The Importance of Job Descriptions

While there is no federal or Michigan statute that requires them, a good job description is an important tool in the effective and legal management of any organization. A well-written job description provides many essential benefits to human resource administration. On the other hand, a poorly written or out-dated job description can be a barrier to effective personnel management.

What Do Job Descriptions Do?

- Set clear job expectations.

- Give managers guidelines to hire, promote and supervise employees.

- Help support hiring, disciplinary, promotion, compensation and termination decisions.

- Help an employer comply with numerous legal requirements.

What Is The Legal Importance of Job Descriptions and Essential Functions?

Job descriptions come into with respect to the following statutes.

Fair Labor Standards Act (FLSA). The 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 or 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.

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.

Federal and 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 description can help support the challenged decision, whether it be related to compensation, promotion, discipline or discharge.

Family and 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 opinion.

What Composes a Standard Job Description?

Typically a job description is composed of four sections:

- A job summary – an overview of the position with a brief description of the most important functions.

- A list of job requirements – education, certifications and experience necessary to do the job.

- A list of 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 employees in this position.

- Other information – any other important facts about this position including working hours, travel requirements, reporting relationships, location, physical requirements and working conditions.

What are 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). It is important to include all essential functions in the job 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:

- 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, and

- 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.

Best Practices.

Preparing accurate job descriptions is the first step. However, job duties often change over time and an out-dated 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.