

Inclusive Employer Handbook: Workplace Accommodations Learner's Guide

Table of Contents

<u>Overview</u>	Page 2
<u>Reasonable Accommodation (RA)</u>	Pages 2-3
<u>Interactive RA Process</u>	Pages 3-6
<u>Funding</u>	Pages 6-7
<u>Confidentiality</u>	Pages 7-8
<u>Training</u>	Pages 8-9
<u>Conclusion</u>	Page 10
<u>Resources</u>	Pages 10-14

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Overview

Opportunities for Ohioans with Disabilities (OOD) supports employers in creating workplaces that are diverse and inclusive of employees with disabilities. One way OOD does this is through providing consultations and training on Title I of the Americans with Disabilities Act (ADA), worksite accessibility, reasonable accommodations, and disability inclusion. This learner's guide is a reference companion for the webinar titled "Workplace Accommodations" which is the third in the five-part series "Inclusive Employer Handbook".

The inspiration for this series comes from the criteria used in the Governor's Inclusive Employer Award. Moments after taking the oath of office, Ohio Governor Mike DeWine signed Executive Order 2019-03D, which established Ohio as a Disability Inclusion State and a Model Employer of Individuals with Disabilities. To reinforce his commitment to Ohioans with disabilities, H.B. (House Bill) 110 included presenting an award during October's National Disability Employment Awareness Month (NDEAM) to employers who meet the criteria for having a workplace inclusive of individuals with disabilities. OOD determined the criteria for the award in alignment with its Inclusive Employer Toolkit: Inclusive Workplace; Recruiting, Hiring, and Supporting Employees; Workplace Accessibility; and Workplace Accommodations.

Title I of the Americans with Disabilities Act (ADA) requires covered employers to provide reasonable accommodations to qualified applicants and employees with disabilities (when needed) to access equal employment opportunities and participate in work-related activities. Employing qualified individuals with disabilities can strengthen the workplace through innovative thinking, creative problem solving, increased productivity, decreased turnover, and improved morale. Studies show these benefits can positively impact an employer's bottom line.

Many employers have embraced these benefits and feel empowered to go beyond meeting their responsibilities under Title I of the ADA when employing individuals with disabilities and creating inclusive work cultures. OOD is here to support employers by addressing best practices and providing resources. In this third session of the handbook, these topics about workplace accommodations will be addressed:

- Reasonable Accommodation (RA),
- Interactive RA Process,
- Funding,
- Confidentiality, and
- Training.

The information included is for educational purposes, is not an exhaustive list, and is not intended as legal advice.

Reasonable Accommodation (RA)

A reasonable accommodation is a change in the hiring process or workplace that removes a barrier and enables an individual with a disability to access equal employment opportunities and participate in work-related activities.

Covered employers are required to provide RAs in three categories of employment which enable qualified applicants and employees to:

- Access the hiring process,
- Perform the job's essential functions, and
- Enjoy the privileges of employment.

Thus, an RA is effective in enabling an applicant or employee with a disability to compete for a job, perform the job's essential functions, and enjoy the benefits of employment as equally as employees without disabilities. Title I of the ADA is regulated and enforced by the Equal Employment Opportunity Commission (EEOC). The EEOC has organized RAs into the following types:

- Making the work environment accessible,
- Restructuring a job,
- Permitting a flexible schedule,
- Altering or providing equipment or services,
- Modifying policies, and
- Providing reassignment.

Not all modifications and items are considered a form of RA. For example, employers are not required to:

- Eliminate essential functions,
- Lower quality or production standards, or
- Provide personal use items or services.

Covered employers are not required to provide accommodations that cause a direct threat to health or safety or that cause an undue hardship. An undue hardship is an accommodation that is too costly or difficult to implement.

OOD Resource:

For information on the employer's responsibility to provide RAs, view OOD's on-demand webinar "**The Employers' ADA Handbook: Reasonable Accommodations and Undue Hardship**" on the employer's page of the [website](#).

Interactive RA Process

When providing accommodations, 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. Employers are not required under the ADA to create a formal process for providing RAs, but it is a best practice. To support receiving and facilitating requests for accommodations, employers may consider establishing a formal process, assigning responsibility for facilitating the process, and creating forms to document the process. It can also be helpful for employers to be aware of external resources available for identifying effective RA solutions.

RA Process

One of the best ways to provide effective RAs in the workplace is to establish a process. This helps to ensure requests are identified quickly, the interactive process is started promptly, and accommodations are implemented effectively.

The RA 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 or a disability.

When a request for RA is received, employers are expected to begin the interactive process promptly. This includes collaborating with the individual making the request to verify the disability exists, determine whether documentation is needed, identify the limitation related to the disability that is impacting participating in a work-related activity, identify possible effective solutions, and then implement and monitor the selected RA.

The EEOC provides guidance and criteria for what constitutes a request for an RA, when documentation can be obtained, and how to determine whether an accommodation causes an undue hardship. Incorporating the EEOC guidance into an RA policy will help an employer to navigate their responsibilities under the law and execute an effective process of providing individuals with disabilities what they need in the workplace.

Here are resources for guidance on the interactive process:

- From the EEOC [website](#): Enforcement Guidance on Reasonable Accommodation and Undue Hardship
- From the Job Accommodation Network (JAN) [website](#): Technical Assistance Manual for Title I of the ADA
- From the JAN [website](#): Interactive Process

According to responses received for the Governor's Inclusive Employer Award application, one employer reported they have a formal procedure to address requests for RAs that includes a detailed description of the interactive process, identifies roles and responsibilities, describes who reviews medical documentation provided, and how information is shared with leadership and human resources to facilitate the process.

Responsibility for the RA Process

To ensure requests for RA are recognized, and the interactive process is facilitated promptly, employers should assign the responsibility of managing the RA process. Employers can do this by adding responsibilities to a staff member's position or through creating a dedicated role or team to support disability in the workplace.

The Job Accommodation Network (JAN) offers examples of job descriptions on their [website](#) which detail the duties, skills, and qualifications for the role of an employee responsible for the RA process. These examples could serve as a guide for an employer to determine what duties to assign to a position, role, or team within their organization.

According to responses received for the Governor's Inclusive Employer Award application, one employer reported they assign the responsibility for the RA process to a third party to administer and others reported having teams of people to implement the process.

Documentation

An RA policy is often accompanied by forms designed to assist with receiving requests and then facilitating and tracking the process. Creating a policy and these supporting forms can help an employer to ensure employees with disabilities have what they need in the workplace while fulfilling their responsibilities under Title I of the ADA.

JAN offers examples of policies, processes, forms and training on their [website](#) employers can review to enhance their existing policies and procedures or to create new ones. Here are examples of the sample resources JAN offers:

- Accommodation policies,
- Accommodation processes and flowcharts,
- Training for managers and for effective communications,
- Accommodation request forms,
- Medical request forms,
- Accommodation approval forms,
- Monitoring forms, and
- Fitness for duty forms.

Documentation can further assist employers in tracking the success of their RA process and serve as a demonstration of the good faith effort they make in providing employees with disabilities what they need to participate in the workplace.

According to responses received for the Governor's Inclusive Employer Award application, several employers reported having a tracking form to ensure the steps of the RA process are followed.

Resources to Support the Process

Often during the interactive process, the employer and employee are able to determine what reasonable accommodation is needed in the workplace. However, there may be times when the two parties know an RA is needed but are unable to determine the solution. When this is the case, it can be beneficial for the employer to be familiar with the external resources available to both parties to assist during the process. Here are some examples:

- An employer may consider asking the employee to consult their medical provider for recommendations for accommodations or to comment on a specific accommodation being considered. It can be helpful to provide the employee with a standard document to give their provider that addresses the work-related concerns.
- The Job Accommodation Network (JAN) is a federally-funded source of guidance on workplace accommodations and disability employment issues which offers a variety of services for employers and individuals with disabilities on their website: <https://askjan.org/>. Employers may consult this website for examples of types of RAs.

- 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 and Ohio is in the Great Lakes Region. Resources on RAs and additional information related to Title I of the ADA can be found on these websites:
 - The ADA National Network website: <https://adata.org/national-network>
 - The Great Lakes Region website: <http://www.adagreatlakes.org/>
- An employer may inform the employee during the interactive process of the vocational rehabilitation (VR) services offered through Opportunities for Ohioans with Disabilities (OOD). OOD is a state agency that provides Ohioans with disabilities the services and support they need to attain and maintain employment. VR services are customized for each employee through assessments and one-on-one meetings with professional VR counselors. These services may be helpful in identifying effective RAs. Interested Ohioans with disabilities may visit www.oodworks.com to learn about VR services, take a self-assessment, create a profile, and apply.
- An employer may contact their local Business Relations Specialist (BRS) to discuss the services OOD offers to employers at no cost, such as a worksite accessibility consultation. This consultation is a combined meeting with the employer, the BRS, and OOD's Worksite Accessibility Specialist to discuss the employer's questions and concerns pertaining to the interactive process and RAs. The intention is to address the questions the employer has in navigating their responsibilities under Title I by providing resources, information, and ideas to support the employer in making their decisions about next steps and helping to identify possible accommodation solutions. The consultation is not an assessment of the work environment, job, or individual performing the job. The consultation can occur over the phone, through a virtual call, or in-person when needed.

OOD Resource:

For information on best practices for the interactive process, view OOD's on-demand webinar "**Navigating the Reasonable Accommodation Process**" on the employer's page of the [website](#).

Funding

A report released by Accenture in 2018 indicated that some employers have not embraced employing individuals with disabilities due to the myth that providing RAs is costly. Many employees with disabilities do not need accommodations at work. When an accommodation is needed, a [survey](#) from JAN revealed 56% of accommodations were free. Of those that required a one-time cost, the typical expenditure was \$500. Based on these studies, accommodations are often reasonable.

However, there are times accommodations may cost more and having a plan in place to address these costs can support employers in providing employees with disabilities what they need to perform the job and access the workplace.

One way employers can plan for the cost of RAs is to track accommodations and create a budget. This could be a department budget or an organization-wide budget. To decide how much to allocate, an employer could review what they've previously spent on accommodations through the years and

average these costs. Tracking accommodations will help employers to address trends, understand commonalities amongst accommodations, and be better prepared to provide accommodations in the future.

Another way employers can plan for the cost of providing RAs is through creating a centralized accommodation fund (CAF). A CAF is an “enterprise-wide” fund for purchasing RA products and services. This streamlined approach for purchasing accommodations can eliminate the concern hiring managers and supervisors have that the cost of an accommodation will come from their department’s operating budget. It can also help to make the process of procuring and providing accommodations more consistent across an organization.

Creating and using a CAF is unique to each employer. However, understanding how other employers have implemented a CAF can be beneficial. Disability:IN offers a resource titled “Centralized Accommodations Funds” on their [website](#) and JAN offers a resource titled “Best Practices in Establishing a Centralized Accommodation Fund” on their [website](#). Both these resources include best practices and testimonials from employers who have implemented a CAF.

According to responses received for the Governor’s Inclusive Employer Award application, one employer reported they have departmental budget lines reserved for accommodations.

OOD Resource:

For more information on creating a budget for reasonable accommodations, view OOD’s on-demand webinar “**Top 10 Accessibility Resolutions**” on the employer’s page of the [website](#).

For more information on resources available to support employers in navigating their responsibilities under Title I, view OOD’s on-demand webinar “**The Employers’ ADA Handbook – Resources and Funding**” on the employer’s page of the [website](#).

Confidentiality

During the interactive process, all personal and medical information obtained must be kept confidential. This includes information received through accommodation requests, discussions, disability-related inquiries, medical examinations, and documentation. It is helpful for employers to know the criteria for protecting this confidential information and have a policy or procedure to ensure this protection is provided.

The EEOC criteria for confidentiality are provided on its [website](#) in the guidance titled “The ADA: A Primer for Small Business.” This guidance indicates that medical information that is obtained and recorded should be kept in separate medical files apart from general personnel files, whether stored in physical filing cabinets or in electronic databases. Including this guidance in the policy or procedure helps an employer to ensure this information can only be accessed by designated parties when appropriate. Here are examples of when certain information may be shared:

- Necessary information may be shared with employees responsible for facilitating RAs when handling safety and emergency situations,

- Information specific to the proper implementation and use of an RA may be shared with designated supervisors, and
- Information requested for a compliance investigation or to assess an insurance claim, such as a workers' compensation claim, may be shared with designated parties.

Confidentiality must be considered during communications in the workplace. At times, coworkers may ask their supervisors about the RAs they notice a colleague receiving. Because the ADA prohibits employers from disclosing an employee's disability, the supervisor is not permitted to tell the coworker the colleague has a disability or is receiving an RA. Instead, what the employer may consider is providing training for supervisors on confidentiality guidelines and how to respond to these types of questions. According to the EEOC guidance on its [website](#) titled "Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA", here are examples of how the employer or supervisor may respond:

- Emphasize the employer's policy of assisting any employee who encounters difficulty at work,
- Explain that these types of situations are personal, and it is the employer's policy to follow confidentiality guidelines, and
- Reassure the coworker that his or her privacy would be respected in a similar situation.

According to responses received for the Governor's Inclusive Employer Award application, several employers reported they keep confidential information related to RAs stored in an internal system that is kept separate from other documentation and can only be accessed by designated parties.

OOD Resource:

For more information on employers' responsibilities under Title I of the ADA and confidentiality, view OOD's on-demand webinar "**The Employers' ADA Handbook: Title I Overview**" on the employer's page of the OOD [website](#).

Training

Employers can support their efforts to foster an inclusive workplace and adhere to their responsibilities under Title I of the ADA by providing training for all employees and supervisors. These efforts can be further supported through policies or procedures that describe the group(s) to receive training, the information to be addressed, and the specific times to deliver training, such as during onboarding, and on a regular basis.

Training for All Employees

A best practice is to be proactive and provide training for all employees on the laws the employer is required to follow, including the right to RA for qualified employees with disabilities. This training is recommended to initially be offered to new employees during onboarding and then on an ongoing basis to all employees. Here are examples of important topics to address in this training:

- How to request an RA and who to contact,
- The employer's RA policy and process, and
- Confidentiality rules regarding personal and medical information.

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 an RA statement that is easy to find. This statement informs applicants and employees of the right to RA and how to make a request when needed. Here is an example of an RA 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 for Supervisors

It is important to also provide training for supervisors and managers on RAs. Research shows that employees are more likely to request an accommodation from their supervisor than someone in human resources. Supervisors can contribute in an important way to the employer's process for identifying, implementing, and monitoring RAs. Here are examples of important topics to address in this training:

- How to recognize a request for an RA,
- What steps to take when a request is received,
- The supervisor's role in the interactive process,
- Confidentiality guidelines, and
- How to respond to questions from coworkers about RAs.

Training supervisors and managers about the RA process can make them feel confident to fulfill their responsibilities correctly.

It is also important to train staff who assist with implementing RAs, such as IT professionals or facilities staff, of the confidentiality rules related to RAs and how to respond to questions when they receive them.

According to responses received for the Governor's Inclusive Employer Award application, one employer reported creating and administering a training focused on the ADA for its leadership that addresses how to recognize a request for RA and who to contact to begin the interactive process. This employer indicated this training must be completed successfully upon promotion to a leadership role and then repeated annually.

OOD Resource:

For more information for supervisors and the reasonable accommodation process, view OOD's on-demand webinar "**Supervisors and Title I of the ADA**" on the employer's page of the OOD [website](#).

Conclusion

OOD appreciates your interest in identifying solutions and resources to support a workplace that is diverse and inclusive of employees with disabilities. Each employee with a disability, each employer, and each workplace is unique and because of this, the effective strategy to create a work environment that

is accessible and inclusive will be unique. We hope the information shared in this learner's guide and webinar are helpful in supporting your efforts.

Resources

Overview

- Accenture. "[Getting to Equal: The Disability Inclusion Advantage](#)"
- Opportunities for Ohioans with Disabilities. "[Employer Awards](#)"
- Opportunities for Ohioans with Disabilities. "[Inclusive Employer Toolkit](#)"
- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook – RAs and Undue Hardship](#)"

Reasonable Accommodation (RA)

- Northeast ADA Center. "[The Small Business at Work Toolkit](#)"
- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook – RAs and Undue Hardship](#)"
- U.S. Department of Labor's Office of Disability Employment Policy. "[Accommodations for Employees with Psychiatric Disabilities](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

Interactive RA Process

- ADA National Network: <https://adata.org/national-network>
- Great Lakes ADA Center: <http://www.adagreatlakes.org/>
- Job Accommodation Network: <https://askjan.org/>
- Job Accommodation Network. "[Interactive Process](#)"
- Job Accommodation Network. "[Sample and Partner Example Accommodation Policies, Processes, Forms, and Training](#)"
- Job Accommodation Network. "[Technical Assistance Manual for Title I of the ADA](#)"
- Opportunities for Ohioans with Disabilities. "[Individuals with Disabilities](#)"
- Opportunities for Ohioans with Disabilities. "[Information for Employers](#)"
- Opportunities for Ohioans with Disabilities. "[Navigating the Reasonable Accommodation Process](#)"
- Opportunities for Ohioans with Disabilities. "[Welcome to OODWorks](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

Funding

- Accenture. "[Getting to Equal: The Disability Inclusion Advantage](#)"
- Disability:IN. "[Centralized Reasonable Accommodations Fund](#)"
- Job Accommodation Network. "[Benefits and Costs of Accommodation](#)"
- Job Accommodation Network. "[Best Practices in Establishing a Centralized Accommodation Fund](#)"

- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook – Resources and Funding](#)"
- Opportunities for Ohioans with Disabilities. "[Top 10 Accessibility Resolutions](#)"

Confidentiality

- Job Accommodation Network. "[The JAN Workplace Accommodation Toolkit](#)"
- Opportunities for Ohioans with Disabilities. "[The Employers' ADA Handbook – Title I Overview](#)"
- 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](#)"

Training

- Job Accommodation Network. "[Making a Statement – About Reasonable Accommodation and Equal Opportunity](#)"
- Job Accommodation Network. "[The Manager's Dilemma: 'An Employee is asking about a coworker's accommodation. As a manager, what do I say?'](#)"
- Opportunities for Ohioans with Disabilities. "[Navigating the Reasonable Accommodation Process](#)"
- Opportunities for Ohioans with Disabilities. "[Supervisors and Title I of the ADA](#)"
- U.S. Equal Employment Opportunity Commission. "[Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA](#)"

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:

Northeast Area

Michael Hoag - BRS
 Kris Wray - CDS
 * 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

Cynthia Crews - BRS
 Dustin Schwab - CDS
 * Central State University
 * Miami University
 * University of Cincinnati
 * Wilberforce University
 * Wright State University

East Central Area

Ronald Klonowski - BRS
 Kris Wray - CDS
 * Stark State College
 * Youngstown State University
 Dustin Schwab - CDS
 * Central Ohio Technical College

 Colleges/ Universities

