

HR Insights

Brought to you by: COUNTRY Financial



Job Descriptions

Developing job descriptions can be a daunting task for employers. This article provides information from the U.S. Department of Labor to help with the often lengthy process, including how to formulate job descriptions and remain in compliance with the Americans with Disabilities Act of 1990 (ADA).

What is a job description?

A job description typically consists of six major components:

- Essential job functions
- Knowledge and critical skills
- Physical demands
- Environmental factors
- The roles of the ADA and other federal laws such as the Occupational Safety and Health Act (OSHA)
- Any additional information necessary to clarify job duties or responsibilities

Should an employer use job descriptions?

Whether to use job descriptions usually depends upon a number of factors, including employer preferences and resources. Employers should consider the following.

Relevant Rules and Regulations

According to the enforcing agency for the ADA, the Equal Employment Opportunity Commission (EEOC), the ADA does not require an employer to develop or maintain job descriptions. The ADA simply requires that a disabled individual's qualifications for a job be evaluated in relation to the job's essential functions. A written job description is considered evidence in determining essential functions, but is only one factor.

Guidance also exists on identifying the essential functions of the job. There are several reasons why a function could be considered essential:

- The position exists to perform the function. For example, a person is hired to proofread documents. The ability to proofread accurately is an essential function, because that is why the position exists.
- There are a limited number of other employees available to perform the function, or among whom the function can be distributed. For example, it may be an essential function for a file clerk to answer the telephone if the other employees in the office are too busy to do so.
- A function is highly specialized and a person with special expertise is hired to perform it. For example, a company that does business with Japan may want to hire someone who can communicate fluently in Japanese. Fluent communication in Japanese is an essential function of the job.

According to the EEOC, several types of evidence are considered in determining whether a function is essential. This list is not all-inclusive.

- The employer's judgment. For example, if an employer requires its typists to be able to accurately type 75 words per minute, the employer is not required to show that such speed and accuracy are "essential" to a job or that less accuracy or speed would not be adequate. However, if a person with a disability is disqualified by such a standard, the employer should be prepared to show that it does in fact require current employees to perform at this level.

- A written job description prepared before advertising or interviewing applicants for a job. If an employer uses written job descriptions, the ADA does not require that "essential functions" be identified. However, if an employer wishes to use a job description as evidence of essential functions, it should in some way identify those functions that the employer believes to be important in accomplishing the purpose of the job.
- The amount of time spent performing the function. If an employee spends a majority of time operating one machine, it would be evidence that operating this machine was an essential function.
- The consequences of not requiring a person in this job to perform a function. Sometimes a function that is performed infrequently may be essential because there will be serious consequences if it is not performed. For example, an airline pilot spends only a few minutes of a flight landing a plane, but landing the plane is an essential function because of the serious consequences of not doing so.
- The terms of a collective bargaining agreement. If a collective bargaining agreement lists duties to be performed in particular jobs, this may provide evidence of essential functions. However, it would be considered along with other evidence, such as actual duties performed by people in these jobs.
- Work experience of people who have performed a job in the past and people who currently perform similar jobs. The work experience of previous employees in a job and the experience of current employees in similar jobs provide pragmatic evidence of actual duties performed. The employer should consult such employees and observe their work operations to identify essential job functions.

Other relevant factors such as the nature and scope of the work operation and the employer's organizational structure may be factors in determining whether a function is essential. Employers should also research whether there are other rules and regulations that apply to them, such as state disability laws or federal and state safety and health laws.

Size and Type of Organization and Industry

For a small organization, there may be less time and resources available to devote to the process. However, such an employer may have fewer position titles, which require less time to write the actual descriptions. On the other hand, large organizations often have a multitude of departments and job titles. Larger employers benefit from having job descriptions when they need to standardize job functions across multiple locations and throughout the organization. Also, some employers should plan to have unique job titles specific to their industries, while others will have many job titles that are similar, such as organizations with several clerical and administrative positions.

Hiring Practices

Many job seekers consider job descriptions a valuable screening tool. Conveying job expectations and requirements in a written job description can attract qualified and interested candidates. Employers should be careful to avoid citing standards that may unnecessarily screen out particular groups, such as individuals with disabilities. In contrast, a description written in a respectful tone with appropriate etiquette may encourage an individual to apply.

Current Employees

Developing job descriptions often uncovers alternative methods for performing essential job tasks. In identifying an essential function, the employer should focus on the purpose of the function and its result, rather than how the function is currently performed. An individual with a disability may be qualified to perform the function if an accommodation would enable this person to perform the job in a different way, and the accommodation does not impose an undue hardship on the employer.

Formulating a Job Description

The following outlines several steps to developing a job description.

Step 1: Completing a Job Analysis

A job analysis involves observing an individual actually doing a job, observing co-workers, and interviewing the individual and co-workers. Additional data might be collected using questionnaires, checklists and journal entries. Job tasks should be recorded with videotape, pictures and/or sketches so that an investigator can refer to them during reporting. A job analysis involves determining the job's purpose and the structure of the job setting, including specifics about the worksite, workstation and activities. Once completed, a job analysis will help determine what accommodations can assist a person with a disability in performing a job.

- Purpose
 - Why does the job exist? Document the job's specific contributions to the company's overall mission.
 - What are the job duties necessary for job performance? Usually less than 10 job duties are essential activities necessary to the job.

- Job Setting
 - What is the physical layout of the worksite?
 - What equipment is used in the work setting?
 - Where are the essential functions performed?
 - What conditions are required for task completion? Conditions include environmental (hot or cold, inside or outside, noise level, lighting, ventilation, etc.) and social (works with the public, works under deadlines, works alone, etc.).
 - Is the job accessible (parking, entrances and exits, doors)?
 - Does the job necessitate completing tasks in multiple, alternate or off-site locations?
 - How is the workstation arranged?
 - How do workers obtain and discard equipment and materials?
 - How is the work organized?
 - What is the required output level for the job?
 - What is the relationship between tasks? If there is a task sequence or hierarchy, document this order.
 - What are the necessary physical and mental requirements needed to accomplish the job?
 - Is specific training necessary? Document required experience, certificates and education.
 - What are the safety and quality control measures in place? Document potential workplace hazards and the measures taken to eliminate them.
 - What happens if a task is not performed appropriately or if the result is not achieved?
 - What level of responsibility is necessary?
 - Are there specified time frames for completing a task?

Step 2: Recording the Basics

Employers should develop job descriptions that clearly define the essential functions of every job before advertising the job or interviewing applicants. A job description should have clear, concise, non-technical language, and avoid unnecessary words. Examples of job functions should be provided

The desired outcome of the work should be described, rather than one method for accomplishing that outcome. Avoid using gender-specific language, jargon, proprietary names (Xerox) and ambiguity. Employers should let current employees read their job descriptions, voice any concerns and sign the description. Within the actual job description, an employer should include:

- Job title (job code number if applicable)
- Department or section of the company
- Relationships to other jobs and the purpose of contact with outside agencies and personnel
- A brief summary of job functions
- Duties and responsibilities, estimated time spent on each and frequency of each activity
- The quality and quantity of work expected from an individual holding the position
- The repercussions of not performing each job function
- Essential and marginal duties
- Special working conditions such as shift, overtime or as-needed work
- Information on the accountability for results
- A statement that when duties and responsibilities change and develop, the job description will be reviewed and subject to change based on business necessity

Note that the term "essential function" should be used in the job description. The job description should explicitly state the manner that an individual is to perform the job. Job descriptions should be updated periodically to reflect the essential functions of altered positions or any other pertinent change. All levels of management and human resources should review job descriptions.

Step 3: Detailing Qualifications

Employers typically require certain knowledge, skills, aptitude, training and previous experience, but should remember that these qualifications might be gained in a number of ways. For example, knowledge may be gained through education, training or experience. In addition, other requirements, such as the possession of a driver's license, could be considered discriminatory. For example, an employee without a license may be able to use public transportation to commute to work or work functions.

Step 4: Maintaining Consistency

Internal consistency is very important when developing organizational job descriptions. Consistent language such as preferred action words and frequently used terms can help create cohesiveness throughout. Internal consistency may also help "ensure equitable comparisons of content across jobs" in justifying employee salary decisions. A bank of job descriptions can be instrumental in supporting the development of other organizational documents and standards as well. Descriptions may offer a framework for developing performance evaluations, policy manuals, annual reports and organizational media.

Job Descriptions and the Accommodation Process

Developing job accommodations can be difficult. A job description can be a constructive tool for exploring task-specific accommodation options. Consider the specific tasks that comprise the job to pinpoint what limitations are affecting an individual's job performance and what functions can be accommodated. You will need to fully understand an individual's functional limitations to provide reasonable accommodation solutions. The following are example situations and potential accommodation solutions.

Situations and Accommodation Solutions:

Situation 1: An applicant is interviewing for a computer programmer position. Although not required to disclose, the applicant decides to tell the employer she has diabetes because she has questions about a particular job requirement for which she may need an accommodation

Job Task: "Responsibilities occasionally may require an adjusted work schedule, overtime and evening or weekend hours in order to meet deadlines or to access the computer to perform program tests."

Limitation: The applicant needs to eat at specific times each day and may need to test blood sugar and take insulin while at work. She is happy to work adjusted hours as long as she can still take those steps.

Accommodation Solution: The employer accommodates the employee by allowing her to adjust her lunch hour and permits flexible break times. The employee is allowed to bring a small refrigerator to store food and medication in her office. When working evening hours, the employee sets her own dinner breaks.

Situation 2: The new food service manager is a person who has multiple sclerosis. She uses a cane for mobility assistance.

Job Task: "2 percent of time: Assists in production area during absence of primary kitchen staff."

Limitation: Employee has difficulty standing for long periods of time.

Accommodation Solution: The employer and employee agree to use a sit/stand work stool and an anti-fatigue mat to accommodate rare occasions when she will need to assist in the kitchen.

Situation 3: A sheet metal worker has a speech impairment. He stutters and when nervous, the condition becomes much more prevalent.

Job Task: "Makes recommendations to supervisor about the need for different materials, equipment and parts."

Limitation: Employee has difficulty with verbal communication.

Accommodation Solution: As needed, the employee makes recommendations in writing. When discussion or clarification is necessary, employer and employee meet one-on-one in a quiet environment to eliminate noise, distraction and alleviate the employee's stress about speaking in group situations.

Source: U.S. Department of Labor