Guidelines for Writing a Job Description  
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What is a Job Description?

A job description is a written document that describes various details about a particular job position. There is no specific law that requires an employer to have written job descriptions, but they can be useful in many aspects of running a business, from hiring/recruiting to managing employee performance. Job descriptions also can be helpful in complying with various legal requirements, such as federal and state wage and hour laws, anti-discrimination laws, and other employment-related laws. At the same time, a poorly drafted job description can substantially increase an employer’s risks in litigation. If you create and use a job description, it is important to get it right.

This guide explains the purpose and utility of job descriptions; describes the typical contents of a job description; and provides recommendations for drafting and maintaining accurate and effective job descriptions.

Practical Uses of a Written Job Description.

A written job description has several useful applications in the context of personnel management. It is helpful in recruiting and hiring because it spells out the qualifications, knowledge, and skills needed for a particular job. It is helpful in setting compensation levels, allowing the employer to compare different jobs within the company or in the general job market, and it facilitates compensation adjustments as a job description is changed. It helps in the management of employee performance, by establishing expectations for both the employee and employer.

Legal Implications of a Written Job Description.

A written job description is also vitally important in dealing with various legal requirements. For example, when responding to a request for disability accommodations pursuant to the Americans with Disabilities Act (ADA), a well written job description is invaluable, particularly when analyzing the position’s “essential job functions.” To qualify for protections under the ADA, an employee or applicant must (1) be qualified for the job position (i.e., possess the necessary skills, experience, education, and other job-related requirements); and (2) be able to perform the “essential job functions” with or without a reasonable accommodation. In considering accommodation requests, an employer need not eliminate or reassign a position’s “essential job functions,” although it may need to restructure the manner and method of performing the functions. The essential functions are the “fundamental job duties of the employment position.” One good way to establish whether a function is “essential” is with a written job description. The EEOC and the Courts give substantial deference to how an employer defines a position’s essential job functions. It is important, therefore, to have these established, in a written job description, before receiving a request for accommodation.

As another example, a written job description can be a vital piece of evidence in an FLSA (wage and hour) lawsuit, where an employee claims he or she was improperly classified as “exempt” and was not
paid overtime. Although a job description cannot, on its own, establish that an employee was properly classified as exempt from the FLSA, it is an important factor. A well written job description will help show that the employee’s job duties qualify under one of the FLSA exemptions. For example, the job description may establish that the position meets the “primary duties” test to be exempt under the “administrative exemption” by showing that the employee (1) performs office or non-manual work directly related to the management or general business operations of the employer; and (2) exercises discretion and independent judgment regarding matters of significance.

**Determining the Essential Job Functions.**

As noted above, it is important to describe the “essential job functions” for the position. In determining whether a job function is “essential,” certain key factors should be considered, including:

- 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.

It is helpful to consider the factors that the U.S. Equal Employment Opportunity Commission [EEOC] will consider in determining whether a particular job function is properly classified as “essential.” In addition to the three factors listed above, the EEOC will consider:

- the employer’s reasonable judgment as to which functions are essential;
- a written job description prepared before advertising or interviewing for a job;
- the actual work experience of present or past employees in the job;
- the time spent performing the function;
- the consequences of not requiring that an employee perform a function; and
- the terms of a collective bargaining agreement.

**Key Elements of a Job Description.**

A job description typically contains the following elements. Depending on the needs of the employer, additional categories may be added.

**ADMINISTRATIVE INFORMATION**

*Job title.* If applicable, include job code, pay grade, etc.

*Date.* Date when job description was published.

*Department.* Name of department to which the position is assigned.

*Reports to.* To whom does the position report?

*Supervises.* What positions report up to this position?

*FLSA Job classification.* Is position exempt from the Fair Labor Standards Act (FLSA) (employee is not entitled to overtime pay) or non-exempt (entitled to overtime pay)?

*Job Time Commitment.* E.g., full time; part-time; or temporary.
SUMMARY/GENERAL DESCRIPTION

Briefly describe general nature, level, and purpose of the job. This paragraph may be used for job postings. For example:

ESSENTIAL JOB FUNCTIONS AND DUTIES

Describe the essential job functions, responsibilities, and other requirements of the job. See discussion above.

OTHER JOB FUNCTIONS AND RESPONSIBILITIES

If applicable, list job functions that are not essential, but which may be required at times.

Include the general statement: “Perform other duties as assigned.” This allows the employer to assign sporadic or one-time tasks as needed.

ESSENTIAL JOB QUALIFICATIONS

License/Certifications Required. Identify professional licenses or certifications required by law or company policy.

Educational Level. Describe any educational degree required or preferred. Examples:

• 4-year college degree is preferred.
• Academic degree in _______ is preferred.

Skills and Job Experience. Identify any particular skills, knowledge, abilities, or job experience required or preferred. Some examples:

• Previous experience as in processing healthcare insurance claims for medium size practice (3-5 years preferred).
• Proficiency in computer word processing systems, including Microsoft Word, Excel, and PowerPoint.
• Excellent writing skills; competent to draft office memoranda, marketing brochures, policies, meeting reports, and correspondence on behalf of the company.
• Excellent verbal communication skills.
• Excellent telephone etiquette skills due to extensive telephone responsibilities.
• Ability to use [list specific office equipment, devices, etc.] in a fully competent manner.
• Ability to read and understand complex technical information, including work assignments, and regulatory language.
• Ability to establish and maintain effective working relationships with vendors and other outside business affiliates.

ESSENTIAL PHYSICAL REQUIREMENTS

The job description should specify the minimal physical requirements of the job, such as certain levels of standing, sitting, lifting, walking, and repetitive motion requirements. In the application process, it is important to identify whether the applicant is able to perform the essential physical requirements, with or without any physical accommodations. The job description should clearly describe these requirements. Some examples:
• Ability to stand for extended periods (up to 4 hours without rest).
• Frequent and repetitive hand movements, including grasping, squeezing, and pulling.
• Bend, stoop/squat, crouch, stand and walk intermittently throughout the work day.
• Vision abilities, including using close vision, distance vision, and depth perception.
• Drive a motor vehicle while seated for period up to ___ hours on a regular basis.
• Travel by airplane, including flights lasting up to 6 consecutive hours in duration.
• Regularly (10-20 times per day) lift and/or move items weighing up to ___ pounds.
• Occasionally (3-4 times per day) lift and/or move items weighing up to ___ pounds.

For some office/administrative positions, it may be sufficient to state: “Work is primarily sedentary in nature; there are no special physical requirements.”

The following statement should be included: “The physical demands described here must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of the job.”

WORK ENVIRONMENT

Describe any particular environmental conditions of which an applicant or employee should be aware, particularly any environmental factors that pose a risk to employee’s health or safety. Some examples:

• Job duties may involve exposure to blood, bodily fluids, and body tissue.
• Job duties may involve working near heavy machinery with moving parts.
• Job duties may involve working in extreme outdoor weather conditions, including high heat and extreme cold.

ADDITIONAL INFORMATION

The job description can include other information, depending on the employer’s particular needs and policies. Some examples include:

• Unusual working hours or scheduling requirements (particularly if an unusual job schedule an essential function of the position)
• Dress code and grooming/appearance standards.
• Post-offer, pre-employment Background Check requirement.
• Post-offer, pre-employment Drug Screening Test requirement.
• Post-offer, pre-employment Physical Exam requirement.

DISCLAIMER

The following disclaimer should be added:

“The duties, responsibilities, and conditions described are not necessarily a comprehensive list. Additional tasks and requirements may be assigned to the employee from time to time, as necessitated by business demands. Given the nature of the business, the company retains the right to modify the essential functions of this position at any time.”
ACKNOWLEDGMENT OF JOB DESCRIPTION

The job description should provide an acknowledgement section, where by the employee signs under the following statement:

“I have received a copy of the above Job Description and have read and understand its contents.”

Drafting, Implementing, and Updating a Job Description.

The following steps are recommended for drafting, implementing, and updating job descriptions:

• **Analyze the job.** Gather information about the exact duties and responsibilities being performed by the employee in the position [e.g., by observing the employee in the job, interviewing the employee or the employee's supervisor, etc.].

• **Determine whether the job is exempt or not exempt from the FLSA overtime pay requirements.** If the position is exempt, ensure that the language of the job description supports this determination by highlighting the key factors that make the employee exempt [e.g., supervisory responsibilities, independent discretion on matters of significance to the business, etc.]. Further guidelines on the factors in support of FLSA exemptions may be obtained at www.dol.gov/whd.

• **Describe the job, including the essential job functions** [duties, responsibilities, qualifications, skills, etc.]. See above guidelines for determining the essential job functions.

• **Assemble the minimum job qualifications** [education, licensing/certification, special skills, work experience]. Some of these may be required by applicable law or regulations.

• **Identify the essential physical requirements for the job.** Understand that, if a person has a disability that makes him or her unable to perform the physical requirements of the job [or any other essential job function], the employer is required to provide reasonable accommodations to enable the employee to perform those functions, unless such accommodation would place an undue burden on the employer.

• **Draft the job position.** See suggested format above. Have the job description reviewed by the employee in the position or the employee's supervisor to make sure it is accurate and complete.

• **Obtain the employee’s acknowledgment.** Provide a copy of the job description to the employee and have the employee sign an acknowledgement that he or she has received it and understands its contents.

• **Conduct periodic reviews.** At least annually, have the employee and/or the employee’s supervisor review the job description to ensure it is current.

• **Update as needed.** Whenever the scope of a job changes, revise the job position to reflect new duties and responsibilities and remove those that no longer apply. Have the employee acknowledge receipt of any revisions.
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