

New Jersey Employment Law: The Art of the Job Description

by Christina M. Michelson on July 16, 2012

While job descriptions are not required under New Jersey employment law, they are useful legal tools, particularly when it comes to outlining the essential job function of a position. From a practical standpoint, job descriptions can also help set clear job expectations and help managers measure performance.

The most common misperception among employers is that job descriptions are only important in the hiring process. However, job descriptions play a significant role throughout the life cycle of an employee to substantiate salary decisions, disciplinary actions, disability accommodations, and terminations.

For example, job descriptions are integral to establishing a job's exempt or non-exempt status under the Fair Labor Standards Act. Also, job descriptions are often used to conduct analysis under the Americans With Disabilities Act.

While job descriptions will all vary depending on the nature of the position, below are a few key elements that should always be included:

- A job summary: The first part of the job description should provide an overview of the position, with a brief description of the most important key functions. When drafting a job summary, keep in mind this will be the first introduction to the position that is read by a prospective employee.
- A list of job functions: The next section should detail all of the essential duties of the position. The Equal Employment Opportunity Commission defines essential functions as the basic duties that an employee must be able to perform, with or without reasonable accommodation. This is the most important section as it can subsequently be used to when an employer is making personnel decisions.
- A list of job requirements: Job requirements should include the education, certifications, licenses, and experience necessary to perform the job.
- A summary of other relevant information: The last section should provide any other pertinent information, such as location, working hours, travel requirements, reporting relationships, etc.

Of course, it is equally as important to keep job descriptions updated, particularly if new job functions are added. This would aid in substantiating personnel decisions, such as, a termination based on poor performance. The job description must accurately reflect what is expected of the employee in their position.

To make sure all of your hiring policies and procedures will stand up in court, we recommend consulting with a member of our Labor and Employment Law Group.

