

# HR Brief

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## Making the Case for Good Job Descriptions

As the warmer months arrive, human resources (HR) departments often have more time to tackle other projects. This summer, consider reviewing your job descriptions—making sure they are updated and accurately reflect the positions they are tied to.

Having an up-to-date, accurate job description for each position in your organization is extremely important. The job description is the basis for many important employment decisions, including necessary qualifications for new hires, compensation levels and the expectations that an employee's performance will be measured against. In addition, a job description can become an employer's defense against a claim of alleged disability discrimination under the Americans with Disabilities Act (ADA).

The ADA requires employers with 15 or more employees to provide reasonable

accommodations to qualified individuals with disabilities so they are able to perform the essential functions of the position. An ADA-compliant job description should describe what the essential job functions are. An employee or applicant who cannot perform an essential job function with or without a reasonable accommodation is not considered a qualified individual. However, listing everything as an essential function may weaken an employer's case if challenged in court.

The job description is also the basis for determining compensation and the position's exempt or nonexempt status under the Fair Labor Standards Act (FLSA). Recently, claims under the FLSA have risen dramatically, with many employee victories. In addition, the Department of Labor (DOL) has submitted its proposed changes to the FLSA overtime rules to the Office of Management and Budget (OMB). While any proposed changes may not be finalized for months, they are expected to be significant. Having accurate, up-to-date job descriptions in place when the final rules go into effect may help your organization immensely.

Job descriptions also come into play for training and development, coaching and discipline situations, and return to work programs.

Lastly, remember that an organization's job description review should not be done solely by HR. Rather, HR should work with the managers who know what they need from the positions that report to them. HR should ensure managers understand the importance of identifying the essential job functions and facilitate best practices.

## DID YOU KNOW?

According to a recent survey conducted by Gallup, female managers not only foster more engaged direct reports, but are themselves more engaged than their male counterparts. In addition, 20 percent of employees prefer female managers over male managers. However, only 33 percent of employees currently report to female managers.

Because engagement is tied to high performance and productivity, organizations that want to improve their bottom lines should consider increasing their diversification efforts and attempt to move more women into leadership roles.

## EEOC Issues Proposed Rule on ADA and Wellness Programs

In April, the Equal Employment Opportunity Commission (EEOC) released a much-anticipated [proposed rule](#) that describes how the ADA applies to employee wellness programs that include questions about employees' health or require medical examinations.

The EEOC's proposed rule would establish the following parameters for permissible wellness program designs under the ADA:

- **Must have a reasonable design** and must promote health or help prevent disease
- **Must be voluntary**; employees may not be required to participate, denied health insurance or given reduced benefits, or disciplined for not participating
- **Must give employee notice** describing what medical information will be collected, who will receive it and how the information will be used and kept confidential
- **Must have limited incentives**: 30 percent of employee-only coverage; 50 percent for tobacco cessation (if biometric screening, then incentive is limited to 30 percent)
- **Must be confidential**; protect medical information obtained as part of the program
- **Must provide reasonable accommodations** to enable employees with disabilities to participate and earn incentives offered by the employer

The EEOC is seeking comments until June 19, 2015, on the proposed rule, which employers are not required to comply with, but may choose to do so. The EEOC provided a [fact sheet](#) and a set of [questions and answers](#) to help employers understand the proposed guidance.