Are Job Descriptions Necessary?



While job descriptions may not be legally required, they are practical and recommended for many reasons as discussed below.

Well-written, carefully crafted and regularly updated job descriptions serve several purposes:

1. They clearly define the functions and responsibilities of a job.
2. They help find the right fit when hiring for a position.
3. They help to establish and update performance standards.
4. They clearly assign tasks and responsibilities.
5. They serve as an aid in succession planning or organizational development (i.e., what responsibilities can be added for the growth of the organization as a whole?).
6. They can aid in determining a fair wage based on salary data for similar positions.
7. They can often provide legal documentation if needed.

HOW ARE JOB DESCRIPTIONS HELPFUL?

A good job description will aid an employer's recruitment efforts. It helps a potential employee know if the position is a good fit and aids in finding applicants who will meet the needs of the organization. The more detailed and descriptive job descriptions are, the better it will be for attracting and retaining high-quality employees who will excel at their jobs.

A well-written job description establishes clear expectations. When employees understand their responsibilities they can be more efficient and effective. No one can do a good job if they don't know what it is supposed to be. The reverse is true for employers. Evaluating an employee's performance requires knowing what is expected of them in their position. A vague job description or one that is open to interpretation, makes it difficult to address a lack of performance or areas that need improvement. It makes it equally difficult to justify a salary increase or promotion.

LEGAL SIGNIFICANCE OF JOB DESCRIPTIONS

While job descriptions on their own cannot determine an employee's exempt or nonexempt classification under applicable wage and hour laws, they can and

should help justify an employee's exemption status under the federal Fair Labor Standards Act (FLSA). A job description should accurately state the duties of a particular position.

- For example, if an employer classifies an employee as exempt from minimum wage, timekeeping and overtime requirements under the executive exemption under the FLSA, the job description should support that the employee manages a recognized department or subdivision of the company and regularly supervises two or more full-time equivalent employees every week. Other managerial duties should be noted in the job description as well.
- Additionally, for employees classified as exempt under the administrative exemption, the job description should indicate that the employee regularly exercises independent judgment and discretion about matters of significance. Describing duties that involve independent judgment and discretion further supports the exempt classification.

Under the federal Americans with Disabilities Act (ADA) as well as some state laws, an employer is required to provide an employee with a covered disability with reasonable accommodation to perform the essential functions of the employee's job. A job description serves as a starting point for determining essential job duties. An employee with a disability seeking an accommodation should identify which of the listed duties they cannot perform. The employer and employee can then engage in an interactive discussion about potential accommodations that may help the employee perform those duties without creating an undue hardship for the employer. A clear job description can also be helpful in seeking the advice of health care providers such as physicians, chiropractors, counselors, or rehabilitation therapists about whether an individual can actually perform a particular job.

Additionally, the federal Family and Medical Leave Act (FMLA) provides that an eligible employee of a covered employer may take job-protected leave for a serious health condition among other qualifying purposes. For FMLA leave for an employee's serious health condition, the employee's health care provider typically certifies whether the employee's medical condition makes the individual unable to perform one or more of the employee's job functions. The employer may also require a fitness for duty certification from the health care provider before permitting the employee to return to work after FMLA leave. The employer may attach a job description containing the position's responsibilities and duties to assist the health care provider in completing this certification.

A job description should include whether a job requires a particular certification (i.e. a commercial driver's license, a particular degree or professional designation) or a negative drug test before starting or continuing work.

Other objective minimum qualifications such as reliable attendance and an ability to work well with others should also be listed as appropriate. If a job applicant does not have any required certification or qualification and an employer refrains from proceeding in the application process on such a basis, a job description may be helpful for an employer to demonstrate a legitimate, nondiscriminatory reason for its decision if the employer is challenged.

Thus, job descriptions can serve as helpful documentation if an employee alleges various wrongdoing against the employer including filing a lawsuit for claims

such as discrimination based on a disability or any other protected characteristics, bolstering the rationale for employers to create and maintain accurate and updated job descriptions. Employers should take the time to review job descriptions to ensure they are current and correctly reflect a position’s tasks and responsibilities on at least an annual basis. Employers may want to include this as part of its review process.

THE BOTTOM LINE?

While good job descriptions require time and effort, they help employers make the right hire, assist applicants and employers determine if the position is a good fit, communicate to employee’s clear guidelines on what is expected of them, and help ensure employers meet obligations and guidelines under applicable laws such as the ADA, FMLA, and FLSA.