

# JAN

Job Accommodation Network

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## Accommodation and Compliance Series

# Accommodation and Compliance Series: Job Descriptions

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## **JAN'S Accommodation and Compliance Series**

### **Introduction**

Developing job descriptions is an issue that many employers deliberate. Initially, some employers may be daunted by what they perceive to be a lengthy and complicated process. Yet, with constructive tools such as job analysis, sample job descriptions, and on-line resources like Career Onestop from the U.S. Department of Labor, informed employers are able to obtain valuable information about their organizations. This publication addresses relevant background information, which includes the role of the Americans with Disabilities Act of 1990 (ADA) in developing job descriptions, how to formulate job descriptions, special features of Career Onestop that assist with the development process, and relationship to the accommodation process.

### **Background**

#### **What is a job description?**

A job description typically consists of six major components: 1) essential job functions; 2) knowledge and critical skills; 3) physical demands; 4) environmental factors; 5) the roles of the ADA and other federal laws such as the Occupational Safety Health Act (OSH Act); and 6) any explanatory information that may be 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 look at relevant rules and regulations, the size and type of organization and industry, hiring practices, and current employees.

#### **1. Relevant Rules and Regulations**

Employers often question whether there are organizational or other rules and regulations that govern policies on developing job descriptions. Though other federal and state requirements may exist, employers are concerned with whether Title I of the ADA requires employers to complete job descriptions. 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. A written job description that is prepared before advertising or interviewing applicants for a job will be considered as evidence [in determining essential functions] along with other relevant factors. However, the job description will not be given greater weight than other relevant evidence.
- The ADA does not limit an employer's ability to establish or change the content, nature, or functions of a job. It is the employer's province to establish what a job is and what functions are required to perform it. The ADA simply requires that an individual with a disability's qualifications for a job are evaluated in relation to its essential functions.

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 this is the reason that this 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 there are only three employees in a very busy office and each employee has to perform many different tasks.
- A function is highly specialized, and the person in the position is hired for special expertise or ability to perform it. For example, a company wishes to expand its business with Japan. For a new sales position, in addition to sales experience, it requires a person who can communicate fluently in the Japanese language. Fluent communication in the Japanese language 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, and factors not on the list may be equally important as evidence. Evidence to be considered includes:

- 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. Similarly, if a hotel requires its housekeepers to thoroughly clean 16 rooms per day, it does not have to justify this standard as "essential." However, in each case, 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 employees to perform at this level, that these are not merely paper requirements and that the standard was not established for a discriminatory reason.

- 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 they be limited to a description of essential functions or 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. For example, if an employee spends most of the time or a majority of the time operating one machine, this 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 very serious consequences if the pilot could not perform this function.
- The terms of a collective bargaining agreement. Where a collective bargaining agreement lists duties to be performed in particular jobs, the terms of the agreement may provide evidence of essential functions. However, like a position description, the agreement would be considered along with other evidence, such as the actual duties performed by people in these jobs.
- Work experience of people who have performed a job in the past and work experience of 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, since the tasks actually performed provide significant evidence of these 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. For example, a particular manufacturing facility receives large orders for its product intermittently. These orders must be filled under very tight deadlines. To meet these deadlines, it is necessary that each production worker be able to perform a variety of different tasks with different requirements. All of these tasks are essential functions for a production worker at that facility. However, another facility that receives orders on a continuous basis finds it most efficient to organize an assembly line process, in which each production worker repeatedly performs one major task. At this facility, this single task may be the only essential function of the production worker's job.

Employers should also research whether there are other rules and regulations that apply to them, such as state disability and federal and state safety and health laws. For example, to comply with OSH Act regulations, any handling of, or exposure to, human body fluids, biological agents, laboratory chemicals, or hazardous materials such as noise, asbestos, or carcinogens must be documented.

## **2. Size and Type of Organization and Industry**

The size of an organization is a consideration in whether to develop job descriptions. 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 on having highly unique job titles that are specific to their industries, while others will have many job titles that are extremely similar, such as organizations with several clerical and administrative positions.

## **3. 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. Inappropriate language used in job descriptions reveals discriminatory or inappropriate phrases and offers a quick indicator that an individual may want to apply elsewhere. For example, an employer should 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.

According to the ADA, an employer may not ask disability-related questions and may not conduct medical examinations until after it makes a conditional job offer to the applicant. An individual, as an applicant or a current employee, may wish to disclose that s/he has a disability and needs an accommodation, but is uncertain whether disclosure is possible or advisable. Including a brief and accurate statement in the job description about the employer's responsibility and the individual's rights may help initiate the interactive process between an employer and an individual with a disability. If an individual is qualified to perform essential job functions except for limitations caused by a disability, the employer must consider whether the individual could perform these functions with a reasonable accommodation. An employer is not required to reallocate the essential functions of a job as a reasonable accommodation.

## **4. Current Employees**

The process of developing job descriptions often sheds light on the nature of a job as well as suggests that there are alternative methods of performing essential job tasks.

Job analysis may help encourage management and staff to work together in identifying and streamlining the essential and marginal job functions.

In identifying an essential function to determine if an individual with a disability is qualified, the employer should focus on the purpose of the function and the result to be accomplished, rather than the manner in which the function presently is 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. Although it may be essential that a function be performed, frequently it is not essential that it be performed in a particular way.

Note: An employer can change the functions of a job for business reasons. "The ADA typically does not limit an employer's ability to establish or change the content, nature, or functions of its positions."

## **Formulating a Job Description**

There are several steps to completing a job description. These steps include completing a job analysis, recording the basic purpose and functions of the job, and detailing necessary qualifications.

### **Step 1: Completing a Job Analysis**

What is a job analysis? A job analysis is an investigative process that involves observing an individual who is actually doing a job, observing co-workers, interviewing the worker, and interviewing co-workers. Additional data collection might be achieved using task-centered questionnaires, checklists, and journal entries. It is imperative that job tasks be recorded with videotape, pictures, and/or sketches so that an investigator can refer to them during reporting. A job analysis essentially involves determining the job's purpose and the structure of the job setting, including specifics about the work-site, workstation, and activities. Once completed, a job analysis will help determine what accommodations can assist a person with a disability in performing a job.

#### **1. Purpose**

- What are the reasons for the job's existence? Document the particular contributions of the job to the organization's overall mission.
- What are the job duties necessary for job performance? Usually less than ten job duties are essential activities necessary to the job.

#### **2. Job Setting**

- A. Work-site
  - What is the physical layout of the work-site?
  - 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/cold, inside/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?
- B. Workstation
    - How is the workstation arranged?
    - How do workers obtain and discard equipment and materials?
    - How is the work organized?
- C. Activities
    - What is the required output level for the job?
    - What are the expected results?
    - What is the relationship between each task? If there is a task sequence or a task hierarchy, document this order.
    - What are the necessary physical and mental requirements needed to accomplish the job?
    - Is specific training necessary? Document what required experience, certificates, and education are necessary.
    - 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?
    - What level of responsibility is necessary?
    - What happens if the end result is not achieved?
    - 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. The job

description should focus on words that have a single meaning with detailed explanations for words that may be interpreted differently. Each sentence should begin with an active verb and use the present tense. Examples of job functions should be provided. The desired outcome of the work should be described, rather than one method for accomplishing that outcome. For example, instead of "writes down notes during meetings" put "records notes during weekly meetings." Writers should avoid using gender-specific language, jargon, technical language, proprietary names (Xerox), and ambiguity. Job functions should be qualified whenever possible and the desired outcome of the work should be described, rather than the method for accomplishing that outcome. For example, instead of saying, "she files folders" write that "the clerk files folders alphabetically based on category." Employers should let individuals read their job descriptions, voice any concerns, and sign their descriptions. Job descriptions should be accurate. To ensure accuracy, combine the input of many managers and employees. Within the actual job description, an employer should include:

- Job title (job code number if applicable);
- Department or section of the job;
- 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 (when using percentages, these should be allocated to equal 100%), frequency of activity, i.e., whether these are performed daily, weekly, or periodically;
- 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; and
- A statement that when duties and responsibilities change and develop the job description will be reviewed and subject to changes of 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. For example, a description of a position that requires contact with the public should include not only that the job requires the handling of public inquiries, but also that the inquiries must be handled in a prompt and friendly manner. Employers should also describe regular attendance and timeliness as essential functions of any jobs that require regular and punctual employee presence. Job descriptions should be updated periodically to reflect the essential functions of altered positions or any other pertinent change (e.g. fewer employees to perform the duties, mechanization, job-sharing, etc.). All levels of

management, from line supervisors to top management, and human resources should review job descriptions.

### **Step 3: Detailing Qualifications**

When detailing qualifications on job descriptions, employers typically require certain knowledge, skills, aptitude, training, and previous experience. Employers 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, it may be necessary to specify that an individual must be "available to attend evening meetings throughout the community" and "possess a driver's license" but an employer should distinguish between need and convenience and consider any discriminatory effects. An employee with a disability may be able to attend a meeting via teleconference or access public transportation to attend the meeting on site.

### **Step 4: Maintaining Consistency**

Internal consistency is very important when developing an overall bank of organizational job descriptions. The employer may want to select specific formats, fonts, logos, and other elements to streamline and standardize the appearance of the documents. Consistent language such as preferred action words and frequently used terms can help create cohesiveness throughout. 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. In addition, the information gleaned may provide a common thread for developing employee resumes, policy manuals, annual reports, and organizational media.

## **Job Descriptions and the Accommodation Process**

Sometimes it can be overwhelming when trying to get a sense of the overall accommodation picture. A job description can be a constructive tool for exploring task-specific accommodation options. Often, it is beneficial to consider the specific tasks that comprise the job. This can help pinpoint what limitations are affecting an individual's job performance and what functions can be accommodated. Understanding an individual's functional limitations provides helpful clues when searching for accommodation solutions. The following situations and accommodation solutions are based on sample job descriptions provided in the appendix of this document:

## 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 due to 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/weekend hours in order to meet deadlines or to access the computer to perform program tests."
- Limitation: Person needs to eat at specific time each day. May need to test blood sugar and take insulin while at work. Prospective employee is happy to work adjusted hours provided that she can take the steps necessary to regulate her diabetes.
- Accommodation Solution: Employer accommodates the employee by allowing her to adjust her lunch hour to 11-12 a.m. rather than the typical 12-1 p.m. lunch break and permits flexible break times. The employee was allowed to bring a small refrigerator to store food and medication in her office. When working evening hours, the employee could set her own dinner breaks accordingly.
- [Read more.](#)
- Situation 2: The new Food Service Manager is a person who has multiple sclerosis. She uses a cane for mobility assistance.
- Job Task: "2% 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.
- [Read more.](#)
- 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-to-one in a quiet environment to eliminate noise, distraction and alleviate the employee's stress about speaking in group situations.

- [Read more.](#)

## Situations and Solutions:

The following situations and solutions are real-life examples of accommodations that were made by JAN customers. Because accommodations are made on a case-by-case basis, these examples may not be effective for every workplace but give you an idea about the types of accommodations that are possible.

### **A large employer was in the process of updating job descriptions to be accurate and fair, to insure that candidates with disabilities who might otherwise be qualified and able to perform job duties were not excluded.**

The employer sought guidance from JAN about how to describe job tasks. It was explained that it can be useful to describe the desired outcome of the work, rather than one method for accomplishing that outcome. For example, instead of describing a task as “lifts cases of product from truck to store,” the description might indicate that the job requires “moving beverage cases weighing up to 50 pounds from delivery truck into store.” The task is to move the product from point A to point B, not simply to lift the product. There can be more than one method for moving the product. For example, pushing the product to the lift gate of the truck, lowering to ground level, and then using a hand truck to move the product from the truck to the store. The job description can be a useful tool for describing the desired outcome of a task.

### **An employer drafted a job description for the position of Administrative Assistant I that included the requirement that employees in this title must possess a valid driver’s license.**

A candidate for the position had a vision impairment and did not have, or need, a driver’s license because she used public transportation. Driving was not an essential function of the position, but the employer included the requirement to insure that employees in this position would be able to get to work. Qualification standards in a job description should distinguish between need and convenience and consider any discriminatory effects. An employee with a disability who does not drive may access public transportation to commute to work. For this particular position, a driver’s license was unnecessary to perform essential job duties.

### **A food service manager with a back impairment was preparing to return to work after surgery.**

Her healthcare provider needed information about the physical demands of the position in order to support the employee’s short-term request for accommodations for limitations in lifting and standing. The employer provided a detailed job description that included the requirements of occasional heavy lifting, not more than 100 pounds with help, and moving objects weighing up to 50 pounds, frequently. The job also required prolonged periods of standing; thirty minutes or more at a time. This information was used to request temporary modified duty that included using a nearby stool to take breaks to sit for a few minutes every hour, and a cart and co-worker assistance when moving items weighing 50 pounds or more. These accommodations enabled the employee to return to work earlier than anticipated.

**A hospital employer received an accommodation request from a charge nurse who was restricted by her healthcare provider from working more than eight hours in a shift.**

The position she was hired into requires all charge nurses to work twelve-hour shifts. This was specifically listed in her job description. The employee argued that she should be permitted to work eight because her disability necessitated the reduced schedule. The job description specified that all shifts for the employee's position are twelve-hour shifts and the employer did not deviate from this requirement. The employee sought reassignment to a nursing position that could accommodate her schedule restriction.

**A growing small business contacted JAN seeking information about rules or regulations that govern policies on developing job descriptions.**

JAN informed the business owner that the ADA does not require employers to develop or maintain job descriptions, but written job descriptions can help employers identify the essential functions of a job. After talking with JAN, the individual understood that detailed information about the essential functions of a job can be useful when exploring reasonable accommodations. JAN shared A to Z: Job Descriptions to assist the employer in formulating ADA-compliant job descriptions.

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