

JAN

Job Accommodation Network

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Accommodation and Compliance Series

Employers' Guide to Including Employees with Disabilities in Emergency Evacuation Plans

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A service of the U.S. Department of Labor's Office of Disability Employment Policy

Preface

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EMPLOYERS' GUIDE TO INCLUDING EMPLOYEES WITH DISABILITIES IN EMERGENCY EVACUATION PLANS

INTRODUCTION

Interest in emergency evacuation planning has increased dramatically over the last decade. The Job Accommodation Network (JAN) continues to receive calls from employers requesting information about their legal obligation to develop emergency evacuation plans and how to include employees with disabilities in such plans. This publication addresses these issues.

LEGAL REQUIREMENTS

Although employers are not required to have emergency evacuation plans under the Americans with Disabilities Act (ADA), if employers covered by the ADA opt to have such plans they are required to include people with disabilities.¹ Further, employers who do not have emergency evacuation plans may nonetheless have to address emergency evacuation for employees with disabilities as a reasonable accommodation under Title I of the ADA.² In addition, employers in certain industries may have obligations to develop emergency evacuation plans under the Occupational Safety and Health Act (OSH Act)³ or under state and local law.

Whether mandatory or voluntary, many employers decide to develop emergency evacuation plans. The following provides steps for including employees with disabilities in those plans.

¹ Title I of the ADA applies to private employers with 15 or more employees, state and local government employers, employment agencies, labor unions, and joint labor-management committees. Federal employers are covered by the Rehabilitation Act of 1973. Both laws prohibit employers from discriminating against people with disabilities in regard to any employment practices or terms, conditions, and privileges of employment.

² Title I of the ADA requires employers to provide reasonable accommodations to the known limitations of employees with disabilities. For additional information on reasonable accommodation, see *Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA* at <http://www.eeoc.gov/policy/docs/accommodation.html>.

³ The OSH Act does not require that all employers have emergency action plans; however, the Act does require that employers from particular industries have emergency action plans (e.g., metal, chemical, and grain handling facilities). Employers must check particular industry codes to see if emergency action plans are required and what elements are necessary.

STEPS FOR INCLUDING EMPLOYEES WITH DISABILITIES IN EMERGENCY EVACUATION PLANNING

I. Plan Development

The first step for including employees with disabilities in emergency evacuation plans is plan development. Plan development begins with identifying accommodation needs. One of the best ways to identify accommodation needs is to ask employees whether they have limitations that might interfere with safe emergency evacuation. The Equal Employment Opportunity Commission (EEOC) has guidance that discusses what information employers are allowed to gather when developing an emergency evacuation plan.⁴ According to this guidance, there are three ways that an employer may obtain information:

- After making a job offer, but before employment begins, an employer may ask all individuals whether they will need assistance during an emergency.
- An employer also may periodically survey all of its current employees to determine whether they will require assistance in an emergency, as long as the employer makes it clear that self-identification is voluntary and explains the purpose for requesting the information.
- Finally, whether an employer periodically surveys all employees or not, it may ask employees with known disabilities if they will require assistance in the event of an emergency. An employer should not assume, however, that everyone with an obvious disability will need assistance during an evacuation. For example, many individuals who are blind may prefer to walk down stairs unassisted. People with disabilities are generally in the best position to assess their particular needs.

The ADA requires employers to keep all medical information confidential. However, first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed for emergency evacuations.

In addition to requesting information from employees, employers might want to hold mock evacuation drills to help identify needs that employees are unaware of; conduct hazard analyses to help identify hazards specific to the workplace; develop a method to identify visitors with special needs; and contact local fire, police, and HazMat departments for guidance.

⁴ *Fact Sheet on Obtaining and Using Employee Medical Information as Part of Emergency Evacuation Procedures*, <http://www.eeoc.gov/facts/evacuation.html>.

Once accommodation needs have been identified, the employer should choose effective accommodation options. Often employees with disabilities are a good resource for accommodation ideas. In addition, employers should contact local fire, police, and HazMat departments to determine what services they can offer. Finally, employers can contact other resources such as JAN. JAN can provide specific accommodation ideas on a case by case basis. The following is an overview of frequently suggested accommodation ideas for emergency evacuation.⁵

General Accommodations:

- Employers should have emergency alarms and signs showing the emergency exit routes. These alarms and signs should be accessible and maintained in proper working order.
- Employers may want to implement a "buddy system" for all employees. A buddy system involves employees working in teams so they can locate and assist each other in emergencies.
- Employers may want to designate areas of rescue assistance. Section 4.3.11 of the Americans with Disabilities Act Accessibility Guidelines (ADAAG) (<http://www.access-board.gov/adaag/html/adaag.htm#4.3>) specifically addresses areas of rescue assistance. If these areas do not have escape routes, they should have 1) an operating phone, cell-phone, TTY, and two-way radio so that emergency services can be contacted; 2) a closing door; 3) supplies that enable individuals to block smoke from entering the room from under the door; 4) a window and something to write with (lipstick, marker) or a "help" sign to alert rescuers that people are in this location; and respirator masks.
 - Locate information on TTYs from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Hea84>.
 - Locate information on respirators from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol523>.

Motor Impairments:

- To evacuate individuals with motor impairments, employers can purchase evacuation devices. These devices help move people with motor impairments down the stairs or across rough terrain. If evacuation devices are used, personnel should be trained to operate and maintain them.
 - Locate information on emergency evacuation devices from JAN's SOAR at: <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol193>.
- Employers should remove any physical barriers (boxes, supplies, furniture) to insure a barrier-free route of travel out of the building.

⁵ For information on products visit JAN's Searchable Online Accommodation Resource (<http://AskJAN.org/soar>).

- Employers may want to provide heavy gloves to protect individuals' hands from debris when pushing their manual wheelchairs, a patch kit to repair flat tires, and extra batteries for those who use motorized wheelchairs or scooters. Arrangements should also be made to make wheelchairs available after evacuation.

Sensory Impairments:

- Employers should install lighted fire strobes and other visual or vibrating alerting devices to supplement audible alarms. Lighted strobes should not exceed five flashes per second due to risk of triggering seizures in some individuals. Section 4.28 of the ADAAG (<http://www.access-board.gov/adaag/html/adaag.htm#4.28>) specifically addresses alarms.
- Employers may want to provide alerting devices, vibrating paging devices, wireless communicators, or two-way paging systems to alert individuals with hearing impairments of the need to evacuate.
 - Locate information on paging devices from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol493>.
 - Locate information on alerting devices from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol419>.
- Employers should install tactile signage and maps for employees with vision impairments. Braille signage, audible directional signage, and pedestrian systems are also available. These products may benefit other people who must navigate smoke-filled exit routes.
 - Locate information on tactile signage from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol231>.
 - Locate information on tactile graphics and maps from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol401>.
- Employers may also want to provide alpha-numeric pagers or other communication devices to individuals with speech impairments so they can communicate with personnel in an emergency.
 - Locate information on communication aids from JAN's SOAR at <http://AskJAN.org/cgi-win/OrgQuery.exe?Sol267>.

Cognitive/Psychiatric Impairments:

- Employers should consider ways of communicating with people who have cognitive impairments. For example, some individuals may benefit from pictures of buddies, color coding of escape doors and areas of rescue assistance, and information on tape or CD-ROM.

- Employers should consider the effects of training for emergency evacuation. Some individuals with psychiatric impairments benefit from frequent emergency drills, but for others practice drills may trigger anxiety. Notifying employees of upcoming practice drills and allowing them to opt out of participation may be a reasonable accommodation. In this case, another form of training for emergency evacuation procedures may be needed, for example providing detailed written instructions.

After effective accommodations are chosen, employers should decide who will be involved in implementing the evacuation plan, commit the plan to writing and share it with employees for feedback, practice the plan to make sure it works, and modify the plan as needed.

II. Plan Implementation

The second step for including employees with disabilities in emergency evacuation plans is plan implementation. After the final evacuation plan is written, a copy should be distributed to all employees and key personnel. In addition, an evacuation drill should be performed to make sure all employees are familiar with the plan. Finally, the plan should be integrated into the standard operating procedures.

III. Plan Maintenance

The final step for including employees with disabilities in emergency evacuation plans is plan maintenance. To insure that accommodations continue to be effective, the evacuation plan should be practiced and accommodations updated periodically. In addition, a system for reporting new hazards and accommodation needs should be developed; a relationship with local fire, police, and HazMat departments should be maintained; and new employees should be made aware of the plan. Finally, all accommodation equipment used in emergency evacuation should be inspected and maintained in proper working order.

For an electronic copy of this publication, visit: <http://AskJAN.org/media/emergency.html>

RESOURCES

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Toll Free: (866)633-7365
Direct: (202)693-7880
TTY: (877)889-5627
<http://www.dol.gov/odep/>

ASTM International

100 Barr Harbor Drive
PO Box C700
West Conshohocken, PA 19428-2959
Direct: (610)832-9585
Fax: (610)832-9555
service@astm.org
<http://www.astm.org>

Access Board

Architectural and Transportation Barriers Compliance Board
1331 F Street, NW, Suite 1000
Washington, DC 20004
Toll Free: (800)USA-ABLE
Direct: (202)272-0080
TTY: (800)993-2822
Fax: (202)272-0081
info@access-board.gov
<http://www.access-board.gov>

American National Standards Institute

1899 L Street, NW, 11th Floor
Washington, DC 20036
Direct: (202)293-8020
Fax: (202)293-9287
info@ansi.org
<http://web.ansi.org/>

American Red Cross

2025 E Street, NW
Washington, DC 20006
Toll Free: (800)733-2767
Direct: (202)303-4498
<http://www.redcross.org/>

American Society of Mechanical Engineers International

ASME International
Three Park Avenue
New York, NY 10016-5990
Toll Free: (800)843-2763
Direct: (973)882-1167
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infocentral@asme.org
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Equal Employment Opportunity Commission

131 M Street, NE
Washington, DC 20507
Toll Free: (800)669-4000
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TTY: (800)669-6820
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<http://www.eeoc.gov>

Federal Emergency Management Agency

500 C Street, SW
Washington, DC 20472
Toll Free: (800)621-3362
TTY: (800)462-7585
<http://www.fema.gov>

Interagency Coordinating Council on Emergency Preparedness and Individuals with Disabilities

U.S. Department of Homeland Security
Office for Civil Rights and Civil Liberties
Building 410, Mail Stop #0190
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TTY: (866)644-8361
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National Fire Protection Association

1 Batterymarch Park
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National Institute for Occupational Safety and Health

395 E Street SW
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Washington, DC 20201
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cdcinfo@cdc.gov
<http://www.cdc.gov/niosh/>

National Organization on Disability

1625 K Street NW, Suite 850
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National Safety Council

1121 Spring Lake Drive
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200 Constitution Avenue
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75-20 Astoria Boulevard
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info@unitedspinal.org
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