

## DEVELOPING GOOD JOB DESCRIPTIONS

The Americans with Disabilities Act (ADA) imposed strict limitations on the inquiries an employer can make during the applicant screening process. Particularly, questions related to a candidate's medical history have garnered significant attention. Although it is prohibited to inquire about pre-existing illnesses, disabilities, past injuries, or accidents, you can discuss the job's essential duties and inquire whether the candidate can fulfill them. One useful tool for this purpose is a comprehensive job description. The following guidelines will aid you in constructing job descriptions and explore reasonable accommodations that can enable an individual with a pre-existing condition or disability to become a productive employee.

### IDENTIFYING ESSENTIAL FUNCTIONS

- > Are employees in the position required to perform the function?
- > Would removing the function fundamentally change the job?
- > Does the position exist to perform the function?
- > Are there a limited number of other employees available to perform this function or among whom the functions can be distributed?
- > Is the function highly specialized?
- > Was the person in the position hired for special expertise?

### EVIDENCE OF ESSENTIAL JOB FUNCTIONS

- > Employer's judgment
- > Amount of time spent performing the function
- > Consequences of not performing the function
- > Terms of a collective bargaining agreement
- > Work experience of past or current employee
- > Organizational structure

### Online Government Resources for Employers:

dol.gov>Disability Resources>Employers' Responsibilities  
 eeoc.gov>laws>guidance>The ADA: Your Responsibilities as an Employer

Keep in mind that just because a particular job is currently performed in a particular manner DOES NOT mean it can't be performed differently. (This statement is essential to being in compliance with the ADA as the definition of a disability includes any individual who with or without reasonable accommodation can perform essential functions of a job.)

*At the end of the job description*, it is best practice to include an Equal Employment Opportunity (EEO) Statement. While the EEOC only requires federal contractors to include an Equal Employment Opportunity (EEO) statement, many companies have followed suit and it can help you create an ADA-compliant job description.

## JOB REQUIREMENTS WHEN DETERMINING ESSENTIAL FUNCTIONS

### Physical Strength

- Average weight of objects
- Size of items
- Heights lifted to/ distance traveled
- Average time spent lifting
- Also, note material handling equipment in use

### Endurance/Environment

- Time spent standing/sitting/kneeling
- Heights
- Temperature extremes
- Indoor/Outdoor

### Ability

- Specific degrees/Education requirements
- Machinery or equipment used
- Ability to learn technical material
- Ability to perform specific calculations/take readings

### Vision

- Depth perception
- Clarity for far and/or near
- Peripheral vision

### Hearing

- Ability to discriminate fine changes in pitch or sound
- Noise levels in work area

### Other

- Any chemicals encountered in the normal duties
- Driver's license (DOT Class, Chauffeurs, or other special need)
- Computer skills
- Any needs that you have for the applicant to have which do not fit into the above