

Job Descriptions Must Accurately Reflect True Job Duties

Jackson Lewis

Article By

[Heather C. Hili](#)

[Jackson Lewis P.C.](#)

[EPL Risk Management](#)

- [Civil Rights](#)
- [Labor & Employment](#)
- [11th Circuit \(incl. bankruptcy\)](#)

Wednesday, October 16, 2019

A recent case from a federal court highlights the importance of accurate job descriptions. In *Wiggins v. City of Montgomery*, Plaintiff applied for a promotion to the position of Revenue Examiner on three occasions over an eight-year period, most recently in 2015, and was denied each time. At issue was the job description's requirement of walking over rough terrain, which Plaintiff could not do because she uses a walker and cannot walk in rough terrain.

Plaintiff filed suit asserting, among other things, disability discrimination for failure to accommodate. In response, the employer explained that Plaintiff was not a "qualified" individual under the Americans with Disabilities Act because she could not perform the essential functions of the position with a reasonable accommodation. The Court, however, found the evidence suggested otherwise. The Court determined that "actually conducting site visits as a Revenue Examiner is not as 'essential' as Defendant's job posting and job description seem to suggest." Two of the individuals promoted to the position had not, in over 11 months, left the office for and were essentially working as "inside" Revenue Examiners - the accommodation Plaintiff requested. Therefore, the Court concluded Plaintiff could perform the essential functions of the position with a reasonable accommodation and denied Defendant's motion for summary judgment on Plaintiff's failure to accommodate claim.

This decision, and the analysis by the Court, emphasizes the importance of maintaining accurate job descriptions and verifying periodically the accuracy of the job description.

Jackson Lewis P.C. © 2019

Source URL: <https://www.natlawreview.com/article/job-descriptions-must-accurately-reflect-true-job-duties>