

What Employers and Business Owners Need to Know About Emergency Planning for People Unable to Self Evacuate (UTSE) and Others with Access and Functional Needs



Why This is Important to You and Your Business

Since 2001, emergency and disaster planning efforts have become of great interest to many Americans. Threats of emergencies, including natural disasters, technological accidents, and acts of terrorism are ongoing. Many people and organizations do not adequately include people with disabilities mostly due to lack of knowledge about what to do and how to go about planning.

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, and inclusion of people with disabilities. Significant strides have been made to include people with disabilities but much work remains. Research and anecdotal evidence indicate planning, preparedness, response and recovery efforts often exclude needs and perspectives of people with disabilities and other people unable to self evacuate (UTSE) or those who have functional and access needs.

Employers may be hesitant to recruit or retain people with disabilities due to concerns about securing their safety during an emergency. Simple planning ahead will ensure the safety of individuals UTSE and others with functional and access needs during emergencies.

Job seekers and employees may also have concerns about safety during emergencies 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 which exclude or do not adequately consider the needs of people UTSE could hinder equal access to employment.

As all employers throughout the U.S. continue to improve emergency preparedness plans, it is vital to consider the needs of all employees, including people UTSE and those with access and functional needs.

Opportunities for Information Gathering

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

- ▶ **Before Employment Begins:** After a job offer has been made, but before employment commences, all newly hired 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 which 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 employees with obvious disabilities will always need assistance during an evacuation.* However, they should keep in mind 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 only necessary and appropriate information regarding emergency needs—not general disability-related information—should be shared with safety and emergency evacuation personnel.

Basic Steps Every Employer Should Take

Keep in mind when developing, implementing and maintaining a workplace emergency plan:

- ▶ Ensure all phases of emergency management consider the needs of people with disabilities, including various and multiple disabilities (e.g. vision, mobility, developmental, psychiatric, hearing). It is critical to involve individuals with disabilities in every aspect of emergency planning to ensure needs of people UTSE are adequately addressed from an all-hazards approach. “All-hazards” refers to multiple emergency situations, e.g., tornadoes, floods, terrorism acts, etc.
- ▶ 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 people in emergency management activities. This includes building managers, safety and security personnel, first responders, managers and people with various disabilities. It is also beneficial to work with adjacent businesses and agencies to avoid conflicts regarding evacuation routes and assembly areas.
- ▶ Take into account building location as well as flow of employees and visitors on a typical day. It may also be helpful to consider building occupants.
- ▶ Define, agree upon, and communicate to all staff, steps for evaluating an emergency and taking subsequent action. With regard to shelter-in-place, establish plans which facilitate communication with all staff and visitors, including those who are deaf or hard of hearing or who may have communication difficulties.
- ▶ Ensure 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 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 and some newer models are designed for use in emergencies. 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 mandatory in new buildings. Structures with an approved sprinkler system are an exception and do not require an area of refuge.
- ▶ Ensure all employees and visitors, including those who are deaf, hard of hearing, blind or have low vision, have access to emergency 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 practice. 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. Do not excuse people with impairments from participating in exercises. Ensure all employees participate.

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. Remember also, tax incentives may be available for expenditures for accommodations. Consult appropriate business tax laws on limitations and allowances.

Regardless of the circumstances, emergency preparedness plans must be flexible. It is probable 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, effecting an individual's ability to evacuate. Effective practice helps build flexibility into an agency emergency preparedness plan and improves safety and security for all employees.

Legal Considerations

Recognizing everyone, Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness*, July 22, 2004 directs the federal government to work with state, local and Tribal governments, as well as private organizations, to appropriately address safety and security needs of people with disabilities.

In addition to Executive Order 13347, there are a number of regulations, codes and guidelines which 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 must include people with functional and access needs and those UTSE. In order to do so effectively, organizations need to establish a process to meet requests from individuals with disabilities for reasonable accommodations they may need in emergency situations. The Rehabilitation Act of 1973 (Rehab Act) prohibits discrimination on the basis of disability in federal programs or those receiving federal funds. Regarding employment practices of federal agencies and their contractors, the Rehab Act has similar implications on federal agencies' emergency preparedness plans.

State and local anti-discrimination laws provide protections similar to the Rehab 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. 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. This resource may be found on the internet at www.dol.gov/odep/pubs/ep/preparing.htm.

Resources to Assist

Emergency Preparedness and People with Disabilities Web Page

U.S. Department of Labor (DOL) Office of Disability Employment Policy (ODEP) Web page 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)

Free, confidential service from ODEP which provides information on accommodations for people with disabilities and related topics, including guidance on including employees with disabilities in emergency evacuation plans. See www.jan.wvu.edu/.

Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities

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. See www.dhs.gov/xprepresp/committees/editorial_0591.shtm.

Disability Preparedness Resource Center

Interagency Coordinating Council Web site which provides practical information on emergency preparedness for people with disabilities for people with disabilities, family members, service providers, emergency planners and first responders. See www.disabilitypreparedness.gov/.

DisabilityInfo.gov

Federal government-sponsored Web portal which 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: <http://www.disabilityinfo.gov/digov-public/public/DisplayPage.do?parentFolderId=500>.

Wyoming Institute for Disabilities (WIND) at the University of Wyoming: www.uwyo.edu/wind/.

WIND provides training and technical assistance regarding emergency planning for people who are unable to self evacuate (UTSE), to other people who may need help in an emergency, to emergency responders, emergency agencies, individuals with disabilities, and public and private sector providers.

If you would like more information about how to best assist persons with disabilities or how to prepare to assist persons with disabilities, please contact the Wyoming Institute for Disabilities at the University of Wyoming, Dave Schaad, (307) 766-2095 or dschaad@uwyo.edu.