

# Developing Job Descriptions

## A Management Brief

by the



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Congressional Management Foundation  
710 E Street SE  
Washington, DC 20003  
202-546-0100  
CongressFoundation.org  
@CongressFdn

# Introduction

## Overview

There are two good reasons why congressional offices should develop written job descriptions for every staff member. First, job descriptions are indispensable in demonstrating compliance with the employee protection laws that apply to congressional staff. Second, job descriptions promote a range of managerial benefits that contribute to the development of an effective congressional office. This management brief briefly describes a few of the legal concerns congressional managers should be aware of. The primary purpose of this manual, however, is to help offices reap the managerial benefits that written job descriptions can provide.

House offices and staff are subject to the rights, protections, associated duties and requirements of both the Fair Standard Labor Acts (FLSA) and the Americans with Disabilities Act of 1990 (ADA). The ADA applies to the Senate, but the FLSA does not. One requirement of the FLSA is that employers provide equal pay for equal work. A written job description is a means of documenting the distinctions in job responsibilities between staff who perform unequal work and therefore earn unequal salaries. The FLSA also requires that employers determine which employees are exempt from and which employees are entitled to overtime pay provisions and to maintain records of time worked for staff eligible for overtime pay. The Committee on House Administration provides guidelines for determining which staff are exempt. Again, a written job description can provide a clear basis on which to base a decision and would be important documentation if a Congressional office became involved in legal proceedings over unfair employment practices.

The ADA requires employers to make “reasonable accommodations” for a qualified applicant or employee with a disability. The definition of “reasonable accommodation” will vary with each case; relevant factors include the specific duties of the job, the cost of accommodation, and the financial resources of the employer. Distinguishing between “essential” and “secondary” job functions is a key element of determining the definition of reasonable accommodation. Clearly, a written job description that identifies a position is indispensable in helping a congressional office comply with the law.

For the best advice and information on complying with these laws, House staff should contact the Committee on House Administration and the Office of the House Employment Counsel. Senate staff should contact the Office of the Sergeant at Arms and the Senate Chief Counsel for Employment.<sup>1</sup>

To facilitate the development of written job descriptions, the **Congressional Management Foundation (CMF)** developed this management brief to advise Chiefs of Staff and other House and Senate supervisors and staff on:

1. What information to include in the offices’ job descriptions.
2. Techniques for generating a list of job duties or tasks.
3. Guidance on how to write and format a job description.

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<sup>1</sup> Shaded area has not been reviewed by legal counsel and should not be counted on as legal advice.

## Benefits of Developing Job Descriptions

While writing job descriptions may seem like an onerous paper shuffling exercise to some, but it is important to realize that the process can be a useful tool for office management. The benefits include:

1. **Personnel Recruitment.** Job descriptions are an outstanding tool for determining the skills required to perform a job. Thus, they can greatly assist an Chief of Staff (or other supervisor) identify the specific skills to look for in the hiring, as well as help this person make his or her decision in compliance with ADA requirements.
2. **Employee Orientation.** Job descriptions are one of the best tools available for orienting new staff. They help newly hired staff quickly learn the requirements of their jobs, increasing their effectiveness early on while reducing their need to interrupt the work of experienced staff with job-related questions.
3. **Staff Development.** The process of drafting job descriptions that are reviewed, discussed and approved by the Chief of Staff (or other supervisor) provide staff a clear understanding of what is expected of them, the priorities of the job, how they should allocate their time or how their performance will be evaluated. Such clarity tends to reduce confusion and uncertainty and enhance staff motivation and morale.
4. **Management Development.** Job descriptions can identify common but costly staff inefficiencies. For example:
  - Important matters that fall through the cracks because staff are uncertain of their responsibilities.
  - Overlapping responsibilities that sometimes lead two or more staff to work independently on the same matter.
  - Inequitable distribution of work that unnecessarily overburdens some staff and can generate staff tensions.
  - Identifying tasks receiving too high a priority and tasks receiving insufficient attention.

## The Role of Staff vs. the Role of Supervisor

Finally, this manual is written with the basis that staff – not supervisors – should be primarily responsible for drafting their own job descriptions. It is difficult for supervisors to develop accurate job descriptions for all their staff. They usually do not have the time to draft thorough job descriptions and may not understand the full range of duties performed by each staff. In contrast, placing this drafting responsibility with staff fosters a greater sense of staff ownership in their jobs. The process of having staff delineate their tasks, prioritize their responsibilities, define their principle objectives, and review their analysis with their supervisor can be very instructive.

The role of the supervisor in this process is twofold: First, to determine what information staff should include in their job description. Second, to review and, when necessary, modify the drafts developed by staff. Such a review provides useful feedback to staff and ensures that the job descriptions accurately reflect the work performed. Structuring your job description process in this manner, we have found, will ultimately lead to a higher quality product and the most constructive process for the office. (See page 8 for discussion of review process.)

# Determining What To Include In Your Office Job Descriptions

Job descriptions can be completed with varying degrees of sophistication. Below we have listed a range of components that can be included in a job description. The first list includes the basic components which should be included in any job description. The second list outlines optional components that increase the sophistication and the usefulness of the job descriptions developed. Chiefs of Staff should review this list and decide which components to include.

## Basic Components

### 1. Job Title

### 2. Date

It is extremely important that job descriptions are kept up to date or they will be ignored and soon serve no constructive management purpose. The date the description was completed will help Chiefs of Staff and staff determine the accuracy of the document and if it is in need of updating.

### 3. Job Descriptions

A listing of the tasks performed by the staff person grouped into related tasks (e.g., mail, casework, legislative, internal office/administrative, media/communications, supervisory, representing Member). This is the most important and most difficult step to complete. It requires some systematic thought or what is referred to in the personnel profession as a “job analysis.” The job analysis requires staff to identify both the essential and secondary duties of their position. (For a thorough discussion of how to complete a job analysis, turn to page 10.)

Although preparing broad, generic job descriptions which can apply to all LAs, all LCs, all caseworkers, and all clerical staff would be easier than preparing unique job descriptions for each staff member, this short-cut invites some legal problems. Blurring real distinctions between two LA positions, for example, leaves an office vulnerable to complaints of pay discrimination under FLSA. After all, if two LAs have the same job description, but sizeable difference in pay, offices may have difficulty arguing that salary differences are based upon real differences in responsibility and not sex discrimination.

Using generic job descriptions also eliminates much, if not all, of the management benefits offices can derive by having staff take time to think through their daily job responsibilities.

## Optional Components

### 1. Defining Primary Job Objective(s)

This is a useful tool to help establish office priorities. It can be an interesting and constructive exercise for staff to define their top one or two objectives. In addition, including this section in the job description allows a Chief of Staff to make sure that the staff member’s objectives are consistent with the priorities the Chief of Staff and Member believe the staff should value most highly.

### 2. Prioritizing Responsibilities

Asking staff to categorize their duties as first, second or third priorities, forces staff to come to terms with which tasks are critical to the office and which are not. It also allows Chiefs of Staff to

review those assessments to make sure that they are indeed in line with the office's priorities. Because clarifying priorities is central to well-managed offices, CMF heartily recommends that offices include this component in their job descriptions.

### **3. Time Requirements**

Information on the amount of time spent daily or weekly on specific tasks can be enlightening to both staff and their supervisors. Staff may realize that they are spending too much time on matters that are not really office priorities and/or they are spending too little time on long-term projects that are of great strategic importance to the office. In short, this step allows offices to ensure that staff time allocation is consistent with stated office priorities.

### **4. Job Requirements**

By including a section on the job description that outlines the essential skills and training needed to succeed in the job, offices have a summary that can serve as a hiring guide if the incumbent leaves his or her job. In addition, delineating the skills requirements of the job frequently helps staff better understand their own strengths and weaknesses or areas of improvement. Possible job requirements include: excellent writing skills, experience drafting legislation, understanding the regulatory process, training in environmental science or chemistry, or experience with LOTUS software.

### **5. Performance Criteria**

Performance criteria serve as the basis for assessing the performance of a staff person. Because most staff have different responsibilities and priorities, the performance criteria should differ from job to job and will probably vary amongst staff with the same job title. If staff are to be formally evaluated on the basis of these criteria, we strongly recommend that the criteria be jointly developed by the supervisor and the staff member. If staff believe they had input in establishing the basis on which they are evaluated they will be more likely to consider the ultimate evaluation as fair. However, even if no formal evaluation is planned in your office, drafting performance criteria can serve as a valuable guide for staff to informally evaluate their own performance. (For discussion of how to develop performance criteria, and examples of them, see page 14.)

### **6. Supervision Received**

Who supervises this staff person? If two supervisors oversee his/her work, (e.g., LD and Chief of Staff), outline the broad tasks that are managed by each. This step may identify areas where there is unnecessary overlapping supervision, unclear supervision or an absence of supervision. In short, it can clarify for an office (maybe for the first time), which managers are responsible for overseeing which activities.

### **7. Supervision Exercised**

Who, if anyone, does this staff person supervise and generally which task or activities do they oversee? Like the previous component, this step can provide useful clarification to supervisors on their management responsibilities. Compiling this list may lead a supervisor to recognize that there are activities they should be overseeing that they have neglected and therefore they must better delegate the office's management responsibilities.

### **8. Signatures or Initials of Staff and Supervisor**

This step ensures that the job description has been reviewed and approved by both the staff member and his or her supervisor. The formality of signing or initialing the document tends to serve as a reminder to both supervisor and staff that they must take at least a couple of minutes to make certain they agree with the information included in the job description and that they have finalized the document.

## Format

Once you decide what information you want included in your office's job descriptions, you should distribute a memo to all staff to ensure that they all follow a common office format. The memo should cover the following points:

1. Why preparing the job description is necessary.
2. The information (or components) they should include in their job descriptions and, when necessary, a definition or description of what is requested.
3. Guidance on preparing a job analysis. (See page 10)
4. The order in which the information should be presented in their job description.
5. The date by which draft job descriptions should be completed.
6. The supervisor who each staff should submit their drafts to for review (e.g. Chief of Staff, LD, District Director, Office Manager).
7. A brief discussion of the review process and how the document will be finalized (See below for discussion of the review process).

In addition, Chiefs of Staff should attach to the memo a copy of the last section of this manual: "Staff Guide for Writing Job Descriptions."

## Reviewing the Job Description

Once the job descriptions have been drafted, they must be reviewed by the appropriate manager or supervisor and discussed with staff individually. No office wants inaccurate job descriptions on file that could serve as a basis of a legal proceeding. In addition, most of the management benefit offices can derive from preparing job descriptions require that the supervisors carefully review the drafts and provide feedback to the staff. Consequently, managers should provide timely edits and oral feedback to staff on expectations, priorities, time allocation, performance criteria, etc. Delays in responding to these drafts should be avoided as it may convey to staff that management doesn't value their input or work they put into preparing job descriptions.

The feedback should be delivered in private one-on-one meetings rather than simply returning the draft with edits and written instruction to "make the designated changes." The meeting should be open, conversational and encourage a two-way dialogue. After the meeting, the draft should be modified, if necessary, to incorporate the agreed upon changes and a final copy should be signed by both the supervisor and staff member. Copies of the final document should be kept by the Chief of Staff, the immediate supervisor (if different than the Chief of Staff), and the staff member.

# Staff Guide For Writing Job Descriptions

## Preparing the Job Analysis

To complete a good and thorough job analysis, staff should answer in writing the following four questions:

1. What are the primary board functions that I perform in my job (e.g., legislative, media, mail, supervisory)
2. Under each of these essential functions, what are the top priority responsibilities and duties that I perform regularly (either daily or several times a week)?
3. Under each of these functions, what additional tasks do I perform regularly that are not top priority duties?
4. Under the heading of “Periodic Tasks” what are the tasks I perform periodically (e.g., filling in for a staff member on leave)?

**Note.** The last task listed under “Responsibilities” should be “Other related duties as required.” This provides flexibility for both staff and supervisors so that staff can take on added responsibilities as the need arises.

As an alternative to having each staff sit down at their desk with a legal pad and answer the job analysis questions, you may want to try one of these other approaches.

### Brainstorm Activities

Although it is important that staff develop different job descriptions that describe specifically what they do, brainstorming duties with several other staff who perform similar functions can facilitate the job analysis process. For example, three LAs can meet for half an hour and just call out tasks they perform or tasks that they see their colleagues performing. Each LA can then pull from this master list the tasks they perform. The group can make the process more enjoyable (and less avoidable) and usually will identify some relevant tasks that staff, working by themselves, may forget to include.

### Logs/Diaries

You can keep a log or diary for a few days (up to a week) recording all the duties you perform (large and small) and time spent on each. This approach to preparing a position analysis is particularly effective for jobs that are non-routine and cover a range of disparate activities. The method is extremely thorough and tends to generate the most accurate information. Using this method requires drafting a daily log that is broken up into 15 minute increments (or copying a page from a scheduler that has 15 minute increments) and simply fill in the increments with a few word description of what you did (e.g., “wrote agency letter,” “discussed mark-up with LD,” “fixed printer”). Then incorporate the job-related activities logged into your job description.

Keeping a log also has the added benefit of providing you an excellent tool for assessing your time management. The log will provide you an accurate account of how you *actually* spend your time rather than how you *think* you spend your time. People are frequently surprised to learn how they actually allocate their time. This information can then be used to identify and reduce time commitments to tasks that do not warrant the time devoted, or change work practices that are inefficient (such as a caseworker who learned that she wastes hours each week because she calls agencies individually on each case rather than calling once a day on several cases).

The down-side to this approach, obviously, is that it also takes more time than the previous approaches. But if you have the discipline, you will probably find the effort worthwhile both in preparing an accurate job description and in providing useful information for improving your time management.

## **Tips for Writing the Job Description**

1. Use simple and clear language. Ambiguity defeats the purpose – accurately describing the job performed.
2. Be precise. Rather than writing, “handles casework,” break this broad task down to the essential tasks. For example, “meets with constituents,” “contacts agencies to initiate cases,” “monitors and updates agencies as necessary,” “notifies constituent of rulings.”
3. Use phrases rather than full sentences (e.g., “clips local newspapers”).
4. Use action verbs to begin description of each task and eliminate unnecessary prepositions. For example, “Distributes mail” vs. “Responsible for the distribution of mail.”
5. Exclude unnecessary adjective (e.g., “necessary,” “excellent”) and editorial comments (e.g., “answers amazing amounts of mail.”). This should be an objective narrative; not a highly quotable press statement.

# SAMPLE LEGISLATIVE ASSISTANT JOB DESCRIPTION

## MAIN OBJECTIVE

To help Member become an expert in environmental policy and develop legislative initiatives in this area that position Member as a leader in environmental protection. Also provide general support and advice to Member in my other issue areas and provide timely responses to constituent mail.

## RESPONSIBILITIES

### Constituent Tasks

### Priority of Tasks

- |   |   |
|---|---|
| 1. Answer constituent correspondence on issue areas                                 | 1 |
| 2. Draft newsletter items and targeted mailings                                     | 2 |
| 3. Meet with constituents on matters in issue area                                  | 2 |
| 4. Work with Project Director to obtain federal grants for local/community projects | 2 |
| 5. Respond to inquiries from district staff on issues                               | 2 |

### Legislative Tasks

- |   |   |
|---|---|
| 1. Research and develop legislative initiatives on environmental matters – research legislative history, discuss issue with agency officials and committee staff, work with legislative counsel on drafting bills | 1 |
| 2. Work with Member on introducing bills/offering amendments  | 1 |
| 3. Brief Member on hearings (both in Washington and district) – prepare background memo and opening statements  | 2 |
| 4. Write speeches, floor statements, extension of remarks   | 1 |
| 5. Brief Member orally and in writing on all pending legislation in relevant issue area   | 1 |
| 6. Monitor committee and subcommittee action in relevant issue  | 2 |
| 7. Screen “Dear Colleagues” and recommend co-sponsorship  | 2 |
| 8. Meet LAs from other office and committee staff   | 2 |
| 9. Meet with special interest groups, lobbyists on legislative matters  | 2 |
| 10. Review major publications, scan interest group, government, party, publications   | 2 |
| 11. Speak to organizations and groups on topics within my jurisdiction  | 3 |

### Miscellaneous Tasks

- |  |   |
|--|---|
| 1. Work with Press Secretary on press releases and statements, draft Letters to the Editor | 2 |
| 2. Maintain legislative files in issue areas   | 2 |
| 3. Other related duties as required  |   |

## JOB REQUIREMENTS

- Excellent communication skills—written & oral
- Experience and understanding of legislative process
- Strong knowledge of environmental and energy policy matters
- Experience and facility in using word processor

## SUPERVISION RECEIVED

- LD on all legislative matters;
- Chief of Staff on all political, constituent and internal administrative matters.

## PERFORMANCE CRITERIA

- Developing and introducing legislation this year to increase U.S. fuel efficiency.
- Develop, in conjunction with District Director, a series of district conferences and seminars on energy, environment, and health
- Reduce turnaround on constituent mail to one week

**INITIALS** (of Staff and Supervisor)

## Developing Performance Appraisal Criteria

It is important that staff know not only what work they're expected to perform but on what basis their performance will be evaluated. Managers too often make such decisions subjectively, a practice which, though expedient, may be perceived as unfair, and can undercut staff morale.

For those offices interested in including performance criteria in their job description, we recommend the following process for developing the criteria. The staff person should review the job description; identify the major task to be accomplished during the next year, and develop reasonable performance objectives that reflects the office's expectations.

For example, a Press Secretary's criteria could include:

- Writing a minimum of two press releases a week.
- Getting the Member quoted on the front page of the local newspaper at least ten times per year.
- Improving the Member's relationship and contact with national health reporters.

A Mail Manager's performance criteria might include criteria such as:

- Reducing the turnaround time on constituent mail from two weeks to one week.
- Developing a more comprehensive report for tracking mail.
- Effectively training new LAs and LCs on how to use the constituent database software.

A sample LA's performance criteria might include the following:

- Developing and introducing legislation to increase fuel efficiency.
- Improve speech writing skills as measured by reduced editing and rewriting time.
- Maintain turnaround time on constituent mail at one week.

Once the performance criteria are incorporated into the job description, the supervisor should review the criteria and then discuss them with the staff person. A supervisor might disagree with the criteria a staffer has set, but such disagreement can be constructive. It forces both parties to reach agreement on the job's priorities and a fair process for evaluating performance. It's far better for a staff person to challenge the performance criteria before they are finalized than to argue at the end of the year that the evaluation was based on unreasonable expectations.