



Guidance for Developing Strong Position Descriptions

Position descriptions are an essential piece of employer documentation. They can be critical documents in wage/hour disputes, equal pay claims, or reasonable accommodation cases. Take them seriously and review them regularly.

As positions may evolve, we recommend an annual review of the position description with the employee to ensure the position description remains accurate.

Below you will find some key considerations for when you are reviewing your position descriptions:

1. Title:

- a. Tailor (customize) appropriately to the position and describe both the role and level of responsibility.
- b. Consider differentiating between individuals who have similar functions but different levels of expertise/responsibilities (e.g., Administrator I, Administrator II).

2. Fair Labor Standards Act (FLSA) Classification and New York State Labor Law: If classified as exempt from minimum wage and overtime requirements, it's essential to ensure the exemption is legitimate. Typically, a position must satisfy three tests to be considered exempt: (1) salary basis; (2) salary level; and (3) duties. Consult your legal counsel for more information.

3. Job Functions:

- a. It is vital to accurately, concisely, and completely describe the position's duties and responsibilities.
- b. List significant responsibilities and duties that fall under those responsibilities.
- c. Ensure significant responsibilities and duties are clearly defined. Responsibilities typically describe more overarching oversight. Duties typically describe more discrete tasks to achieve the responsibilities.
 - i. Example:
 1. Responsibility: This role is responsible for all employees' safety and well-being.
 2. Duty: Conduct safety training for employees.

- ii. Example:
 - 1. Responsibility: Responsible for ensuring compliance with all applicable financial/accounting standards.
 - 2. Duty: Prepare budgets.
- iii. Example:
 - 1. Responsibility: This role is responsible for greeting all customers/clients and visitors.
 - 2. Duty: Conduct sign-in and notification procedures for all visitors.
- d. Physical requirements should be well-tailored to the actual conditions of the position. If you include lifting or other benchmarks, be sure you know when needed to perform that function. For example, if you require an office employee to lift 50 lbs, you should know what they would be lifting in the office that weighs 50 lbs.
 - i. Example: Must be able to stand on cement floors 8 hours a day.
 - ii. Example: Must be able to lift 35 pounds repeatedly.
 - iii. Example: Must be able to wear hearing protection, safety shoes, and other designated safety gear for tasks assigned.
- e. It is impossible to identify every possible responsibility or duty that an employee may have for any given position. For that reason, we recommend you include at the end of the job functions, “And other responsibilities and duties as may be assigned from time to time.”
- f. Supervisors:
 - i. In assessing an employee’s status under federal and state law, it is frequently essential to understand its supervisory responsibilities.
 - ii. For this reason, we recommend including specific language addressing the employee’s supervisory authority. For example, can they discipline, end employment, or make recommendations for employment action?

4. Minimum Qualifications/Skills. Minimum qualifications and skills refer to the lowest level of qualifications and skills required to perform the job successfully.

- a. Education
 - i. Minimum educational qualifications depend on what education is required to perform the job.
 - ii. Example: This position requires an Associate’s Degree in Accounting.
- b. Experience.

- i. Minimum experience required will help ensure that the individual has the necessary expertise needed to perform the job duties.
 - ii. Example: Must have two years of accounting experience in a similar field.
- c. Skills
 - i. Skills requirements may include the ability to perform particular tasks (e.g., Microsoft Excel proficiency) or other requirements (e.g., ability to speak Spanish).
 - ii. Ensure applicable soft skills are included, as these can help performance management (e.g., dependability, ability to problem-solve, and openness to collaboration).
- d. Other criteria:
 - i. If professional licenses or certifications are necessary, ensure those are included.
 - ii. If a driver's license is necessary, include the ability to be covered by the employer's insurance policy.

5. Preferred Qualifications/Skills:

- a. Preferred qualifications and skills are a talent or proficiency that a candidate has; however it is not required for the position or interview. These items are considered "nice to have" by the employer.
 - i. Example: Prefer Bachelor's Degree in Accounting
 - ii. Example: Prefer two years of experience in Accounting in the same industry.

A well-drafted position description can help evaluate an applicant's ability to be successful in the position, assessing a current employee's performance, setting appropriate compensation, or managing legal claims. We recommend reviewing position descriptions periodically to ensure they are accurate and complete.