Conducting an Independent Vocational Evaluation

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Independent Vocational Evaluations are performed, at least on occasion, by approximately 10% of QRCs registered with DOLI.
Vocational Assessment
Focused on Rehabilitation Plan development and service delivery.
DEFINITIONS

Independent Vocational Evaluation

Focused on the forensic venue in which it will be used with a clear recognition that the results will be used to make a determination of facts that lead to legal consequences for the involved parties.

**QUESTION:** Should an IVE report be short and specific or long and comprehensive?

**ANSWER:** Depends.
Transferable Skills Analysis

A skill that is acquired as a result of work activity and is available for transfer to a different job requiring similar or lower skill level.

**QUESTION:** How important is it to distinguish between a TSA and a worker trait?

**ANSWER:** Very important in court and in your case load to know the difference.
Systems of Occupational Analysis

Essentially DOT vs. O’NET

Many variants on the market, i.e. – eDOT
Programs for Occupational Analysis & TSA

Oasys, Skilltran, McCroskey, etc.
THE PROCESS

I. Record Review
Medical, psychological, employment and work history.

II. Interview
Personal history, educational history, work history, activities of daily living, medical history and rehabilitation history.
VOCATIONAL AND REHABILITATION ASSESSMENT MODEL (VRAM)
THE PROCESS CONT’D...

III. Vocational Testing
Skill, General Ability, Interest, and Aptitude
Optional: Personality, Temperaments and Values, etc.

IV. TSA
<table>
<thead>
<tr>
<th>DOT</th>
<th>VS.</th>
<th>O*NET</th>
</tr>
</thead>
<tbody>
<tr>
<td>12,741 Titles</td>
<td>@1,000 Titles</td>
<td></td>
</tr>
<tr>
<td>72 Worker Traits Factors</td>
<td>@450 Elements</td>
<td>Some Scaled Ratings</td>
</tr>
<tr>
<td>Scaled Ratings Measures</td>
<td></td>
<td>General Testing Applies</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Vocational Assessment</td>
</tr>
<tr>
<td>Generally Quantitative</td>
<td></td>
<td>Very Qualitative</td>
</tr>
<tr>
<td>General Testing Applies</td>
<td></td>
<td>Somewhat Impossible</td>
</tr>
<tr>
<td>Assessment, Evaluation, Transferability, Job Matching, Guidance Applications</td>
<td>Guidance &amp; Counseling, America’s Job Bank, America’s Career InfoNet</td>
<td></td>
</tr>
<tr>
<td>GOE, WF, SIC, SOC, Census Linked Codes</td>
<td>SOC, MO, Census, AJB, ACINET</td>
<td></td>
</tr>
<tr>
<td>Growing Obsolescence</td>
<td>The Future</td>
<td>Dynamic, Revision in Progress</td>
</tr>
</tbody>
</table>

Adapted from Weed, & Field, (2001), P.105
V. Labor Market Research

a) CAREER wise (ISEEK)
b) BLS OES
c) Other internet resources, Indeed, Salary Surveys, etc.
d) Labor Market Surveys

**QUESTION**: Is an LMS a valid and reliable representation of the labor market?

**ANSWER**: Probably not.
VI. Report

Identify employability factors, form vocational opinions, and write report.
VII. The Federal System

A. Federal Rule 702

1) The testimony is based upon sufficient facts or data

2) The witness has applied the principles and methods reliably to the facts of the case
VII. The Federal System cont’d...

B. Daubert; Joiner; & Kuhmo

1) Daubert – reliable and relevant
2) Joiner – defined judge as gate keeper
3) Kumho – recognized clinical experiences as technical and specialized knowledge

**QUESTION**: What is a Daubert Challenge?

**ANSWER**: A pretrial motion to exclude all or part of an experts’ testimony in which the judge determines what is admissible.
VIII. What Makes an Effective Expert?

<table>
<thead>
<tr>
<th>CHARACTERISTICS</th>
<th>FIRST CHOICE %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Credibility</td>
<td>38.4</td>
</tr>
<tr>
<td>Objectivity</td>
<td>15.3</td>
</tr>
<tr>
<td>Honesty</td>
<td>11.8</td>
</tr>
<tr>
<td>Integrity</td>
<td>11.1</td>
</tr>
<tr>
<td>Preparation before Trial</td>
<td>8.5</td>
</tr>
<tr>
<td>Analytical Ability</td>
<td>5.5</td>
</tr>
<tr>
<td>Prior Experience</td>
<td>5.2</td>
</tr>
<tr>
<td>Consistency in Testimony</td>
<td>5.1</td>
</tr>
<tr>
<td>Ability to Persuade Others</td>
<td>3.3</td>
</tr>
<tr>
<td>Education</td>
<td>2.9</td>
</tr>
<tr>
<td>Teaching Ability</td>
<td>2.6</td>
</tr>
<tr>
<td>Investigative Ability</td>
<td>2.0</td>
</tr>
<tr>
<td>Public Speaking Ability</td>
<td>2.0</td>
</tr>
<tr>
<td>Writing Ability</td>
<td>1.0</td>
</tr>
<tr>
<td>Physical Attractiveness</td>
<td>1.0</td>
</tr>
</tbody>
</table>

Source: Younger (2005, P. 104)
VIII. What Makes an Effective Expert?

WHAT IS CREDIBILITY?

1) Aristotle
   a) Ethos – moral character; ethics
   b) Pathos – experience; empathy; sympathy
   c) Logos – logic, order & knowledge
VIII. What Makes an Effective Expert?

WHAT IS CREDIBILITY?

2) 5 Dimensions of Speech (James McCroskey)
   a) Competence
   b) Character
   c) Sociability
   d) Composure
   e) Extroversion

3) Not the same as Charisma or Leadership
IX. How do you become an expert?

A. Deliberate practice – Anders Ericsson @FSU
B. 10,000 hour rule – Malcom Gladwell

**QUESTION**: Is repetition enough or must I deliberately practice my weaknesses?

**ANSWER**: Repetition is necessary, but may not be sufficient.
X. Truisms

A. There is no such thing as a fact, only statements of fact and statements are determined to be true or false by the trier of fact.

B. A highly credible source is more effective with low involvement listeners.

C. Credibility is in the eye of the beholder.

D. The perception of credibility can change over time.

E. Credibility is King.
FINALE