

Conducting an Independent Vocational Evaluation

KEN ASKEW, M.S.

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INTRODUCTION

Independent Vocational Evaluations are performed, at least on occasion, by approximately 10% of QRCs registered with DOLI.

DEFINITIONS

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.

DEFINITIONS

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

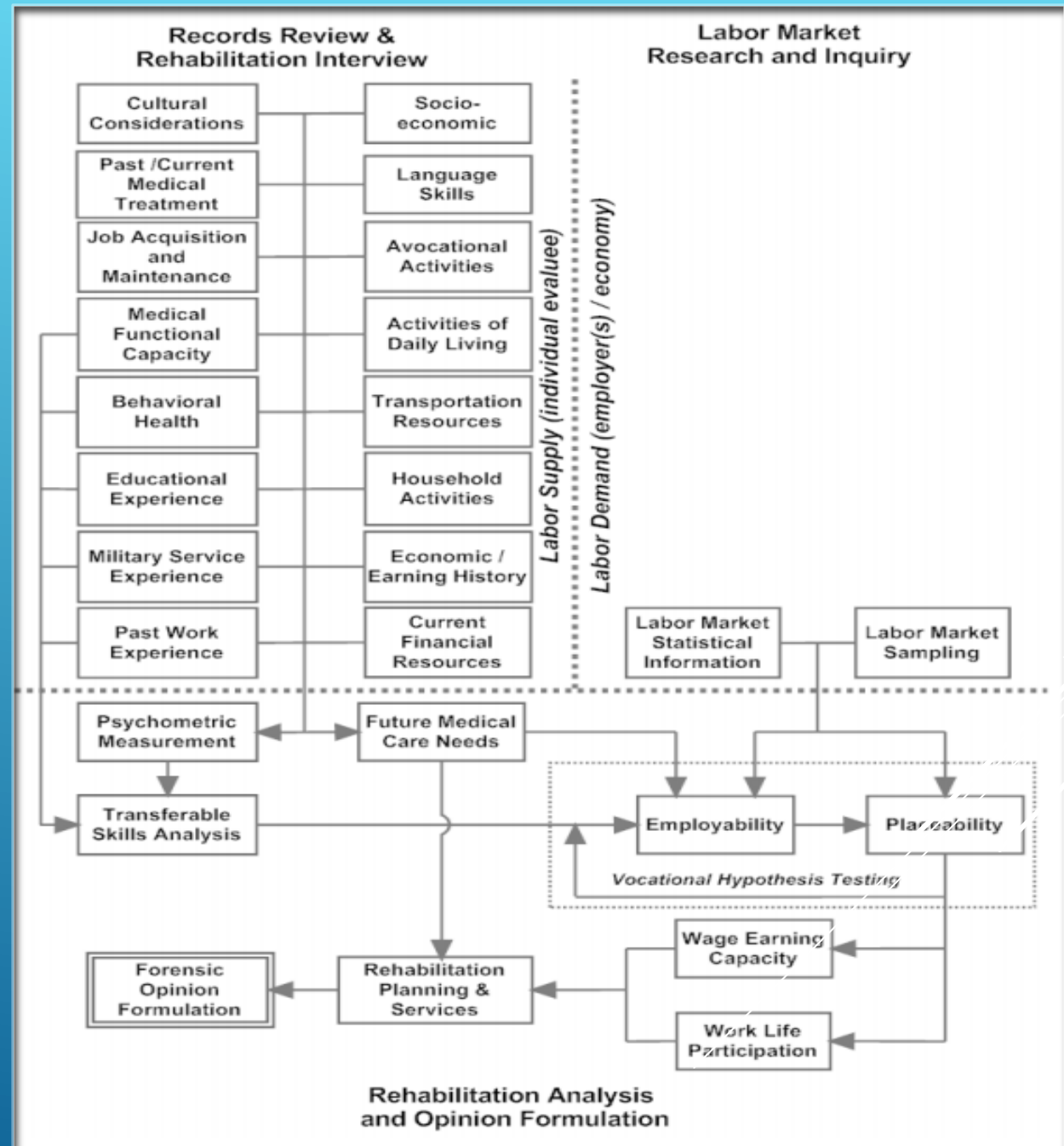
I. Record Review

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

COMPARISON OF DOT VS. O*NET

Comparison of DOT vs. O*NET		
DOT	VS.	O*NET
12,741	Titles	@1,000
72 Worker Traits	Factors	@450 Elements
Scaled Ratings	Measures	Some Scaled Ratings
Generally Quantitative		Very Qualitative
General Testing Applies	Vocational Assessment	Somewhat Impossible
Assessment, Evaluation, Transferability, Job Matching, Guidance	Applications	Guidance & Counseling, America's Job Bank, America's Career InfoNet
GOE, WF, SIC, SOC, Census	Linked Codes	SOC, MO, Census, AJB, ACINET
Growing Obsolescence	The Future	Dynamic, Revision in Progress
Adapted from Weed, & Field, (2001), P.105		

THE PROCESS CONT'D...

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.

THE PROCESS CONT'D...

VI. Report

Identify employability factors, form vocational opinions, and write report.

THE PROCESS CONT'D...

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

THE PROCESS CONT'D...

VII. The Federal System cont'd...

B. Daubert; Joiner; & Kumho

- 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.

THE PROCESS CONT'D...

VIII. What Makes an Effective Expert?

Chart 5: Most Important Traits of Effective Rehabilitation Expert

CHARACTERISTICS	FIRST CHOICE %
Credibility	38.4
Objectivity	15.3
Honesty	11.8
Integrity	11.1
Preparation before Trial	8.5
Analytical Ability	5.5
Prior Experience	5.2
Consistency in Testimony	5.1
Ability to Persuade Others	3.3
Education	2.9
Teaching Ability	2.6
Investigative Ability	2.0
Public Speaking Ability	2.0
Writing Ability	1.0
Physical Attractiveness	1.0
<i>Source: Younger (2005, P. 104)</i>	

THE PROCESS CONT'D...

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

THE PROCESS CONT'D...

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

THE PROCESS CONT'D...

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.

THE PROCESS CONT'D...

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

