BEST PRACTICES
The Importance of Job Descriptions
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While there is no federal statute that requires them, a good job description is an important tool in the effective and legal management of any organization.

All employees like to know what is expected of them and how they will be evaluated. Job descriptions can also be a great value to employers. Creating a job description often results in a thought process that helps determine how critical the job is, how this particular job relates to others, and identifies the characteristics needed by a new employee filling the role.

A well-written job description provides many essential benefits to human resources administration. On the other hand, a poorly written or outdated job description can be a barrier to effective talent management.
What Job Descriptions Do?

- Give managers guidelines to hire, promote, & supervise employees
- Set clear job expectations
- Help support hiring, promotions & compensation
- Help with disciplinary actions & terminations
- Help an employer comply with numerous legal requirements
The Legal Importance

Job descriptions come into place with respect to the following statutes:

1. **Fair Labor Standards Act (FLSA)** – FLSA requires overtime pay for hours worked over 40 in a week by non-exempt employees. The exempt or non-exempt status of an employee is determined, in part, on an employee’s duties. A written job description of title is not enough alone to satisfy the exempt requirements, but an accurate list of essential functions can go a long way in confirming an employee’s exempt status.

2. **Americans with Disabilities Act (ADA)** – it is a violation of the ADA to fail to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the employer.

   - The duty to accommodate relates to the employee’s essential job duties. In other words, the disabled employee must be able to perform the essential functions of the job, with or without accommodation.

   - If a disabled employee is unable to perform an essential function of the job, even with an accommodation, the employer is not required to retain the employee in that position. In this regard, it is important that an employee’s job description identify the position’s essential functions.
3. Federal & State Discrimination Laws – There are many state and federal statutes that prohibit discrimination based upon a protected status. When faced with a claim of discrimination from an employee, a well-written job description can help support the challenged decision, whether it be related to compensation, promotion, discipline or discharge.

4. Family & Medical Leave Act (FMLA) – The FMLA requires that the employee’s health care provider certify that the medical condition for which the employee is seeking leave renders the employee unable to perform one or more of the employee’s job functions. The FMLA further provides that, under specified conditions, an employer may require a return to work certificate from the employee’s health care provider before the employer is required to return the employee to work following an FMLA leave. To assist the doctor in his/her assessment, the employer may attach a job description to the medical certification form. A complete and accurate list of essential functions will enable the health care provider to give an informed option.
Typically a job description is composed of four sections:

- Job summary
- Job requirements
- Job functions
- Reporting relationships
- Other information
The Importance of Job Descriptions

**Job Summary** – these one or two sentences include a general statement of duties and mentions who the employee would report to.

**Job requirements** – education, certification, experience necessary to do the job.

**Job functions** – a detailed description of the job duties. This section provides the basis for most of the employment decisions that are made concerning the employee in this position.

**Reporting** – provide details on the reporting and organizational structure. This will help the employee better understand how their activities fit into the total organization.

**Other information** – any other important facts about this position including working hours, travel requirements, location, physical requirements and working conditions.
CHAPTER 3:

Job Functions

Job functions are the duties and tasks that the employee is expected to perform in the position. Job functions may be essential or marginal (non-essential) and it is important to include all essential functions in the description. In describing essential functions, care must be taken to identify the completed task and not the method used to complete the task.

For example, don’t say employees must be able to “walk” from one station to another when the actual requirement is to “move” from one station to another. The former description would rule out qualified, wheelchair-bound employees.
What Makes a Function Essential?

According to the Equal Employment Opportunity Commission (EEOC), essential functions are the basic duties that an employee must be able to perform, with or without reasonable accommodation. Factors to consider in determining if a function is essential include, but are not necessarily limited to:

- **Job Functions**
  - Whether the reason the position exists is to perform that function
  - The number of other employees available to perform the function or among whom the performance of the function can be distributed
  - The degree of expertise or skill required to perform the function
Evidence that a particular function is essential includes, but is not limited to:

✓ The employer’s judgment,
✓ Written job descriptions,
✓ The amount of time spent on performing the function,
✓ The terms of a collective bargaining agreement,
✓ The work experience of present or past employees in the job, and
✓ The consequences of not requiring that an employee perform the function
Preparing accurate job description is the first step. However, job duties often change over time and an outdated job description may be of little benefit or could even be a detriment. To ensure that your job descriptions remain current and accurate, consider taking the following steps:

- Include the effective date on every job description and ensure that the date is revised when changes are made.
- Confirm that the job description is current before posting any open position.
- Confirm that the job description is up-to-date as part of the performance review process.
- Review all job descriptions on a set schedule. If this approach is not practicable, consider spot audits.
Staffing Plus offers personalized HR services that will help control cost, lower risk and minimize the financial impact to your organization. We will provide you with the HR expertise and resources you need, so that you can stay focused on your strategic business and financial goals.

As it pertains to your job descriptions, Staffing Plus can offer the following assistance.

- Provide resources that you can use to develop or update your current job descriptions.
- Provide a review of your job descriptions.
- Update your job descriptions.
- Develop a job description program for your organization.

For further guidance on your job descriptions and other HR related areas, please contact our HR Outsourcing experts at (610)525-4000 or via email at hro@staffingplus.com