

FACTS

Fact: Over 60% of the counties in Texas **DO NOT** have job descriptions (JDs) in place for their road and bridge employees. Source: Sample polling data conducted October – November 2020 of 30 counties in Texas as a part of The University of Texas at Arlington’s Texas Local Technical Assistance Program (TxLTAP) project on developing JDs for Texas counties.

Fact: Whether you are a metro, urban or rural county, well-written employee JDs will help you align employee direction with the direction of your senior leadership and their strategic plan for the county.

Fact: Well-written JDs help new hires to understand their job and sets them up for success and to be a highly contributing employee to the county. The JD along with coaching and mentoring from their manager helps set job performance expectations of the employee to achieve.

Fact: Taken from the website www.thebalancecareer.com is a strong and powerful statement: “Effectively developed, employee job descriptions are communication tools that are significant to your organization’s success”. Success. Communication. Key items you want in your organization.

Fact: Well-written JDs will help managers to provide feedback to their employees on how well they are doing and in areas they can improve their performance. Without a good JD, it becomes difficult for an employee to know what is expected of them and for a manager to provide an accurate and effective appraisal.

Fact: “I didn’t know I was supposed to do that!” There are many instances where a manager writes-up, disciplines or terminates an employee for something they did not do on the job. Without a written JD, the manager puts themselves and the county in a precarious position. None of us have 100% recall of conversations. The manager may or may not told the employee about a task. Now the Human Resources Officer is tasked to clean up and fix this problem.

Fact: Having well-written JDs will help provide a safer work environment. All counties across Texas have some type of on-the-job safety work policies. Such policies may relate to motor vehicle or equipment operations, working on roads, working in confined spaces, working in offices. In addition to the policy or any acknowledgement forms the employee may have signed, when it is in the job description that employees must wear personal protective equipment or follow safe work practices this reinforces the daily reminder of what the employee must do in regards to safety.

Fact: Well-written and followed JDs will help you avoid potential legal issues. Take the Americans with Disabilities Act (ADA) for example. In the absence of, or with poorly written JDs, you subject your organization to legal and punitive risk if you do not have JDs (or very poorly written ones) when it comes to the physical requirements of the job. ADA complaints are a common lawsuit often lost by public and private employers.

MYTHS

Myth: “I don’t need any written JD for my employees on what they are supposed to do – they just need to do what I tell them!”

Reality: Ever heard something along this line or how commissioners/supervisors manage their employees? More likely managers will assess employees based on personal likes and dislikes rather than defined performance criteria. Again, this presents the possibility of unfair labor practices and wrongful termination lawsuits.

Myth: A JD puts me in a box as a manager. I cannot ask or direct an employee to do a single task that is not outlined on the JD.

Reality: The last essential job duty on any JD should read as “Performs other job duties as assigned”. This allows a manager to assign temporary tasks that are not covered by the JD. If “those other duties as assigned” become more frequently required, and take up 10% or more of an employee’s time, it is time to update the JD with that particular task.

Myth: The JD puts the employee in a box so they cannot better themselves.

Reality: Employee JDs must be flexible so that employees are comfortable cross-training. They must enable another team member to accomplish a task and the employee to have the confidence that they can make appropriate decisions to serve the public. You want to develop people who are comfortable taking reasonable chances to stretch their limits.

Myth: Job descriptions are a waste of my time when hiring. I know what kind of employee I want.

Reality: Job descriptions can help identify skills or abilities that are necessary for a position or the environmental pressures that apply to the position. A good JD tells the applicant what the position may involve or require. After reading the JD, some applicants may decide that they are not a good fit for the position or are not interested in it.

Myth: We already have JDs that were written 20 years ago, and nothing is wrong with them.

Reality: There are three key reasons that JDs need to be reviewed and updated on a regular basis, such as every 3 – 5 years:

1. **Litigation Liability.** If you are in court defending your company in a personal injury case where an employee blames your company for making them work outside of their job scope, you will be unable to prove your case without the benefit of an updated JD. The JD demonstrates the employee’s established physical requirements and job duties.
2. **Invalidated Post-Injury Tests.** In a post-injury situation, doctors and therapists will also use the JD to test the employee and determine if they are ready to return to work.
3. **EEOC and ADA Compliance.** An updated JD protects your county from the exposure of non-compliance in the event that an employee with a disability files a discrimination grievance. For example, if an employee has a muscular-skeletal disability; and the ability to lift up to 50 pounds unassisted is a key part of their job; that physical ability must be clearly outlined in their job description. If that employee is fired for refusing to lift any equipment or materials up to 50 pounds, they can file a grievance with the EEOC if your JD didn’t explicitly state that physical requirement.

Facts, Myths, Frequently Asked Questions FREQUENTLY ASKED QUESTIONS

Q: What is this project all about to help counties with job descriptions?

A: This project has a limited scope of work that is related to positions aligned with the road and bridge positions of a county or municipality. The reason for this limited scope of work approach is due to the charter and funding under which the project must operate. It is funded by a Federal Highway Administration Incentive Award and sanctioned through the Texas State Transportation Innovation Council. Work on this project must be related to transportation-oriented positions, such as those typical to a Road & Bridge department.

Q: What other type of assistance can I get under this project regarding job descriptions?

A: There are provisions in this project for a well-qualified HR professional to come on-site and help your HR person, commissioners, and managers (you decide who to bring to the table) to discuss and customize JDs for your county – all at NO CHARGE! If needed, Job Description Questionnaires will be built, distributed, tabulated, and provided to the key stakeholders in county management for use in the customization of JDs adopted to be used.

Q: I do not know how to write a JD, where can I get help?

A: There are many sources available on the Internet today that will help you create JDs, however! – use caution. The best way to write solid legally defensible JDs is to use a Human Resource professional who is experienced with job descriptions. This project is designed to provide your county with a “jump start” into using JDs that are Road and Bridge specific. Nineteen individual JDs have been created based on input from numerous other Texas counties, the Texas State Auditor’s Office resources, HR professionals, and subject matter experts.

Q: How much detail needs to be in a JD?

A: As much or as little you desire. There is a section in this FAQ that outlines components of a JD you should consider adopting based on industry best practices and standards.

Q: How much time will it take to do create and maintain JDs?

A: The best answer is “How much time do you have to invest in defending a wrongful termination lawsuit; an EEOC complaint; or battling a Workers Compensation Claim due to a lack of a good JD? Using the JDs that have been developed for you in the Road & Bridge job family will give you the jump start you need for R&B operations and also will give ideas to use in creating JDs for other job families such as IT, administrative, etc.

Q: If we do adopt JDs for our employees, who should be responsible to review and maintain them?

A: If your county has a Human Resources Officer or HR department, that is the logical business unit to place the JDs. HR will work with commissioners and/or managers of different departments to create or update JDs on a routine basis.

Q: If we adopt job descriptions, do we have to automatically promote employees when they meet minimum qualifications of the next level up in a job family, say from R&M Equipment Operator I to R&M Equipment Operator II?

A: No. Promotions are at the discretion of each county. The simple existence of JDs does not obligate any employer to “automatically” promote an employee.

Q: Once a JD has been setup, change we (as the employer) change it?

A: Yes. As functions change within any organization, JDs should change also. Would it make sense that if you hired an employee as a R&B Truck Driver whose sole duty is to operate and maintain dump trucks day-in and day-out, then realize you also need them to load and unload materials in the dump trucks and not change their JD? Change the JD to require the operating of backhoes or loaders in a safe efficient manner as part of their JDs. Remember, you can always provide the estimated time on any tasks such as 80% driving trucks, 15% loading/unloading materials and 5% performing preventive maintenance on trucks and equipment.

Q: What are the best practices for what a JD should contain??

A: The main components of a JD should contain the following:

- The title of job, such as Road & Bridge Equipment Operator III
- FLSA status: Exempt or Non-exempt
- Salary Range – you may choose list or not salary ranges
- Summary of Functions
- Distinguishing Characteristics – what sets this JD apart from others
- Management Scope of the Position
- Duties and Responsibilities
 - Percentage of time
 - Essential/Non-essential
- Minimum Qualifications
 - Education, Experience, Training
 - Licenses, Registrations, Certifications or Special Requirements
 - Preferred
- Knowledge, Skills and Abilities
- Physical/Environmental Requirements and Other Information

Q: Are we required by federal or state law to have JDs?

A: No. However, without JDs in place you subject your county and managers to the following risks and challenges:

- Excessive employee turn over due to employees not knowing what is expected of them.
- Disciplinary issues
- Risk of litigation
- Impartial decision making for promotions or merit raises
- Poor work performance by lackadaisical employees

Q: Why do you have multiple levels of JDs such as Road & Bridge Equipment Operator I, II, III and IV? If we adopt JDs in our county, do we have to use all of the levels?

A: Having multiple levels of JDs provide the following:

- Talent acquisition made easier by applicants seeing that advancement is possible.
- Level cutters based on skill and competencies; it fits the employee to the level at which they perform on the job.
- Allows you to structure pay ranges to the levels instead of one big pay scale.
- Drives healthy competitiveness among employees to advance themselves.