MAXIMIZING PRODUCTIVITY: ACCOMMODATIONS FOR EMERGENCY PREPAREDNESS

ODEP
Office of Disability Employment Policy

Although Americans enjoy relative security in their everyday lives, the threat of emergencies, such as natural disasters, technological accidents and acts of terrorism, remains. Unfortunately, many people and organizations do not adequately plan for such situations, usually because of fear or lack of knowledge about how to do so.

Emergency planning is just as critical for the workplace as it is for the home. In recent years, the nation, particularly the federal government, has re-evaluated its approach to emergency preparedness and response. While significant strides have been made, much work remains to be done. Research and anecdotal evidence indicate that such planning, preparedness, response and recovery efforts often overlook the needs and perspectives of people with disabilities.

Employers may be hesitant to recruit or retain people with disabilities due to concerns about securing their safety during an emergency. Often times this concern is misplaced. Simple planning ahead of time will ensure the safety of individuals with disabilities during emergencies.

Job seekers and employees may also have concerns about their safety during an emergency and thus may be reluctant to seek employment or work in certain locations due to a fear of being trapped or of not being accommodated in a dangerous situation. Consequently, emergency preparedness plans that do not include or adequately consider the needs of people with disabilities could hinder equal access to employment.

As federal agency facilities throughout the U.S. continue to improve their emergency preparedness plans, it is vital that they consider the needs of all employees, including those with disabilities.

LEGAL CONSIDERATIONS

Recognizing that everyone, including individuals with disabilities, should benefit from the same level of safety and security in their communities and work environments, President George W. Bush issued Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness,* on July 22, 2004. This Executive Order directs the federal government to work together with state, local and tribal governments, as well as private organizations, to appropriately address the safety and security needs of people with disabilities.

In addition to this Executive Order, there are a number of regulations, codes and guidelines that require federal agencies to address emergency preparedness of people with disabilities. For example, federal agencies located in buildings managed by the U.S. General Services Administration (GSA) must have an Occupant Emergency Plan (OEP) for all employees, with or without disabilities.

The Americans with Disabilities Act (ADA) of 1990 can also impact emergency preparedness plans. This law, which applies to the United States Congress, as well as private entities and state and local governments, prohibits discrimination on the basis of disability in employment as well as other matters. Providing a reasonable accommodation to an individual with a disability is a central concept under the ADA. Emergency preparedness plans should include people with disabilities, and in order to do so effectively, organizations need to establish a process to fulfill requests from individuals with disabilities for reasonable accommodations they may need in emergency situations. The Rehabilitation Act of 1973, which prohibits discrimination on the basis

of disability in federal programs or those receiving federal funds, and in the employment practices of federal agencies and their contractors, has similar implications on federal agencies' emergency preparedness plans.

State and local anti-discrimination laws provide protections similar to the Rehabilitation Act and the ADA. In addition, state and local laws, regulations and ordinances may impact general access to facilities as well as emergency planning efforts. Provisions of these laws that are inconsistent with federal laws and provide less protection are likely pre-empted; however, state and local laws that provide greater protection or greater access to facilities are not pre-empted. Such guidance applies to private facilities in which the federal government leases space.

For more information on legal considerations relative to federal government emergency planning, see *Preparing the Workplace for Everyone*, a framework of emergency preparedness guidelines for federal agencies, at *www.dol.gov/odep/pubs/ep/preparing.htm*.

■ OPPORTUNITIES FOR INFORMATION GATHERING

In addition to this legal guidance, there are three key opportunities to obtain disability information that may be critical for emergency purposes:

- **Before Employment Begins:** After a job offer has been made, but before employment commences, all entering employees in the same type of position may be asked disability-related questions, including whether they would require assistance in the event of an emergency and, if so, what type of assistance would be necessary.

- **On the Job:** All employees may be asked to voluntarily self-identify whether they have impairments that would make assistance necessary in the event of an emergency. For those who respond affirmatively, employers may ask what type of assistance they would need.

- **Employees with Obvious Disabilities:** Even if an employer decides not to ask all employees to voluntarily self-identify as needing assistance in an emergency, employees with known disabilities may be asked whether and what type of assistance they may need in an emergency. *An employer should not assume that employees with obvious disabilities will always need assistance during an evacuation.* However, they should keep in mind that people with cognitive or developmental disabilities may need additional assistance in determining and articulating their needs. Generally, people with disabilities are in the best position to determine their own needs.

It is important to remember that only necessary and appropriate information regarding emergency needs—not irrelevant disability-related information—should be shared with safety and emergency evacuation personnel.

■ GENERAL CONSIDERATIONS

Below are suggestions to keep in mind when developing, implementing and maintaining a workplace emergency plan:

- Ensure that all phases of emergency management consider the needs of people with disabilities, including varying disabilities (e.g. vision, mobility, developmental, psychiatric, hearing). It is prudent to involve individuals with disabilities at the planning stage in order to ensure that the needs of individuals with disabilities are adequately addressed in the plan.

- Obtain support and commitment from senior-level management. A plan will only be as good as the financial and personnel resources supporting it.

- Involve key personnel in emergency management activities. This includes building managers, safety and security personnel, first responders, managers and the disability community. It is also beneficial to work with adjacent businesses and agencies to avoid conflicts regarding evacuation routes and assembly areas.

- Take into account the building location as well as the flow of employees and visitors on a typical day. It may also be helpful to consider the building occupants. For example, is the building occupied primarily by federal agencies or does it include private sector organizations as well?

- Define, agree upon and communicate to all necessary staff the steps for evaluating an emergency and taking subsequent action. With regard to shelter-in-place, establish plans that facilitate communication with all staff and visitors, including those who are deaf or hard of hearing or may have communication difficulties.

- Ensure that necessary procedures, equipment, signage and supports are in place to safely evacuate (or get to safety) all employees. Remember to consider individuals with various types of disabilities. Talk with employees, other employers, community-based organizations and local emergency response personnel to determine the most appropriate solutions for your workplace and employees. Keep in mind that no standards are currently in place for evacuation devices; employers and employees must conduct their own research in this area.

- Determine appropriate situations for elevator use. Most people are conditioned to avoid elevators during an emergency. However, elevators can be used in certain circumstances. Talk with emergency response personnel to discuss this issue relative to your workplace.

- Areas of refuge or areas of rescue assistance are a requirement under the ADA, Uniform Federal Accessibility Standards and the International Building Code. Such areas are only necessary in new buildings. Structures with an approved sprinkler system are an exception and do not require an area of refuge.

- Ensure that all employees and visitors, including those who are deaf, hard of hearing, blind or have low vision, have access to the same information in a detailed and timely manner.

- Develop a support network of several individuals without disabilities who are willing to assist employees with disabilities in an emergency.

Finally, practice, practice, practice! Practice is an essential component of emergency preparedness. It is impossible to prepare adequately for an emergency without it. Practice regularly, varying the types of drills. Each drill should be conducted as seriously as an actual emergency. Practice provides the opportunity to determine what works and what does not. Planning is an ongoing effort, and plans and associated documents should never be regarded as final or complete. They must be evaluated and updated on a regular basis.

While employers bear much of the responsibility for emergency preparedness planning, employees with disabilities must also take the initiative to ensure their safety. Employees should not assume plans have or will be put in place for them.

Regardless of the circumstances, emergency preparedness plans must be flexible. It is a very real possibility that not everyone who needs assistance in an emergency has self-identified. In addition, there may be instances when an emergency exacerbates existing impairments or creates new ones, affecting an

individual's ability to evacuate. Effective practice helps build flexibility into an agency emergency preparedness plan and improve the safety and security of all employees.

■ RESOURCES TO ASSIST

Emergency Preparedness and People with Disabilities Web Page
www.dol.gov/odep/programs/emergency.htm

U.S. Department of Labor (DOL) Office of Disability Employment Policy (ODEP) Web page that includes resources related to workplace emergency preparedness, including Preparing the Workplace for Everyone, a framework of guidelines for federal agencies.

Job Accommodation Network (JAN)
1-800-ADA-WORK (1-800-232-9675) (V/TTY)
www.jan.wvu.edu

Free, confidential service from ODEP that provides information on accommodations for people with disabilities and related topics, including guidance on including employees with disabilities in emergency evacuation plans.

Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities
www.dhs.gov/disabilitypreparedness

Interagency body established to facilitate coordination and collaboration among multiple federal agencies regarding emergency preparedness plans as they impact the issues unique to individuals with disabilities.

Disability Preparedness Resource Center
www.dhs.gov/disabilitypreparedness

Interagency Coordinating Council Web site that provides practical information on emergency preparedness for people with disabilities for people with disabilities, family members, service providers, emergency planners and first responders.

DisabilityInfo.gov
www.disabilityinfo.gov

Federal government-sponsored Web portal that provides people with disabilities, their families, employers, service providers and others with information about a wide range of disability-related topics, including emergency preparedness.

For more information on specific state access codes, visit the U.S. Access Board Web site at *www.access-board.gov/links/statecodes.htm*.