
ESSENTIAL JOB DEMANDS

Why they should be included in all job descriptions

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Job Descriptions

Not required by law

- Exception EPA Reg for certain jobs that handle hazardous material

Do provide protection for a legal defense against cases involving the ADA, FLSA and other laws

- EEOC – a written job description that is prepared before advertising or interviewing applicants for a job will be considered as evidence in determining **essential functions**

Comprehensive and up to date job descriptions provide healthy support to any business

Keep job descriptions current

- Review bi-annually and update as necessary

6 major components of job description

Essential job functions

Knowledge and critical skills

Physical Demands

Environmental Factors

Roles of ADA and other federal laws

Any explanatory info that may be necessary to clarify job duties or responsibilities

Job Description Components

Identification

- Job title
- Reporting relationships
- Department
- Location
- Date of analysis

General Summary

- Describes the job's distinguishing responsibilities and components

Essential Functions and Duties

- Lists major tasks, duties and responsibilities

Job Specifications

- Knowledge, skills, and abilities
- Education and experience
- Physical requirements

Disclaimer

- Of implied contract

Signature of approvals

Benefit of Job Descriptions

Employers are *not allowed to ask* whether a person has a disability that would prevent them from performing certain job tasks however they *may ask* whether they are able to perform the “essential functions” of a position

When a charge of discrimination is brought under ADA employers will have an effective defense if they can readily establish that the disabled individual could not perform one or more of the position’s essential functions, even with reasonable accommodation.

Identifying Job Functions

A job function is:

- Expressed in terms of work behaviors.
- A description of the major activities that a worker performs to accomplish the objectives of the job.
- A compilation of one or more detailed job tasks or steps required to perform the job.

A job function statement consists of:

- **WHAT** is done (action verb)
- To **WHOM** or **WHAT** (object of verb)
- **WHY** (to produce what)
- **HOW** (using what)

Example Job Function

Job functions for a safety manager

- NOT: Train all employees.
- INSTEAD: Personally or through the use of loss control representatives or contract trainers, train all employees in safety according to regulations and the company's IIPP, to reduce or prevent accidents, illnesses, or injuries.
- NOT: Prepare reports.
- INSTEAD: Prepare all safety-related reports as required to meet specific deadlines, ensure compliance, and aid with analysis of accidents, illnesses, and injuries.

What are essential functions?

Essential functions are the fundamental, crucial job duties performed in a position

- The position exists to perform that function
- There are a limited number of employees available who can perform that function
- The function is highly specialized and the employee that is hired has special expertise or ability

They do not include marginal functions which are extra/incidental duties

**The EEOC Technical Assistance Manual lists several reasons why a function could be considered essential*

When do you identify essential functions?

When a position is ***established***, vacant or reallocated

Prior to interviewing candidates for the position

Prior to conducting and conditional offer medical exams.

*Essential functional must be identified for each position (not job class) and be based on the work performed rather than capabilities of an individual

Why identify essential functions?

Avoid inconsistent or unfair employment decisions

Define positions and ensure that employees understand what is expected of them

An employer is not required to reallocate the essential functions of a job as a reasonable accommodation.

Uses of the Essential Functions

Workplace accommodation

FMLA

Workers' Compensation

Performance management

Organizing work units

Internal and third party investigations as it relates to ligation or discrimination claims

How to avoid common mistakes

Separate the function from the method

An essential function is a completed task not HOW the task is completed.

Use result oriented language

- “relocate (as opposed to lift) 50 lbs boxes”

Percentage of time spent on a function does not determine marginal vs essential

Should never include “Performs other duties as assigned”

Common mistakes cont.

Avoid biased language toward employees with disabilities

- Talks/hears -> communicates
- Carries -> moves/transport
- Sees -> determines/identifies
- Feels -> operates

Include physical demands that are required of the essential function

- Note frequency, intensity/duration of the movement

Questions to ask to determine essential vs marginal

Is the function a primary reason for which the position was established?_____

Would removing the function fundamentally change the position, or eliminate the need for the position?

Is transferring the function impossible due to lack of available employees?

Are there severe consequences if the position is not required to perform the function?

Does the function require specialized expertise?

If YES to any above questions then task is most likely essential

Examples

Essential functions

- related to speaking a second language fluently
 - bilingual jobs
- Require licensure
 - CPA
- Serious consequences of not performing task
 - Firefighter
- Work any time of day
 - Floating supervisor
- Answer phones
 - File clerk at busy office
- Provide guidance and resources to clients
 - Customer service

ADA guidelines

Qualitative and quantitative standards for essential functions are permissible as long as they are actually necessary and required for a particular position.

- May have to offer legitimate non-discriminatory reason for selection of standard

Job Analysis

A job analysis can help identify essential job demands by determining which functions an employee actually performs.

A job analysis essentially involves determining the job's purpose and the structure of the job setting, including specifics about the work site, work station and activities.

When applicable should include a physical demand analysis

A job analysis can assist in determining what accommodations can assist a person with a disability in performing a job.

Physical Demand Analysis

PDA is a systematic procedure to quantify and evaluate the physical, cognitive and environmental demands of the essential and non essential task of a job

Used both *proactively* to prevent injury and *reactively* to rehab and return to work

Physical Demands

Sitting, standing, walking, driving, bending, twisting, reaching, crawling, crouching, kneeling, climbing, lifting, carrying, pushing, pulling, grasping, pinching, writing, etc

Frequency

- Occasional (up to 3 hours/day)
- Frequent (3-6 hours/day)
- Constant (>6 hours/day)

Strength Guidelines

- Max amount of weight expected to lift in normal workday

WorkTracks

SAMPLE - Physical Demand Summary

Physical Demand Ratings are an estimate of the overall strength requirements that are considered to be important for average, successful work performance of a specific job. In order to classify the occupation of a worker with a physical demand rating, the most strenuous and frequently performed tasks are evaluated.

The overall physical demand rating for the job of **Event Set Up** falls within the Heavy work classification according to the dictionary of Occupational Titles. The maximum force and frequency associated with each job task for the Event Set Up has been objectively measured and are indicated below:

Material Handling:

<i>Lifting/Lowering/Carrying</i>	<i>Task</i>	<i>Height of Lift</i>	<i>Force Requirement</i>	<i>Frequency (per 8 hour shift)</i>
	6 ft x 18 inch tables	Up to 65 inches	48 lbs	Frequent
	6 ft x 30 inch tables	Up to 65 inches	61 lbs	Frequent
	Chairs	Up to 65 inches	15 lbs	Frequent
	6 ft round table	Up to 6 inches	90 lbs	Occasional
<i>Pushing/Pulling</i>	<i>Task</i>	<i>Height of Hand Position</i>	<i>Force Requirement</i>	<i>Frequency (per 8 hour shift)</i>
	Cart stacked with 6ft x 18 in tables	Between waist and chest height	Hard Floor: Push 50 lbs Pull 70 lbs Carpet: Push 110 lbs Pull 170 lbs	Occasional < 100x per shift < 13x per hour
	Cart stacked with 6 ft x 30 in tables	Between waist and chest height	Hard Floor: Push 50 lbs Pull 70 lbs Carpet: Push 80 lbs Pull 110 lbs	Occasional < 100x per shift < 13x per hour
	Cart stacked with 4 ft x 4 ft dance floor pieces	Between waist and chest height	Hard Floor: Push 45 lbs Pull 40 lbs Carpet: Push 80 lbs Pull 80 lbs	Occasional < 100x per shift < 13x per hour
	Cart stacked with 6 ft round tables	Between waist and chest height	Hard Floor: Push 40 lbs Pull 70 lbs Carpet: Push 75 lbs	Occasional < 100x per shift < 13x per hour

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Verifying Safety of Essential Functions

See handout #1



JOB SITE ANALYSIS

Work Site Modifications to Reduce Risk

Employer	SAMPLE	Date	5/14/15
Job Title	Box Drop Operator	DOT Number	O*Net Code 92974
Contact person	Ms. Sample, RN	Employer Phone #	407-555-5555

8 hours per day 5 days per week

Job Description, Essential functions, tasks and skills:

(See Company's Essential Functional and Physical Demand Analysis)

Essential Function #2 – Current job description does not describe the incline/decline of the floor. Current job description states that pull is performed at waist height with pronated forearms however the employees are not using this body position.

Essential Function #3 – Current job description states height of boxes to 63" however this is not accurate with the double stacks (reaching is >72")

Machinery, tools, equipment, personal protective equipment:

(See Company's Essential Functional and Physical Demand Analysis)

COMMENTS/RECOMMENDATIONS:

Based on the walk through and job site analysis for observation of issues with safety and ergonomic improvements CORA suggests the following recommendations to reduce risk:

- 1) Replace the manual hand pallet truck with an electric power pallet truck
- 2) Reduce the use of double stacks of boxes and limit the manufacturer's delivery of these items to single stacks.

Noted Risks:

- 1) There is an approximate 25 deg incline at one portion of the floor that a box drop operator must travel in order to reach the work area. Employees are noted to brace the manual pallet truck against their lower back/buttock area specifically while traveling down this incline to act as a braking mechanism. In addition to the risk of the spine, the bilateral UEs (specifically the shoulders) are at risk due to the noted position employees use to pull the pallet jack. The employees walk forward with bilateral shoulders extended behind them to maneuver and pull the pallet jack.
- 2) When the employees are retrieving boxes from the pallets that contain double stacks of boxes the height of the boxes is overhead, which results in lifting 15-25 lbs (when retrieving 8-10 boxes at a time), which increased the risk of injury to the neck and shoulders.

