

▶ Developing Good Job Descriptions (and the Risks of Having Bad Ones)

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While there are no federal statutes requiring them, good job descriptions are an important tool in the effective and legal management of any business organization, and radiology is no exception. Good job descriptions are extremely beneficial in a myriad of ways; however, poorly written or outdated job descriptions can put the company at risk, as they are one of the most widely used pieces of evidence in employment claims.

Elements of a Good Job Description

The standard job description consists of the following general elements:

- 1. The job title**—This is probably one of the most misleading and misrepresented parts of a job description. When looking for salary surveys to determine pay ranges, it is difficult to know if you are comparing apples to apples. Hopefully a basic job summary is available, but even this may not give adequate information to know if the comparison is valid.
- 2. The job summary or purpose**—This is a short description providing reasons why the job exists within the company. It may include the basic essential functions of the position.
- 3. The essential job functions**—According to the Equal Employment Opportunity Commission (EEOC), essential functions are the duties that an employee must be able to perform, with or without reasonable accommodation. These key responsibilities should make up the majority of the position's overall duties. It is also helpful to determine the estimated time spent on each of these activities (when using percentages, all activities should equal to 100 percent) and the frequency of the activity (daily, weekly, monthly, annually, and so on). Don't forget to list regular attendance and timeliness as essential job functions for positions that require this.
- 4. Knowledge, skills, and abilities**—These are the detailed qualifications required by the individual to be successful in the job. Some of these qualifications may include education, work experience, ability to communicate at a certain level, mathematical skills, reasoning ability, ability to travel, ability to work certain hours or overtime hours, and the physical demands of the position.
- 5. The work environment**—Describe the physical environment the individual will be working in. This might be working in an office environment at a desk, a hospital or imaging center with direct patient contact, working remotely, or in a small reading room environment.

Job descriptions should have clear, concise language and should avoid using unnecessary words. Common phrases should be consistent across all job descriptions. If words have multiple interpretations, it is helpful to define the terminology. Racial requirements are never lawful in job descriptions. Job requirements based on gender, national origin, religion, or age can be used in very limited circumstances when the employer can demonstrate a “bona fide occupational qualification” (BFOQ) that is reasonably necessary for the normal operation of business. This would be extremely difficult to justify within any radiology business practice. The EEOC also encourages employers to assess whether their job requirements or duties, although neutral and evenly applied, would possibly cause an adverse impact based on protected characteristics, including disabilities. For this reason, it is advisable to have your attorney review your job descriptions.

Performing a Job Analysis to Formulate a Job Description

A job analysis is an investigative process used to formulate a job description. The data can be collected in various ways, and may involve observing and/or interviewing an individual who is actually doing the job, observing or interviewing co-workers, having an individual keep a job duty journal, or using task-related surveys and questionnaires. Other resources include salary surveys or the Occupational Outlook Handbook (U.S. Bureau of Labor Statistics). The job analysis can help determine the job's purpose, as well as the day-to-day structure and job setting of the position. The EEOC encourages this process to help determine what accommodations can be made to assist an individual with disabilities in performing the job.

A sample job description (analysis) questionnaire has been uploaded to the RBMA Gateway to assist you in developing job descriptions.

Legal Importance of Job Descriptions

The following statutes utilize job descriptions as part of the investigational process:

Fair Labor Standards Act (FLSA): Although the job description may list that an employee is exempt or non-exempt from overtime pay for hours worked, the list of essential duties is the key component used to determine the employee's status.

Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendment Act (ADAAA): Within these statutes, the employer has a duty to provide reasonable accommodations for a disabled employee to perform the essential duties of the job. If a disabled employee is unable to perform an essential function of the job,

even with an accommodation, the employer is not required to retain the employee in that position.

Federal and State Discrimination Laws: A job description can help support the employer in claims of discrimination related to compensation, promotion, discipline, or termination.

Family and Medical Leave Act (FMLA): An employee requesting FMLA leave for their own serious illness must have the medical condition certified by a healthcare provider who attests that the employee is unable to perform one or more of the essential job functions. The job description can assist the healthcare provider to give a more accurate assessment in this regard.

Other Considerations Regarding Job Descriptions

The following are some other helpful tips to keep in mind when preparing job descriptions:

- Always include an effective date and make sure revision dates are listed when changes are made.
- Develop or revise the job description prior to posting an open position.
- Up-to-date job descriptions should be part of the interview process.
- When developing a job description, a draft should first be approved by management and then reapproved and signed off on after revisions are made.

- If the job description is part of the performance review process, make sure the employee has been made aware of any revisions that might affect a future review.
- Job descriptions should be kept in a secure location and all versions should be kept for a minimum of two years each. ■

RESOURCES

Job Description Writer: <http://acinet.org/acinet/jobwriter/default.aspx>

Career Onestop: <http://www.careeronestop.org>

Occupational Information Network: <http://online.onetcenter.org>

Occupational Outlook Handbook: <http://bls.gov/ooh/>



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