



Diocese of St. Petersburg

HUMAN RESOURCE MANAGEMENT:

Position Descriptions

Crib Sheet

Number 1

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The majority of termination problems can be avoided by establishing and following good hiring procedures. By far the most common difficulty relates to a mismatch between a person's abilities and aptitudes and the requirements of the position for which that person has been hired.

Well before the hiring process begins, it is recommended that careful thought be given to the position, its essential functions, issues related to accountability, and the necessary qualifications for that position. The results of this analysis should be documented and put in the form of a written "position description". A copy of the description should be given to the employee and a copy should be kept in their respective personnel file. The position description will help to clarify mutual expectations, serve as an outline for the position, and serve as an invaluable tool in the performance evaluation process.

POSITION DESCRIPTIONS

As noted above, many employment problems occur when there is a mismatch between a person's abilities and aptitudes and the requirements of the job for which he/she has been hired. The first step in preventing these types of problems is to be clear in understanding and describing the expectations of each position that will be staffed in an organization.

It is recommended that position descriptions be developed for all paid staff and unpaid volunteer positions in an organization. As valuable management information they:

- Identify responsibilities and timelines
- Clarify employer/employee expectations
- Serve as a tool for performance evaluations in all positions
- Aid in identifying and planning training programs
- Provide a basis for a sound wage and salary program

Position descriptions should contain the following:

- Position Title
- Name of employee after the person is hired
- Notation as to exempt or non-exempt status
- Notation as to full-time or part-time
- Supervisory responsibilities
- Job Summary
- Details of duties and responsibilities
- Qualifications required for the position
- Information regarding lines of accountability

EMPLOYEE OR CONTRACTOR

Confusion often exists regarding whether or not to consider a particular person an employee or an independent contractor.

This problem tends to be more common in parishes with part-time and "very part-time" people ministering to the needs of the church. If a person receives remuneration of any kind the following test should be applied to determine their employment status.

"In the context of the Federal Fair Labor Standards Act (FSLA), the courts use a five-part test called the Silk Test after the Supreme Court decision in which the test was announced. (United States v. Silk, 331 U.S. 704 [1947]). This test is a useful guideline for other purposes as well (e.g., for determining whether to withhold employment taxes on a particular worker or whether he/she is covered under anti-discrimination law as an "employee"). The Silk Test has five elements:

1. The degree of control exercised by the employer (the more control the employer has, the more likely the person is an employee).
2. The extent of the relative investment of the worker and the employer in the business (if virtually all investment is the employers, the person is an employee).
3. The degree to which the worker's opportunity for profit and loss is determined by the employer (the greater control the employer has, the more likely that a person is an employee).
4. The skill and initiative required in performing the job (initiative is particularly important).
5. The permanency of the relationship (the more permanent it is, the more likely a person is an employee).

No single one of these factors is determinative, nor is the list necessarily exhaustive. The courts use them as "diagnostic tools", as rough guidelines and checklists to determine

employee status. Even the courts admit that the test is not easy to apply, although they are not overly cautious or tentative in holding that someone is an employee, in order to bring them under coverage of the relevant law.

One of the five components in the Silk Test, by far the most important, is the first: the degree of control exercised by the employer. The second and third are the next most important: the person's involvement in the business and whether their fortune depends on the employers. Thus, if the employer closely supervises the work of the person, or if the person has virtually nothing invested in his/her own business (e.g., no office or location of his/her own, no tools or equipment of his/her own, no other customers or clients of his/her own) it is likely the court will find that the worker is an employee and not an independent contractor."¹

(In unclear cases, the IRS deems the person to be an employee. In such cases, please consult the Diocesan Finance Office or the Department of Human Resources.)

EMPLOYEE OR MINISTER OR BOTH

From time to time, issues arise as to whether employees consider themselves as employees or ministers in the Church. Generally speaking, a response to these issues could include the following thought:

As soon as a person cashes their paycheck from the diocese, a parish or a school, they, and the employer, become subject to literally thousands of state and federal labor laws. Some are by statute, some are by guideline, and some are the result of case law. Ministry, on the other hand, comes in from the standpoint of why one does their particular "job" and how they do it. Ministry tends to relate more to motive, as opposed to payment for the work done.

EXEMPT OR NON-EXEMPT

Another area that tends to cause confusion in the church, is whether or not to pay an overtime differential. Although this confusion seems to stem from definitions of "employment" and "ministry", the FLSA is clear in its interpretations:

Exempt Employees: Supervisors and Administrators are not covered by the FLSA and do not receive overtime pay or compensatory time. To be exempt, at least 80% of a person's work must be executive, administrative or professional in nature, requiring the regular exercise of discretion and independent judgement.

Non-exempt Employees: Employees who perform work other than executive or administrative work as defined by the FLSA must receive compensation for overtime (time in excess of 40 hours per week) at a rate of time and a half as legally required. Positions falling into this category generally include support and auxiliary personnel.

Please contact the Human Resources Department of the diocese for more complete and detailed information regarding FLSA compliance.

-- MODEL POSITION DESCRIPTION --

NAME:

DATE:

TITLE:

DEPARTMENT/OFFICE:

SUPERVISOR:

POSITIONS SUPERVISED:

STATUS: Part-time or Full-time, exempt or non-exempt

I. GENERAL DESCRIPTION

Include a short paragraph describing the basic intent and function of the position.

II. ESSENTIAL FUNCTIONS

List (in priority order) the 10 or 12 most essential Functions of the position. Any more will tend to dilute the position.

III. COLLABORATIVE RELATIONSHIPS

List the title of the person to whom this position is directly accountable to and evaluated by. Also list the internal positions and offices this person is expected to interact with, as well as, expected contact with various local, state, and national and provincial associations.

IV. WORKING CONDITIONS

List those working conditions that could be considered hazardous and disagreeable. Also, describe the physical requirements of the position related to the frequency and degree of lifting, straining, and standing, amount of strength required to perform the job. This area on the position description is important in order to comply with the American's With Disabilities Act.

V. QUALITIES AND SKILLS

List the minimum acceptable qualifications for the position. Specific skills, knowledge, and abilities must be noted including education, experience, and personal qualities. All requirements for the position must be bona fide occupational qualifications.

Note: This description is intended to indicate the kinds of tasks and levels of difficulty that will be required by this position. The use of a particular expression or illustration describing duties shall not be held to exclude other duties not mentioned that are of similar kind or level of difficulty.

¹ *Independent Contractor or Employee? How to Draw the Line*, Gerard P. Pannaro, Webster, Chamberlain, Bean & McKevitt, Washington, D.C., Personnel Practice Ideas, Vol.3, No. 8, April 1988, Warren, Gorham & Lamot, Inc.