

# JOB DESCRIPTIONS – THEY ARE MORE IMPORTANT THAN YOU THINK

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# Job Descriptions are Important!



- Don't procrastinate.
- Essential to business - multiple hidden benefits.
- Job descriptions create clarity.
- Job descriptions keep you out of trouble with the law.

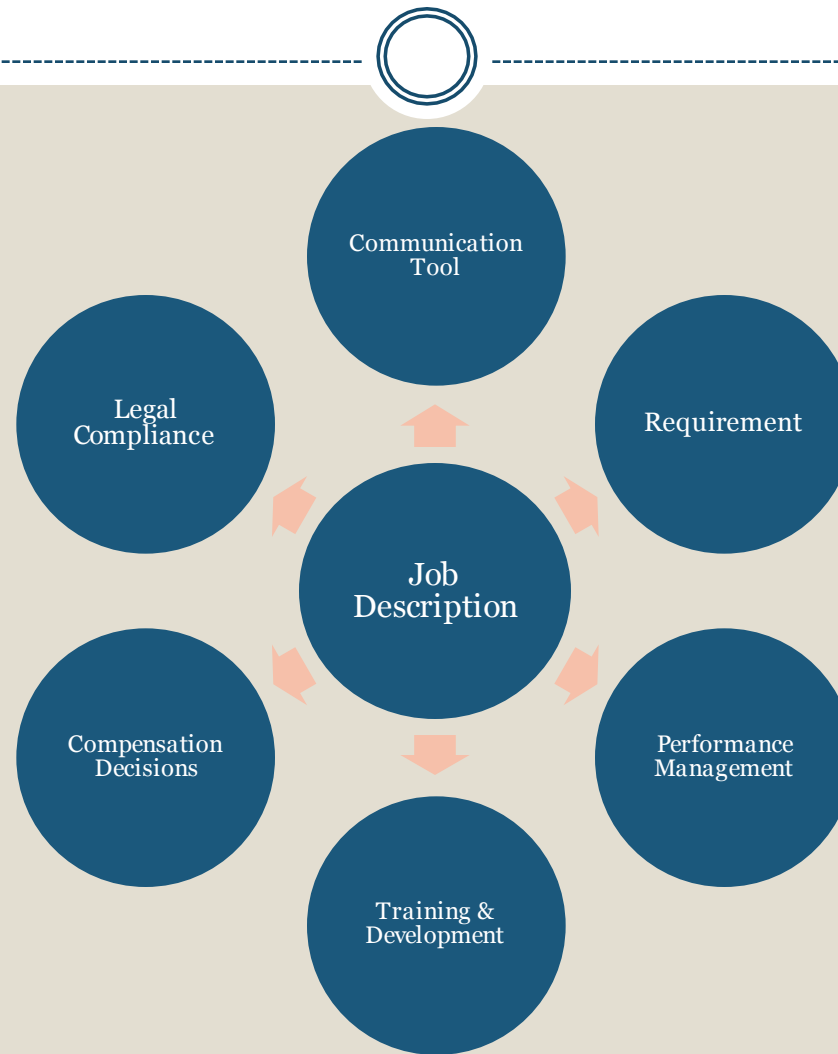
# What is a Job Description?



- A job description is a written description of a job which includes information regarding the general nature of the work to be performed, specific responsibilities and duties, and the employee characteristics required to perform the job.



# Job Descriptions - Purpose



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# What are Job Specifications?



- Job specifications are the personal/individual requirements expected from the employee. They include any educational, specialized skills, experience, or knowledge requirements.
- Job specifications enrich the job descriptions.

# Functions of a Good Job Description

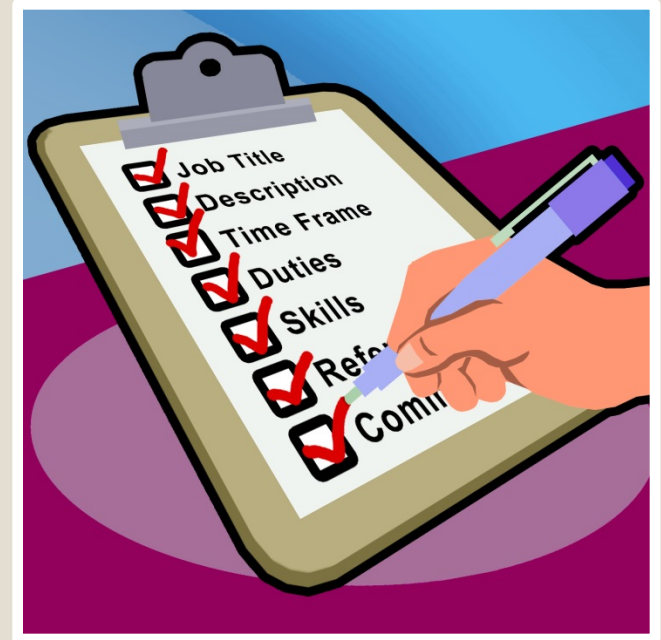


- Describes skills, physical requirements and competencies needed to perform the role.
- Defines where the job fits within the overall hierarchy.
- Helps attract right job candidates.
- Serves as a basis for outlining performance expectations, job training, and career advancement.
- Key to determining appropriate classification and compensation.

# Importance of a Well Written and Up to Date Job Description



- Business Side
- Legal Side



# Importance of a Well Written and Updated Job Description



- **Business Side**
  - Establishes responsibilities.
  - Establishes performance guidelines.
  - Helps to establish pay levels.
  - Manages employee expectations.
  - Tool for recruiting and employee selection.
  - Helps with employee career development.

# Importance of a Well Written and Up to Date Job Description



- Legal Side
  - Wage and Hour (Exempt/Non-Exempt) - Fair Labor Standards Act (FLSA) and CA IWC and Labor Code.
  - Americans with Disabilities Act (ADA)
  - Federal and State Discrimination Laws
  - Family and Medical Leave Act (FMLA)
  - Workers Compensation

## Wage and Hour/Exempt/Non-Exempt – Fair Labor Standards Act (FLSA) and California IWC and Labor Code



- Overtime for non-exempt employees (FLSA and CA law).
- Exempt/Non-Exempt status is determined, in part, based on employee's duties.
- Job Description is the key document in determining whether someone is properly classified.
- Executive, Administrative and Professional exceptions under IWC.
- State primary duties and discretion for exempt positions.

# Americans with Disabilities Act (ADA)



- ADA-fundamental goal to protect against disability discrimination and to provide reasonable accommodations to qualified individuals, enabling them to perform the **essential functions** of their job.
- A “qualified individual” is one who satisfies the requisite skill, experience education and other job-related requirements of the position with or without a reasonable accommodation.

# Americans with Disabilities Act (ADA)



- Job description establishes essential functions of job.
- ADA prohibits discrimination on the basis of disability for a “qualified individual” with a disability.
- All aspects of employment process are covered by ADA including recruiting, hiring and firing.

# Americans with Disabilities Act (ADA)



- ADA protects an employee/applicant who has the prerequisite skills and knowledge and is able to perform the essential functions of the job, with or without a reasonable accommodation.
- Define essential functions of job including skill, experience, educational and physical demands such as:
  - Types of physical activities
  - Degree of physical activities
  - Visual demands
  - Physical conditions of work
- Be specific.

# Federal and State Discrimination Laws



- Federal and CA law prohibits discrimination based on a protected class.
- Protected classifications include- race, religion, color, national origin, physical and mental disability, marital status, sex, gender, gender identity, age, military, among others.
- A well written job description can support a challenged employment decision whether related to hiring, compensation, promotion, discipline or discharge.

# Family and Medical Leave Act (FMLA)



- FMLA requires employee's health care provider to certify that the medical condition for which the employee is seeking leave renders the employee unable to perform one or more of the essential functions of the job.
- Return to work certification.
- Job description assists medical providers in assessment of ability to perform or not perform.

# Workers Compensation



- Job descriptions can assist employers in providing modified work for employees out on WC leave.
- Both ADA and FEHA provide that reasonable accommodation can include part-time or modified work schedule.
- Incentives to employers of 50 or more people who return disabled employees to work.

# Workers Compensation



- 15% reduction in permanent disability payments if employer accommodates employee with modified job that pays at least 85% of previous job and lasts at least 12 months.
- 15% increase in permanent disability award if no modified job is offered.

# Important Elements of a Good Job Description



- Job title
- Employment status – full-time, part-time, temporary
- Exempt or non-exempt
- Duties and responsibilities
  - List duties/tasks
  - Essential functions of the job
  - Knowledge, skill and abilities necessary to perform job
  - Decision making requirements
  - Scope of authority (ability to hire/fire)

# Important Elements of a Good Job Description



- **Qualifications**
  - Licenses
  - Desired work traits
  - Computer skills
  - Communication/interpersonal skills
- **Physical location of job.**

# Important Elements of a Good Job Description



- Special considerations (working conditions)
  - Physical requirements, i.e. must lift up to 50 lbs.
  - Travel
  - Work hours (on call, overtime, etc.)
- Pay
- Summary of your business
  - How many employees
  - Where it operates
  - What are its products and services, and core values

# Steps in Writing a Job Description



Step 1: Job Analysis



Step 2: Determine core functions



Step 3: For each core function, determine the essential duties – what, how, and why



Step 4: Determine the frequency and assign percentages (no less than 5%)



# Steps in Writing a Job Description



Step 5: Determine requirements of position – tie them directly to the core duties



Step 6: Determine if there are any physical, environmental or special demands



Step 7: Write position summary

# In Summary

## Importance of Job Descriptions



- Writing job descriptions are important for:
  - Hiring
  - Communication Tool
  - Discipline
  - Career Advancement
  - Supporting Legal Defenses

# Questions?



Thank you for your time!  
Please feel free to call or email your questions to:

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