

Creating Job Descriptions

Lines of Business: General Liability, Public Officials Liability, Workers Compensation, and Educators Legal Liability

Risk Control Strategy/Key Issues: To establish, document and maintain updated job descriptions for every position.

Suggested Program Elements:

- 1. Program Statement:** A general statement noting that the program establishes guidelines and procedures for developing, maintaining, and distributing organization job descriptions. The program is designed to assure that lawful and accurate job descriptions are in place to protect the organization from employee grievances and unnecessary lawsuits. It should also include a statement regarding the commitment of management and employees to the success of the program.
- 2. Program Responsibilities:** Establish the responsibility and accountability of management to maintain and enforce job descriptions; and the employees to adhere to them.
- 3. Job Descriptions:** A job description is a list of responsibilities and functions for a particular activity within an organization. It also includes to whom the employee reports, salary range, qualifications, activities, etc. The job description should detail the skill level needed to perform the function and outline essential functions needed to perform the job. Such as;
 - Weights to be lifted
 - Repetition of tasks outlined
 - Time standing or walking
 - Driving skills (if needed)
 - Communication abilities

All positions within the organization should have a job description. It is one of the most important processes an organization establishes.

All employees should be given a copy of their job description upon hiring and anytime it is revised. Also the contents should be reviewed with them and a sign-off by both parties should be in place. The receipt should be kept in the employees personnel file. Relying exclusively on employees to educate themselves on what is expected of them can leave the organization open to increased liability exposure.

When an employee is injured, the job description should be provided to the doctor to assure that when the employee is released that he can perform the duties of his position.

Important: Before job descriptions are incorporated into organizations operations they should be reviewed and approved by the organization's legal representative.

- 4. Americans with Disabilities Act (ADA):** The ADA should be reviewed and incorporated into the development of job descriptions and hiring practices. The act does not mandate that employers have to hire any disabled person for any job. It requires that a qualified individual (experience, education, skills, licenses, etc.) be considered for the job. The main thing to consider, once qualifications are met, can the individual do the job with reasonable accommodations (RA); and

does RA place an undue burden or generate a safety hazard to others within or outside of the organization.

A good practice to evaluate a potential disabled hire is to have them evaluated by a doctor to determine if they can do the job. The Doctor should be provided with a written job description and all essential functions. Let the expert determine whether an accommodation is necessary or what should be considered. Then the employer can decide if the accommodation is reasonable.

Important: To help minimize litigation potential and with the defense if a claim is made the organization should assure job descriptions accurately reflect the position, and publicize broadly.

Program Activities Calendar:

- Annual review of all job descriptions and essential functions.
- Audit of employees hired.
- Verify that they received and signed off on the job description and essentials.

Web Site Links:

- U.S. Equal Employment Opportunity Commission
<http://www.eeoc.gov>
- United States Department of Labor
<http://www.dol.gov/>

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JOB DESCRIPTION CHECKLIST

ITEMS TO BE REVIEWED	YES	NO
Responsibility and accountability for job descriptions assigned?		
Job descriptions reviewed annually?		
Job descriptions updated as needed?		
Essential skills outlined for all job descriptions?		
Essential skills outlined and job descriptions provided to all applicants with documentation?		
Workers Compensation Clinic provided essential skills and job descriptions for all positions?		