

General Guidance for Job Description Preparation

Note: *This document is to be used for general guidance only, and is not to be construed as a substitute for qualified human resources or legal advisement. Speak with your designated human resources contact, or legal counsel, for further discussion about any of the material discussed herein.*

Preparation of job descriptions requires careful attention be given by the member to all of, but not limited to, the following:

- Essential tasks of the position and elements required for the position.
- Individual and professional qualifications needed from an employee to fulfill the essential tasks, such as – experience, education, physical ability, and language proficiency.
- Member expectations in regard to the employment position, employee output, employee conduct, and any other applicable issues.

In order to ensure clarity and accuracy exists with job description creation, member may wish to consider the following:

- (1) **Obtain Employee Input** – Employees should of course not be permitted to create their own job descriptions. However, a current employee’s first-hand knowledge of a job is a valuable tool in understanding the intricacies of a position. With addition of an employee’s input, a job description may provide insight as to elements of the job that only a person actually performing the tasks would know. As well, soliciting employee input may help members with protections against any future employee-based claim that the job description does not accurately reflect the duties of the position.
- (2) **Maintain Current Job Descriptions** – Job descriptions must clearly & accurately reflect expectations, qualifications, and other applicable information in relationship to the position, to be effective. Job description value is diminished, and members lose job description protections against employee claims when information becomes outdated, or fails to provide information about an essential task. Members should regularly review employment positions, and ensure job descriptions remain updated to accurately reflect requirements of all positions.
- (3) **Provide Employees with Regular Updates** – Periodically distribute job descriptions to employees, in an effort to keep employees aware of any job description changes or updates. This keeps employees who may go long periods without reviewing their job descriptions from alleging that a job has changed. Employees should be required to identify any changes in their

job duties since descriptions were last reviewed. Member may consider asking employees to conduct a review of the position as part of the performance evaluation process.

- (4) **Include Essential Information** – Member should include physical requirements for the job, such as those pertaining to lifting, standing, walking, and exposure to particular conditions such as weather and chemicals; also overtime frequency, weekend work, shift rotation details should be included. The job description should also include unexpected job duties and should state that the employee may be asked to perform other duties as required by business needs. Balance the need to include as many job duties and expectations as possible, with reasonableness. Do not include job duties the employee will not perform, as doing this will lessen the likelihood that a member may persuade a judge or jury that the job description is a reasonable measure of the employee’s job responsibilities. Job descriptions should reflect the reality of the employee’s job as accurately as possible, and should also provide flexibility necessary to address the potential that member needs could change periodically, perhaps even daily.

- (5) **Include Special Attendance Requirements** – Employers covered by the federal Family and Medical Leave Act (FMLA) must provide employees with 12 weeks of leave for serious health conditions per 12-month period. However, organizations may incur an unreasonable burden and be unable to function if certain positions are vacant for 12 weeks per year. If a particular job has unusual attendance requirements, the job description should include those requirements. However, an employee still might be entitled to be absent from work under FMLA, notwithstanding such requirements.

- (6) **Include Unusual Job Stress** – Job-related stress can become an issue in disability discrimination litigation. Therefore, job stress should be addressed in the job description so that applicants and employees have advance notice of special circumstances they may be required to handle.

- (7) **Use Job Descriptions in the Application Process** – Consider using job descriptions during the application process as a foundation for the position, and a guideline for the type of individual who would best fit the position. Applicants should be asked to review the job description details for each job sought, and to certify, by signature, that they understand the job requirement and are able to perform that job. This measure offers possible protection to the member from future assertions of an individual’s inability to perform an essential job function.

- (8) **Measures of Satisfactory Performance** – Carefully drafted job descriptions that identify essential functions of the job and give clear qualitative & quantitative expectations for each function will serve as a good foundation for the performance evaluation process.