

EMPLOYMENT NOTES

Volume 10, Issue 2

A Publication of Claremont Management Group, Inc.

Fall 2001

CHALLENGE FOR EMPLOYERS: DEVELOPING DISASTER PLANS & APPROPRIATE RESPONSE TO EMPLOYEES IN NEED

Develop a Plan

Any organization beyond a “mom and pop” run from a home office should have a credible plan to deal with natural and man-made disasters. This newsletter does not suggest that anyone could have anticipated the level of destruction of September 11, 2001. Even regarding the Houston floods in June, 2001, the level of flooding far exceeded what had occurred within recent history. A tornado of the power that struck the Washington area recently had never been recorded before in that area. However, the concept of a disaster plan is not to anticipate all of the causes, but to plan for increased safety and appropriate responses to disasters.

The level of sophistication can vary from a few paragraphs on a piece of paper to a book-length plan including many resources. While we focus on major natural disasters and extraordinary man-made events, the assaults in our nation’s schools and in our workplaces by various individuals cannot be overlooked. If an assailant has entered your workplace to rob and injure your employees, perhaps former co-workers or an estranged spouse, the

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Thoughts from the Editor

It has become almost a cliché to express heart-felt sympathies to the victims and their families of the terrible events of September 11, 2001. But, our staff and consultants do so in this public fashion, as this is our first newsletter after the tragedy. Our concerns extend not just to the persons and organizations directly affected, but also to the majority of Americans who have found their lives changed by those events.

Our Third Quarter newsletter was intended to cover the need to reduce employment levels in response to the economic downturn. This will be the subject of our Fourth Quarter newsletter. A future newsletter was on the drawing board for next year on the subject of the need for disaster planning. While it may seem redundant at this point, this is unquestionably a timely issue.

Our home office in Houston, a restored, historic home, was spared the floods in June of this year. Many of our clients and friends were not as fortunate. CMG had a client that lost an entire retail store, a client with employees unable to leave their warehouse for 48 hours due to the flood waters, a client that had a foot of water throughout its office area, ruining virtually every computer CPU, and many clients with employees who lost vehicles and were unable to come to work for days. A few days before this newsletter went to print, a tornado struck the highly urbanized Washington, DC area, killing two students at the University of Maryland. In proportion, the level of these natural disasters pale by comparison with September 11. Nonetheless, it brings home the point that all employers with more than a few employees, regardless of location, should have a disaster plan in place for their operations.

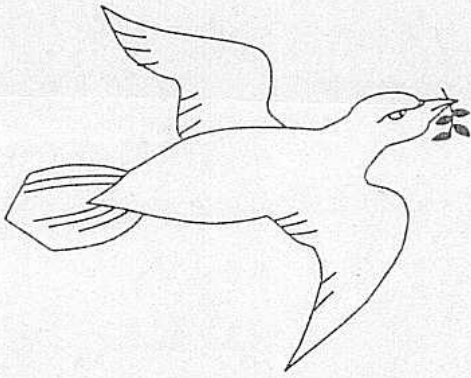
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disaster plan should help guide the response.

Two prior *Employment Notes*' lead articles may provide some assistance: "Age of the Attack Employee," Volume 6, Number 3, and "Security at Work," Volume 4, Number 3. Both of these newsletters are archived on the CMG web site. Briefly, the starting point is maintaining as safe a workplace as possible. This includes careful selection of employees and securing the workplace to the greatest extent possible. In the aftermath of September 11, many organizations with exposure for attacks, including refineries, power plants and water treatment facilities, have increased their security. Premises security should not be limited to those types of organizations. There has been a surge in "premises liability" suits. While avoiding personal injury and loss of life is paramount, reducing economic losses is important to the long term success of all organizations.



Employees frequently are the greatest source of damage to an organization. Statistics have established that most theft is by employees, not shoplifters. Violence in the workplace is most often by an employee. Making a best effort to screen out applicants who may be prone to violence is now considered a mandatory procedure, not an optional procedure, for employers.

After laying the groundwork for your plan by selecting good employees and securing your workplaces, developing the details of your plan and committing it to writing is next. In our brief newsletter, we cannot spell out all of the steps. Your organization may already have a plan, and

this is a good time to update it. If you do not have a plan, there are consultants available to help your organization develop it.

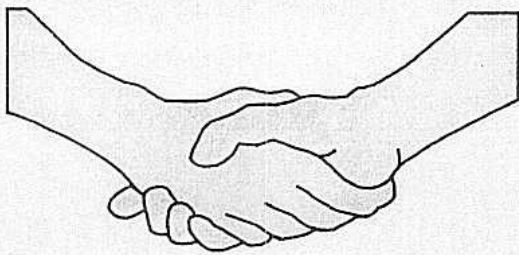
A disaster plan should consider as many of the ramifications as possible. Some questions that should be answered in the plan:

- 1) In the event of a natural event, flood or snow for instance, what is the obligation of employees to come to work?
- 2) How do employees learn about the status of their workplace when they are at another location?
- 3) In the event of incidents like auto accidents or plane crashes, do you know where your employees are? How would you account for them?
- 4) In the event of an on-site disaster: Is there an evacuation plan? Has your organization ever had a fire drill? How would you account for employees at each work site? Who contacts the police or fire department and through what means? Do you know how many visitors there are on site and who they are? Are there sufficient fire escapes and other devices that save lives? (While through history we have wondered at the lack of lifeboats and planning and the resulting loss of life on the Titanic, do we run the same types of risks in our organizations?)
- 5) Does your organization store key records, or copies of those records, off site?
- 6) Are computer back ups made on a regular basis? Are the back-up tapes stored off site?
- 7) You have two minutes to evacuate your location, what will you take with you?
- 8) Do you have a relationship with your local law enforcement representatives?

After the Disaster

Implementation of the disaster plan should initially include limiting injuries and loss of life, then limiting loss of property. Considerations include knowing where the nearest emergency room, police substation and fire station are located. In addition, maintain contacts with contractors who can help to secure your premises.

Visiting hospitalized employees and their family members may be part of the plan. Making sure a management representative attends to such matters in a timely fashion is important. Taking care of the physical, emotional and employment needs of your employees who are still available for work is important. In the wake of the Houston floods, getting the workplace back on line, or providing alternative work sites for employees, was an important part of the recovery plan.



The emotional side of recovery is one that makes many managers uncomfortable. Managers may need to do more “hand-holding” than they have experienced in the past. Being good, active listeners will be important. Psychologists have remarked that talking about concerns and experiences gives employees an opportunity to work through the emotional trauma. This author has long recommended that employers make Employee Assistance Programs available to their employees. While known for helping employees with substance abuse and marital problems, such programs can also help employees deal with the emotional impact of disasters.

Managers do not need to become amateur psychologists. But understanding the emotional impact of disaster on employees will help managers do a better job of working with their employees. For some information about the approach to helping employees cope with disaster, see the web sites for the American Psychological Association, www.apa.org, and the American Red Cross, www.redcross.org.

Avoiding the Worst

In the aftermath of September 11, there have been reports of acts of violence and vandalism

against some persons of Middle Eastern appearance. Many such persons are citizens or long time residents of the United States and are as horrified as the rest of the United States about what has happened. As employers, there is an affirmative obligation to first, not discriminate against such employees in any way, and second, insure that no other person discriminates against such employees. Some employers have held “information sessions” with employees to both deal with the anger and other emotions, and also to address and hopefully avoid discrimination against any employees.

Act Now

There may be a sense that after the disasters of the last several months, surely there will be a period of calm and that disaster planning can wait a while. As the tragic results of the sudden tornado in Washington harshly proved a few days ago, the time to act is now.

Action Plan

Due to the wide scope of a properly assembled disaster plan, there are a variety of ways to put one together. However, some of the following steps could be followed:

- 1) Top management should review the need for such a plan with key members of management.
- 2) Various stakeholders should be identified, including neighboring businesses and residences, as well as employees and vendors.
- 3) Assemble a cross-disciplinary team to prepare a recommended plan.
- 4) Provide for appropriate external resources, which could include consulting firms like Claremont Management Group.
- 5) Implement the disaster plan, which should include distributing the plan to all employees and training of all employees. Disaster response teams may be assembled to respond to emergencies.
- 6) Practice your plan. A fire drill may seem old fashioned, but may be a life saver.

Employer Response to Military Service

Employers have an obligation to accommodate any employee who is employed on more than a temporary basis and needs leave in order to serve in any branch of the US Armed Services. The law that dictates employer obligations is known as the Uniformed Services Employment and Reemployment Rights Act (USERRA), which became law in 1994. There are several web sites which contain the full text of the law and provide additional details. It is important to note that the right to return to their previous employment, at the same pay and status, subject to certain limited conditions, is the same whether the employee volunteers or is called up by the military. Employees who go on military leave will have their salary and benefits adjusted upon their return to work for increases that are awarded based on time in grade, as opposed to merit.

USERRA also defines the time period in which an employee must apply to return to work after military service. The time period is based on the length of time that the employee has been on active military service. There is a significant exception in the situation where an employee has been injured while on military service.

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