

**Why You Need Job Descriptions.....**in fiscal year 2012 (*most recent data available at time of this article*) EEOC- Equal Employment Opportunity Commission litigation resulted in monetary benefits of over \$42 million awarded in claims of unlawful or discriminatory employment practices.

.....'document, document, document' has long been the HR mantra and job descriptions are one of the most important pieces of documentation an employer can have in regard to protecting itself from the risk and liability that incur from claims of unlawful or discriminatory employment practices.

Here are just a few of the ways that a well written job description can help:

#### **FLSA STATUS DETERMINATION**

- ✓ According to the Federal Judicial Center, claims filed under the FLSA-Fair Labor Standards Act increased by 10% in 2013. Documenting essential duties and responsibilities helps employers to evaluate the "duties test" under the FLSA. By reviewing the essential duties and responsibilities and supervisory sections of the job descriptions an employer is better able to determine whether or not the employee in the job meets the requirements of the "duties test" to determine whether they are exempt or nonexempt from overtime regulations.

#### **RECRUITING/HIRING:**

- ✓ The job description is listed in ads, so that applicant can determine whether they are a match for the job.
- ✓ Job descriptions are great to use during the hiring process. They help to better identify qualified or in some cases non-qualified candidates. Using job descriptions to structure well written behavioral-based interview questions will only help you to be more successful during the interview and hiring process. Ultimately, they will also help to add to the financial bottom line of your company as you will have hired the most qualified and experienced candidate for the open position.

#### **FMLA-ADA-WORKERS COMPENSATION:**

- ✓ FMLA-Family Medical Leave Act – when an employee requests FMLA leave, for his/her own serious health condition, the job description can be provided to the employee's health care provider to assist the health care provider in determining the employee's ability and timing to return to work and/or light duty requirements.

- ✓ ADA-Americans with Disabilities Act- when a reasonable accommodation has been requested under the ADA or ADAAA the job description will be a useful tool for assessing the essential functions of the job and what may or may not be a reasonable accommodation. Job descriptions that include physical requirements and work environment guidelines may also be used to defend a complaint with the Americans with Disabilities Act (ADA) and its amendments. An employer and employee knowing what the physical requirements are for the job are better equipped to determine if they are able to make reasonable accommodations for an employee without causing undue hardship to the company.
- ✓ Workers Compensation – returning the employee to work quickly following a work related injury is of utmost importance. Job descriptions that include physical requirements and work environment guidelines may be used in workers’ compensation claims. By providing the job description to the medical facility, the treating physician will be better equipped to determine the work restrictions that should be placed on the employee. In most cases, it reduces the employee’s recovery time and decreases the amount of time that they are away from work.

#### **PERFORMANCE MANAGEMENT/APPRaisal/PROMOTION:**

- ✓ When used as a means to communicate expectations, job descriptions can also be used as a basis for performance management. For the employee, by having well defined essential duties and responsibilities an employee knows exactly how they are expected to perform and knows the indicators for improving performance. The expectations may then be used by the manager and/or supervisor for appraising the employee’s ongoing performance.
- ✓ For employees who are looking for career development and learning opportunities within a company, having job descriptions available for other jobs is a great tool. They are able to read those job descriptions and understand what is required from a knowledge, skills and abilities perspective for a candidate to be hired into that job. This aids them in their ability to know where they should be cross-trained and where they may be eligible for promotional opportunities.

So, as you review the job descriptions that you have within your company evaluate whether they are meeting the advantages listed above. If so, you are in great shape. If not and you need assistance getting started, please give us a call. We have experience and expertise in writing job descriptions for companies of all sizes in all industries and would love the opportunity to assist your company as well.