



Job Descriptions: Define The Target To Minimize Liability

October 17, 2016 | [Employment Lessons, Labor And Employment](#)



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Job descriptions can be critical to helping employers avoid liability. Here are a few of my key points from this [recent article](#) published by Successful Business News:

- Job descriptions define the target for a number of legal purposes – setting forth duties to determine exempt (or not) status under wage/hour laws, accommodation analyses under disability discrimination laws (as Currents blogger Hans Murphy wrote about [here](#)), and really any employment dispute that might involve whether the employee was adequately performing duties communicated to her/him (i.e. most of them).
- Job descriptions should be clear that they are not exhaustive in listing duties; maintaining the employer's discretion to tell the employee what needs to be done at any given time.
- It is valuable to update job descriptions , and to involve the employee in doing so. This ensures that the description reasonably reflects reality , and by involving the employee you memorialize the employee's knowledge of the duties. If there is a big disconnect between the employee's and the employer's understandings, of course

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there is also operational value in knowing that and aligning those understandings.

Employers who do not have job descriptions understandably find it a daunting task to create them and/or to entail large payments to consultants. This does not necessarily need to be the case. Employers with no or outdated descriptions should talk to experienced employment counsel about what would be involved in putting this often valuable liability management tool in place for their business.