

# CODESP NEWS

Volume 29 No. 7

March, 2001

## High Desert MTM

The **April 27, 2001** Membership Training Meeting will be held at the **Desert Mountain Educational Services Center**, 17800 Highway 18, **Apple Valley**, from **9:30 a.m. - 12 noon**. (Note change of time & meeting site). The meeting will be hosted by Victor Valley Union High School District.

The topic of the meeting will be **Violence in the Workplace**. The speaker will be Kristine Kwong, an attorney with Liebert Cassidy Whitmore. Ms. Kwong will be joined by other experts in the field to discuss how to recognize danger signs, the legal actions that can be taken, and how to diffuse potentially threatening situations.

CODESP staff will also briefly discuss **Effective Test Administration**, which will include discussion on topics such as: Recruitment essentials, how to conduct a simple job review, components of a well developed test, and using CODESP's Computerized Item Bank.

## CONCORD MTM

On **Thursday, May 3**, (Note change of date). Mt. Diablo USD will be hosting a meeting at the Willow Creek Center at 1026 Mohr Lane in **Concord** from **10:00 a.m. — 12 noon**. (There is a BART station in Concord, let us know if you need transportation).

The topic of the meeting will be **Recruiting and Retaining Special Education Instructional Aides**. This will be a roundtable discussion with experts in the field of Special Education. Discussing what has been successful, and what has not, has proved to be very helpful to the participants at our past meetings on this important subject.

If your district can provide Special Education staff members, such as aides, and/or administrators, to be a roundtable expert, please contact CODESP staff.

## COVINA MTM

**Charter Oak USD** in **Covina**, will be hosting a meeting on **May 11th** from **10 a.m.—12 noon**. The topic of the meeting will be **Legal Updates**. Attorney Kristine Kwong will be providing participants with up-to-date information on **Background Investigations and Recruitment**. She will discuss how to legally conduct an employment background/reference check.

Additionally Ms. Kwong will provide participants with current information on **Assembly Bill 2222** which revised the definitions of mental and physical disabilities and medical conditions under the Fair Employment and Housing Act. This bill may affect how specific agencies must be in regards to listing physical and mental job requirements in their job descriptions. (See article on page 2).

## ORANGE COUNTY-MTM

A repeat of the **Violence in the Workplace** workshop will be held at the **Newport-Mesa USD** district office **June 1st**.

CODESP staff will also be making a presentation in Sacramento on May 4th. More details will follow. Additional meetings will be held this summer along the central coast and in the southern San Diego area. If you would like to host a regional training meeting or schedule an individual meeting regarding services or membership, please contact our offices.

Check our website under Meeting Schedules for updates on meetings including directions.

[www.codesp.com](http://www.codesp.com)

# THE VALUE OF JOB DESCRIPTIONS

One area where there appears to be a lack of consistency is job descriptions. At CODESP we collect descriptions from our members and other agencies and we see many differences in writing styles. We are often asked which style is the best. Several opinions have been offered on this subject. Although opinions on writing styles and formats differ, the one thing we must all agree upon is that job descriptions are important documents.

Detailed, objectively written job descriptions provide important information to evaluate the success of employees. Without them performance standards cannot be set nor accomplishments measured. We find that many districts, despite current legislation, etc., ignore or minimize the importance of these documents. Accurate, up-to-date descriptions benefit both applicants and employers. Job descriptions enable an applicant to evaluate the expectations of the job. Disabled applicants can better determine whether they will be able to perform the essential functions of the job with or without accommodation. For the employer, an accurate job description may be considered as evidence of the job's essential functions. If employees are not performing the duties reflected in the job description or are performing the duties very infrequently, the actual work duties performed will need to be identified to make the description more relevant. Frequency alone is not determinative. Even if a task is performed rarely, the courts and the EEOC may still consider the function to be an essential one.

One legal interpretation of the EEOC recommendations is to favor stating the essential functions of a job because the process allows both the applicant and employer to identify the fundamental duties in case the need for reasonable accommodation should arise.

Some, on the other hand, recommend against separately identifying essential and nonessential functions. They believe that separating the two types of duties creates confusion regarding job responsibilities, limits management's ability to determine how to use particular employees, and dictates a format which may not be useful for the other functions of a job description that are unrelated to recruitment. Others have gone as far as asking if the duty is not essential, why is it in the job description?

Job descriptions should be updated frequently to accurately reflect the position's current functions. Outdated descriptions could unlawfully screen out a disabled applicant who could otherwise perform the job. Also, developing job-related test materials becomes difficult if the description isn't accurate.

Some believe that the enactment of AB222 will make organizations look at their job descriptions once again. This bill redefines the threshold for claiming a disability. Previously in both the ADA and California's Fair Employment and Housing Act, a disability was generally defined as being impaired in a way that "substantially" limited a major life activity. This law, which has been called a legislative reaction to recent court decisions, now draws a distinction between the ADA and the FEHA and defines disability as only requiring a "limiting" rather than "substantial" effect.

Most organizations have rewritten their job descriptions since the ADA, and typically they define the physical job functions and requirements. However, they often leave out the mental work functions or do not properly define them. These functions need to be identified in order for medical providers to be able to determine if someone's work ability is actually "limited" by his or her disability. Good job descriptions will be even more important than ever in the defense of such claims.

*Continued on page 3 →*

---

# JOB DESCRIPTIONS

CONTINUED FROM PAGE 2

---

When organizations write job descriptions they need to learn all they can about a job and include what work styles and cognitive skills are necessary to become a successful employee. Even details that distinguish positions in terms of mental abilities and work functions required need to be determined.

Specificity is needed when an applicant's health care professional says that an employee is limited from doing his or her job. The doctor should receive a detailed job description and the employer can then ask for comments on how the employee's ability to do his or her job is limited, both now and in the future.

Having a specific job description will be especially crucial in defining the mental aspects of a job. Psychiatric impairment is difficult enough to specify, but without a good job description defending against such claims will be more difficult.

The eight psychiatric work functions, as identified by the California Industrial Medical Council, which should be considered for inclusion when writing most job descriptions are the abilities to:

1. comprehend and follow instructions
2. perform simple and repetitive tasks
3. maintain a work pace appropriate to a given workload
4. perform complex tasks
5. relate to others beyond giving and receiving instructions
6. influence people on a consistent basis
7. make generalizations, evaluations or decisions without immediate supervision
8. accept and carry out responsibility for directions, control and planning.

Current, job-related descriptions are necessary, especially with the new legislation that has lowered the level of disability. These important documents are not just stored in files anymore. They are not only used by district personnel, but also by attorneys, doctors, and insurance agencies to determine if an applicant/employee can truly perform all essential aspects of the position.

Remember job descriptions are works in progress, they will need to be modified as changes occur on the job. If you do not have the resources to update all of your descriptions at one time, at least review them as openings occur.

## NEW TEST ITEMS

This past month CODESP staff added 178 new multiple choice test items to the Custodial; Maintenance (Masonry, Kitchen Equipment, Facilities), Instructional Aide, Guidance and Word Processing item banks.

We are especially enjoying our new ability to place figures directly into the test item. If you are using an old test, check with CODESP staff, new items may be available.

If your district has subject matter experts who are available to develop or review items, please contact us.

## MERIT SYSTEM UPDATE

John Absmeier, Chairperson of the Legislative Committee for the California State Personnel Commissioner's Association, reports that the following submissions to the Board have been approved for legislative consideration:

1. Change in Ed. Code to increase the stipend Personnel Commissioners may receive for meeting attendance.
2. Change in Ed. Code that would allow for selective certification for technology, similar to the current one for languages.
3. A Meet and Greet Day for Merit System school districts with local legislators in their home offices in May 2001.
4. Request for all Personnel Commissions to budget money for a "Day in Sacramento", May 2002, to meet with legislators and tour the capitol.
5. Seek funding to provide more money in the commission's budget for classified training.

Please send further suggestions to:  
John Absmeier: [jabsmeier@simi.k12.ca.us](mailto:jabsmeier@simi.k12.ca.us)

# CODESP BOARD VACANCY

CODESP will soon be sadly saying good-bye to George Cole, a long term member of our Board of Directors. George will be taking a new position at an agency that will make him unable to continue his status as a CODESP Board Member. He has been a valuable member of our Board and a great supporter of CODESP. We will miss him and wish him good luck with his new endeavor.

According to CODESP's Policies and Procedures the Board may appoint a replacement to serve the remainder of the unexpired term, (the term for this vacancy ends July 2002). The Board may ask for recommendations for a replacement to fill out the current term.

If your district is a member of CODESP, and you would like to be considered to fill the vacancy, please submit a letter to the Board in care of the CODESP office postmarked no later than April 3, 2001. The letter should include a statement describing your qualifications limited to no more than 75 words. The Board will review the letters and will also consider recommendations, in writing, from CODESP members.

The Board of Directors meets at the CODESP offices in Fountain Valley, a minimum of six times per year, typically the first Friday of the month.

---

## CODESP

17210 Oak Street  
Fountain Valley, CA 92708

---

Phone: 714 - 847-8203  
Fax: 714 - 848-2963  
email: [callcodesp@aol.com](mailto:callcodesp@aol.com)  
Internet: [www.codesp.com](http://www.codesp.com)

---