

Realize the Importance of Job Descriptions

As an employer managing a fast-paced business, job descriptions may seem like a waste of time. With so many responsibilities vying for your attention, job descriptions may seem unimportant and unnecessary. However, this could not be further from the truth. Job descriptions are actually one of the most important written documents an employer can have when it comes to handling regulatory compliance, lawful termination, hiring, and many other employment decisions.



is to identify and define the “essential job functions.” These are the fundamental job duties of the employment position that the individual will need to be capable of performing. This is extremely valuable information to have in place prior to handling ADA, EEOC, and discrimination issues.

Companies often argue that they aren’t legally required to maintain job descriptions for each position in a company. While this is true, it’s in an employer’s best interest to have job descriptions since they are one of the most effective tools in justifying employment decisions.

Accurate job descriptions are fundamental to legal compliance. Companies that do not have written job descriptions in place are at a much higher risk for lawsuits being brought against them by applicants and employees. Regulations being imposed on employers by the Americans with Disabilities Act (ADA), Equal Employment Opportunity Commission (EEOC), and various OSHA standards are forcing employers to be much more exact about job requirements and the process for making employment decisions.

For example, knowing which duties are essential and which aren’t helps employers make appropriate decisions when they are engaging in the ADA interactive process with an employee who requests an accommodation. Also, being able to adequately explore an applicant’s ability and willingness to satisfy essential job functions may help a company avoid discrimination claims in hiring.

Benefits of Job Descriptions

Serve as legal documentation that can be useful in the event an employee files a termination or discrimination lawsuit against the company.

- ▲ Function as a foundation for developing interview questions.
- ▲ Discourages employees from refusing to do something because “it is not my job.”
- ▲ Provide a basis for employee reviews, salary increases, setting goals, and growth paths.
- ▲ Help maximize dollars spent on employee compensation for the position by ensuring experience, and skills needed for the job, are detailed and matched to prospective applicants.

Under the ADA, when reasonable accommodation has been discussed, if a job applicant cannot demonstrate the ability to perform the job-related functions, an employer does not have to offer the job applicant the job that he or she seeks. The employer may also revoke a conditional job offer that has been previously made to a job applicant. Many employers are afraid to make such employment decisions for fear of legal liability. When the employer has determined essential functions, and has accurate job descriptions, this type of screening has significantly less risk under the ADA and federal anti-discrimination laws.

In addition, job descriptions will help to establish exempt and non-exempt positions. An executive job description that details the regular supervision of two or more other employees, establishes that “management” is the primary duty of the position. The description that describes the authority to hire, fire, promote, or make

Essential Job Functions – Defined in the Job Description

One of the most important purposes of a job description

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assignments is a useful tool in convincing a court that a disgruntled former manager was properly classified as exempt from overtime pay under the Fair Labor Standards Act's (FLSA) executive exemption.

What Should a Job Description Include?

Employers should use lean, practical job descriptions that accurately reflect the position. Avoid long, complicated descriptions as well as too simplistic and incomplete descriptions.

- ▲ Date—when job description was written.
- ▲ Job status—exempt or nonexempt under FLSA, full time or part time.
- ▲ Position title—name of the position.
- ▲ Objective of the position—what the position is supposed to accomplish, how it affects other positions and the organization.
- ▲ Supervision received—to whom the person reports.
- ▲ Supervisory responsibilities—direct reports, if any, and the level of supervision.
- ▲ Job summary—an outline of job responsibilities.
- ▲ Essential functions—detailed tasks, duties and responsibilities.
- ▲ Qualifications—knowledge, skills and abilities.
- ▲ Physical factors—heavy lifting, type of environment associated with job: indoor/outdoor, etc.
- ▲ Working conditions—shifts, overtime requirements as needed.
- ▲ Unplanned activities—other duties as assigned.

Tips for Establishing Job Descriptions

▲ Job Analysis

Gain as much data as possible before developing a job description. The process of gathering, examining, and interpreting data about the job's tasks will supply accurate information about the job so that proper descriptions are completed.

The job analysis may include the job responsibilities of current employees, an analysis of the work duties, tasks, and responsibilities that need to be accomplished by the employee filling the position, employee interviews and observing the tasks as completed.

The more information gathered, the easier the actual task of developing the job description will be.

▲ Performance Standard & Establishing Essential Functions

Through the completion of a performance standard for various positions, the essential functions of the position can then be defined.

To establish the performance standard:

- Ensure that the tasks as part of the job function are truly necessary or a requirement in order to perform the job.
- Determine the frequency at which the task is performed or how much time is spent performing a task.
- Determine the consequences of not performing the function and whether this would be detrimental to the company's operation or result in severe consequences.
- Determine if the tasks can be redesigned or performed in another manner.
- Determine if the tasks can be reassigned to another employee. Once this is completed, the employer can make a determination as to whether the functions are essential or marginal. The use of the term "essential function" should be part of the job description, and it should explicitly state how an individual is to perform the job. This will provide future guidance as to whether the job can be performed with or without accommodation.
- Don't Forget the Disclaimer

The simple step of including "and other duties as assigned" to a job description, enables the employer to add new tasks to the position as needed. In some cases, it may be beneficial to clarify beyond the generic "other duties" and be more descriptive. For example, "other clerical duties," or "other duties as assigned by (a particular department of position)."

TPM is available to help you with your job description process and questions. If you would like further guidance in establishing or updating job descriptions, contact the office at 877-535-4646.