement. However, the employer is encouraged to consider the preference of the applicant or employee with a disability.

Once an accommodation is selected, the employer should discuss the choice with the employee with a disability and include information on what to expect next in the process. Encourage the employee to ask questions and express any concerns.

There may be times when it is not clear whether a selected reasonable accommodation will be effective. In this case, it is recommended that a trial period is considered. The trial should be supported with a written agreement between both parties that indicates the reasonable accommodation is being tested, states how long the trial will last, and describes what will happen if the accommodation does not work.

When the accommodation you plan to trial includes purchasing equipment, tools, or supplies, you may consider the following options:

- Find out if the item can be tested in the work environment before buying it. Some lending libraries may permit borrowing of the item to use in the work environment. See the resources section for a list of lending library options.
- If the item cannot be tested in the work environment, determine if the item is available to test or try at a store or facility nearby.
- If the item must be purchased to try it in the work environment, find out from the vendor what the return policy is, including when the item needs to be returned by, what the return shipping costs are, and whether there are any restocking fees.

If after exploring accommodations, all identified options are determined by the employer to cause an undue hardship, the employer should be prepared to explain the reason for this determination. The employer is advised to make sure all options were considered to find an effective solution.

The EEOC speaks directly to undue hardship and provides guidance for employers to consider when deciding whether an accommodation is reasonable. Undue hardship is defined as an accommodation that causes a significant expense or difficulty for the business. Undue hardship is expected to be considered on a case-by-case basis and include an analysis of the employer's resources and circumstances in relation to the expense or difficulty associated with implementing the accommodation. Directly from the [EEOC guidance](#), "A determination of undue hardship should be based on several factors, including":

- "nature and cost of the accommodation"
- "overall financial resources of the facility making the reasonable accommodation; the number of employees employed at this facility; the effect on expenses and resources of the facility"

- “overall financial resources, size, number of employees, and type and location of facilities of the employer (if the facility involved in the reasonable accommodation is part of a larger entity)”
- “the type of operation of the employer, including the structure and functions of the workforce, the geographic separateness, and the administrative or fiscal relationship of the facility involved in making the accommodation to the employer”
- “the impact of the accommodation on the operation of the facility”

When deciding whether an accommodation is too costly, the employer should consider its net cost after considering all possible outside sources of funding. The employer is encouraged to explore these resources to determine eligibility and possibilities for funding:

- Assistive Technology Industry Association. “[AT Resources Funding Guide](#)”
- Internal Revenue Service. “[Tax Benefits for Businesses Who Have Employees with Disabilities](#)”
- Job Accommodation Network’s [article on funding](#)
- Opportunities for Ohioans with Disabilities services for eligible Ohioans with disabilities:
 - To learn about Vocational Rehabilitation: <https://ood.ohio.gov/wps/portal/gov/ood/>
 - For individuals to apply for services: <https://www.oodworks.com/>
 - To review services for employers:
<https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers>
- The employee requesting the accommodation may be asked to pay the portion of an accommodation deemed an undue hardship by the employer, after a proper assessment of the accommodation is made, including consideration of the previously-mentioned funding sources.

When an accommodation is determined to cause an undue hardship, the employer is expected to consider whether another accommodation exists that is reasonable.

IDEA: Select the employee’s preferred accommodation when possible.

Provide RA

Creating a plan to implement the selected accommodation is important for its success. Some accommodations are simple and easy to implement. Other accommodations are more involved and benefit from a plan to encourage a smooth implementation. Some factors to consider when implementing an accommodation include:

- Properly install any equipment used as an accommodation. Assign an employee to coordinate the installation and perform required maintenance. It is recommended to create a schedule for ongoing and routine maintenance needs.
- Permit the employee time to learn how to use the accommodation and provide training when needed. Assign an employee to ensure adequate training is provided.
- If the accommodation involves a modification to a policy or a schedule, inform those parties that need to implement or be aware of this change.
- When an accommodation requires coordination with an outside service, such as an American Sign Language (ASL) interpreter, assign an employee to ensure this is handled efficiently.

- Communicate necessary information to those parties that need to know, such as supervisors, but do not share unnecessary confidential information. For example, a supervisor may need to know about an accommodation, such as a modification to a break schedule. However, the supervisor is not permitted to know the medical information behind the need for the accommodation.

At times, implementing a reasonable accommodation in the workplace leads to employees asking questions about why a coworker is receiving special treatment or equipment. Because disclosing medical information is prohibited, it is helpful to understand how to communicate when questions, comments, and conversations occur in the workplace.

When an employee asks about a coworker's reasonable accommodation, the employer may not reveal the employee is receiving a reasonable accommodation. Doing so would disclose the employee has a disability and that is prohibited. An employer may respond that it is the employer's policy to assist employees at work and that these matters are personal and confidential. The employer could advise the employee making the inquiry that if he/she needed assistance at work that his/her privacy would be respected as well. It is best for an employer to consult with its legal professionals to craft a response for workplace communications. Examples of statements the employer may consider include:

- "...acting for legitimate business reasons or in compliance with federal law..."
- "...policy of assisting any employee who encounters difficulties in the workplace...many of the workplace issues encountered by employees are personal, and...it's our company's policy to respect employee privacy..."

A best practice is for an employer to provide education to new employees at orientation as well as to all employees on a regular schedule regarding the laws it is required to follow, such as the Family and Medical Leave Act, worker's compensation laws, and the Americans with Disabilities Act.

An employee with a disability may choose to share the disability and/or aspects of the disability with coworkers. Disclosure is not mandatory and is always the decision of the employee with the disability. It can be beneficial to address disclosure with coworkers with the employee with a disability during this phase of the interactive process for a mutual understanding of what, if any, information the employee wishes to share and with whom.

When reasonable accommodations are implemented, it may lead to coworkers discussing the employee with the disability. This could lead to gossip and harassment. The best practice for preventing workplace gossip and harassment is through education on proper communications in the workplace.

Another best practice we recommend to employers is to be proactive in educating your staff about employees with disabilities from a general perspective. One of the ways OOD can support your efforts is through our no-cost training provided by our business relations team. OOD offers training on disability awareness and disability etiquette. These trainings provide information geared toward making everyone feel more comfortable and included. For more information, please visit the links below:

- Business Relations Team: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/business-relations-team/>

- No-Cost Training Program for Your Business:
<https://ood.ohio.gov/static/Resources/Disability%20Awareness%20Training.pdf>

IDEA: Remember to follow up with the employee after a period of time to make sure the accommodation is effective.

Monitor RA

Reasonable accommodations need to be periodically monitored for effectiveness. Accommodations can stop being effective due to a change in the employee's disability or due to a work-related change with a job, equipment, or the workplace. At times, accommodations that once were reasonable may become an undue hardship for the employer. Because of these reasons, it is important to create a schedule to periodically monitor all reasonable accommodations.

Once an accommodation is implemented and working effectively, the employer should encourage ongoing communication with the employee. It is helpful to advise the employee that the employer will be checking on the effectiveness of the accommodation periodically. The employee should be advised to inform the employer when there are changes or problems with the accommodation. It is important to designate an employee for the employee to contact.

During the periodic check, the employer and employee should discuss the effectiveness of the accommodation and adjust accordingly. The employee should be made to feel comfortable to express their thoughts on how well the accommodation is working. The employer should address whether the employee is meeting performance expectations. If it is determined the accommodation is no longer effective, changes or other accommodations should be considered.

Here are some examples of why it's important to monitor accommodations once they are implemented:

- An employee's disability can change over time and thus, an implemented reasonable accommodation may no longer be effective.
- The nature of an employer's business or financial status can change and thus, what was once a reasonable accommodation becomes an undue hardship.
- When a temporary reasonable accommodation is implemented due to special circumstances, such as during a pandemic, the reasonable accommodate may no longer be needed when the special circumstance expires.

IDEA: Change happens! Create a schedule to determine whether the reasonable accommodation remains effective.

Manage Process

An ongoing step in the reasonable accommodation process is to manage the process to ensure its effectiveness. It can be helpful to designate one employee to oversee the process and coordinate with key players throughout the various steps. This designated employee should be responsible for receiving accommodation requests and ensuring they are handled without delay.

Here are some best practices to consider:

- Assign an employee to each step of the process.
- Describe the expectations of the employer and the employee with each step.
- Explain when medical questions and documentation may be obtained.
- Indicate what role supervisors and managers serve in the process.
- Establish criteria for determining what is “reasonable”.
- State how accommodations will be funded and consider creating an accommodations budget.
- Create a system to track accommodations. This can be a simple spreadsheet. Include dates, actions taken, status, and changes made. Accurate documentation helps all parties involved know the status of an accommodation and shows a good faith effort of providing reasonable accommodations.

IDEA: For sample policies and forms, please visit the JAN webpage titled [Sample and Partner Example Accommodation Policies, Processes, Forms, and Training](#).

Train Staff

One of the most important components of a successful reasonable accommodation process is training. Training should be provided for all employees and include training specific to managers and supervisors.

Employees should be trained on their right to reasonable accommodation to participate in the hiring process, to perform the essential functions of the job, and to enjoy the privileges of employment. Employees should also be aware of how to request an accommodation. This training is recommended to initially be offered to new employees during onboarding and then on an ongoing basis. Training can be supported with information included in employee handbooks, company intranets, and company newsletters. In addition, communications for jobs and invitations to interviews, trainings, events, and meetings should always include a reasonable accommodation statement that is easy to find to inform applicants and employees how to request an accommodation when needed. Here is an example of a reasonable accommodation statement:

- [Employer] is committed to providing access and reasonable accommodation in its services, activities, programs, and employment opportunities in accordance with the Americans with Disabilities Act and other applicable laws. **To request an accommodation based on a disability, please contact** (insert contact name or title with contact information such as phone number and email address) **by Month, Day, Year.**

Training is recommended for all supervisors on how to recognize a request for an accommodation and what steps to take when they receive one. Often an employee will make a request of a supervisor, not human resources. Supervisors should also be made aware of confidentiality rules regarding medical information and reasonable accommodations. In addition, supervisors should be advised on how to properly respond to coworkers that have questions about another coworker’s reasonable accommodation.

IDEA: Create a culture of inclusion through regular trainings on employees’ rights to reasonable accommodations.

Conclusion

Establishing a reasonable accommodation process ensures requests for reasonable accommodations can easily be made, considered, and implemented effectively to ensure applicants and employees with disabilities can fully participate in work-related activities and environments. Many best practices are available to help employers examine and enhance each step to create a reasonable accommodation process that best suits their culture.

Resources

Lending Library

- Assistive Technology of Ohio. “[Device Lending Library](#)”
- OCALI. “[Lending Library](#)”
- Ohio Developmental Disabilities Council. “[Technology Lending Programs Guide](#)”

Organizations

- ADA National Network: <https://adata.org/national-network>
- EARN. “[Getting Started](#)”
- Great Lakes ADA Center: <http://www.adagreatlakes.org/>
- Job Accommodation Network: <https://askjan.org/>
- Opportunities for Ohioans with Disabilities
 - To learn about Vocational Rehabilitation: <https://ood.ohio.gov/wps/portal/gov/ood/>
 - For individuals to apply for services: <https://www.oodworks.com/>
 - Business Relations Team: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/business-relations-team/>
 - No-Cost Training Program for Your Business: <https://ood.ohio.gov/static/Resources/Disability%20Awareness%20Training.pdf>
 - On-demand Webinar “Inclusive Hiring: Applicants with Disabilities”: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/employer-resources/07-inclusive-hiring-applicants-with-disabilities-training>
 - On-demand Webinar “Disability Etiquette Training”: <https://ood.ohio.gov/wps/portal/gov/ood/information-for-employers/employer-resources/06-disability-etiquette-training>

Reasonable Accommodation Process

- ADA National Network. “[Reasonable Accommodations in the Workplace](#)”
- Job Accommodation Network. “[A to Z of Disabilities and Accommodations](#)”
- Job Accommodation Network. “[Interactive Process](#)”
- Job Accommodation Network. “[Job Description Topics](#)”
- Job Accommodation Network. “[Making a Statement – About Reasonable Accommodation and Equal Opportunity](#)”
- Job Accommodation Network. “[Sample and Partner Example Accommodation Policies, Processes, Forms, and Training](#)”

- Job Accommodation Network. ["The Manager's Dilemma: 'An Employee is asking about a coworker's accommodation. As a manager, what do I say?'"](#)
- Northeast ADA Center. ["Small Business at Work Toolkit"](#)
- U.S. Equal Employment Opportunity Commission. ["Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA"](#)
- U.S. Equal Employment Opportunity Commission. ["Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA"](#)
- U.S. Equal Employment Opportunity Commission. ["The ADA: A Primer for Small Business"](#)

OOD's Business Relations Team – see map on final two pages

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BUSINESS RELATIONS SERVICES MAP



Business Relations and Career Development Specialists Map

Business Relations and Career Development Specialists:

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* Cuyahoga Community College
* Kent State University
* The University of Akron

Northwest Area

Jill Simpson - BRS
Kris Wray - CDS
* Bowling Green State University
* Lorain County Community College
* The University of Toledo

Southeast Area

Kelly Jordan - BRS
Dustin Schwab - CDS
* Columbus State Community College
* Ohio University
* The Ohio State University

Southwest Area

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* Miami University
* University of Cincinnati
* Wilberforce University
* Wright State University

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