

CORE VARIABLES TO BE CONSIDERED IN VOCATIONAL EARNING CAPACITY ASSESSMENT IN LEGAL-FORENSIC SETTINGS

Rick Robinson, Ph.D., MBA
LMHC, CRC, CVE, CLCP, D/ABVE, NCC
PO Box 40050, Jacksonville, FL 32203
Phone: (904) 712-4419
Email: rick@rwrehab.com

Socioeconomic Domain

- Evaluatee Date of Birth
- Evaluatee Criminal History
- Evaluatee Immigration Status
- Transportation Support Provided by Family
- Attendant and Personal Care Support Provided by Family
- Financial Support Provided by Family

Cultural Domain

- Evaluatee Cultural Acceptance of Medical Treatment Recommendations

Education-Compulsory (k-12) Domain

- Highest Grade Completed
- Does Evaluatee Have a High School Diploma or General Equivalency Diploma (GED)
- Course of Study (ie. academic or workforce education)
- Grade Point Average

Education-Vocational and Apprenticeship Domain

- Apprenticeship Training Completed by Evaluatee
- Vocational Instruction-Amount Completed
- Vocational Instruction-Course of Study
- Vocational Instruction-Obsolescence of Training

Education-Higher Education (college) Domain

- Degree(s) Completed
- Highest Year Completed
- Course(s) of Study
- Grade Point Average
- Obsolescence of College Education
- Reason for Leaving School (only if did not complete college)

Education-General Domain

- Participation in Exceptional or Special Education Services
- Computer Software Training the Evaluatee has Attended
- Need for Academic or Training Accommodations
- Records of Academic Testing Completed in School
- Computer Hardware Training the Evaluatee has Attended
- Review of School Records to Corroborate Evaluatee's Reported Education History
- Professional Continuing Education Attended by Evaluatee
- Employer Sponsored In-Service Training the Evaluatee has Received

Past Work-Variables Specific to the Job

- Physical Demands of Job
- Job Duties
- Mental Demands of Job
- Aptitudes Required for Job
- Job Title per Employer
- Interpersonal Demands Required for Job

- Job Title per Dictionary of Occupational Titles

Past Work-Variables Specific to the Employee

- Ending Wage
- Skills Learned on the Job
- Employment End Date
- Employment Start Date
- Reason for Leaving Job
- Experience Required of Evaluatee to Obtain Job

Past Work-Variables Specific to the Employer

- Employer Pay Structure (ie. Salary, commission, bonus)
- Accommodations Provided by Employer

Job Acquisition and Maintenance Domain

- Evaluatee Ability to Sustain or Maintain Employment
- Duration of Time Since Last Employed
- Consistency of Past Employment
- Employer Willingness to Provide Reasonable Accommodations
- Evaluatee Ability to Conduct Job Search Activities
- Evaluatee Demonstrated Job Search Activities
- Alignment of Educational Achievement with Actual Work History

Military Service Experience Domain

- Military Training

Language Skills Domain

- Expressive English Language Skills
- Primary Language Spoken

Medical History and Treatment Domain

- Date of Injury
- Provider Prognosis for Improvement in Medical Condition
- Current Treatment Plan
- Provider Prognosis for Degeneration or Decline in Medical Condition
- Current Treatment Diagnosis
- Prognosis for Pre-Existing Medical Diagnosis(es)
- Pre-Existing Medical Diagnosis(es)
- Current Treatment Symptoms
- Duration of Treatment for Current Treatment Plan (ie. short term or life expectancy)

- Driving Required for Job

- Job Progression with Employer
- Job Promotion with Employer
- Evaluatee Performance Reviews by Employer
- Evaluatee Satisfaction with Job
- Job Promotion Potential with Employer

- Industry of Employer
- Benefits Provided by the Employer

- Employer Expectations of Job Applicant
- Evaluatee Personal Grooming and Hygiene
- Employer Willingness to Provide On the Job Training
- Evaluatee Knowledge of Job Search Strategies
- Alignment of Educational Achievement with Expressed Work Interests
- Alignment of Interests with Actual Work History
- Evaluatee Phase of Career Development

- Type of Discharge

- Receptive English Language Skills

- Orthotics and Prosthetics Included in the Treatment Plan
- Frequency of Current Symptoms
- Evaluatee Compliance with Treatment Plan
- Past Medical Treatment History
- Pre-Injury Symptoms (only if plaintiff had symptoms prior to injury)
- Projected Future Aggressive Treatment (ie. surgical)
- Frequency of Treatment for Current Treatment Plan (ie. monthly, quarterly or annually)
- Potential Future Complications
- Current Medication Side Effects

- Surgeries Completed in the Course of Medical Treatment
- Date of Current Treatment Diagnosis
- Current Medication Name(s)
- Specialty of Medical Provider(s) Involved in Treatment Plan(s)
- Previous Injury(ies) or Accident(s) Evaluatee Involved in

- Dates of Surgeries Completed
- Evaluatee Understanding of Treatment Plan
- Pre-Existing Medication(s)
- Pre-Injury Diagnostic Testing
- Projected Future Diagnostic Testing
- Projected Future Routine Treatment

Medical- Functional Capacity

- Current Medical Opinions of Physical Functional Capacity
- Current Medical Opinions of Cognitive Functional Capacity
- Medical Opinion(s) of Tolerance for Full or Part Time Work
- Medical Opinion(s) of Tolerance to Perform any Level of Work
- Date(s) of Cognitive Functional Capacity Opinions
- Projected Medical Opinions of Physical Functional Capacity (future)
- Date(s) of Physical Functional Capacity Opinions
- Pre-Injury Medical Opinions of Physical Functional Capacity

- Projected Medical Opinions of Cognitive Functional Capacity (future)
- Medical Opinion(s) of Limitations in Sensory System(s)
- Medical Opinions of Pain Related Limitations
- Pre-Injury Medical Opinions of Cognitive Functional Capacity
- Source(s) of Cognitive Functional Capacity Opinions
- Source(s) of Physical Functional Capacity Opinions
- Medical Opinion(s) of Expected Work Absences
- Medical Opinions of Reduced Life Expectancy due to Impairment
- Evaluatee Opinion(s) of Residual Functional Capacity

Behavioral Health Domain

- Evaluatee Motivation to Work
- Effectiveness of Psychotropic Medication Regimen
- Evaluatee Mental Alertness
- Evaluatee Mental Concentration
- Evaluatee Memory Function
- Evaluatee Motivation to Participate in Rehabilitation Services
- Evaluatee Ability to Interact with Others
- Effectiveness of Current Behavioral Health Treatment Plan
- Evaluatee Executive Functioning
- Evaluatee Ability to Cooperatively Work with Others
- Evaluatee Coping Skills
- Behavioral Health Treatment Prognosis

- Evaluatee Abuse or Dependence on Alcohol Products
- Current Behavioral Health Diagnosis
- Current Behavioral Health Symptoms
- Current Behavioral Health Treatment Plan
- Evaluatee Ability to Accept Supervision
- Evaluatee Ability to Work Independently
- Evaluatee Motivation to Learn
- Evaluatee Malingering
- Pre-Existing Behavioral Health Diagnosis
- Evaluatee Expectations for the Future
- Evaluatee Feelings of Catastrophe or Hopelessness
- Evaluatee Tolerance to General Stress
- Evaluatee Ability to Adapt to Unexpected Events or Situations
- Evaluatee Use of Recreational Drugs

Household Activities Domain

- Household Activities Performed by Evaluatee Post-Injury

- Household Activities Performed by Evaluatee Pre-Injury

- Physical Demands of Evaluatee's Household Activities

Activities of Daily Living Domain

- Assistive Devices or Equipment (current)
- Activities of Daily Living Unable to Perform
- Personal Care Attendant Needs

Avocational Activity Domain

- Avocational Training Completed by Evaluatee

Transportation Domain

- Possession of a Drivers License
- Cognitive Capacity to Drive a Motor Vehicle
- Class of Drivers License (ie. commercial)
- Physical Capacity to Drive a Motor Vehicle

Financial Domain

- Does Evaluatee Receive Income from Performing Paid Work

Economic Domain

- Historical Annual Earnings of the Evaluatee

Psychometric Instrumentation

- Cognitive Ability Assessment
- Reading Comprehension Achievement
- Verbal Aptitude
- Numerical Aptitude
- Math Achievement
- Reading Recognition Achievement

Transferable Skills

- Current Licenses and Certifications
- Strength Demands for Proposed Alternative Work
- Dictionary of Occupational Titles Strength Demand(s) for Past Work
- Numerical Aptitude for Proposed Alternative Work
- Reasoning Aptitude for Proposed Alternative Work
- Requirements to Bring Expired Licenses and Certifications Current
- Verbal Aptitude for Proposed Alternative Work
- Fingering Demands for Proposed Alternative Work

- Household Activities Evaluatee Requires Assistance With

- Assistive Devices or Equipment (recommended)
- Activities of Daily Living Physical Demands

- Method or Means of Previous Transportation to Work and Appointments
- Availability of Public Transportation
- Endorsements on Drivers License

- Does Evaluatee Receive Disability Related Income

- Age of the Evaluatee as of the Date of Loss

- Alignment of Psychometric Test Results with Vocational Skills Demonstrated
- Alignment of Psychometric Test Results with Academic Achievement
- Vocational Interest(s) Assessment (acted upon through work history)
- Vocational Interest(s) Assessment (expressed)
- Evaluatee Self Report of Computer Skills

- Handling Demands for Proposed Alternative Work
- Evaluatee Clerical Skills
- Evaluatee Computer Software Skills
- Expired Licenses and Certifications
- Motor Coordination Aptitude for Proposed Alternative Work
- Reaching Demands for Proposed Alternative Work
- Continuing Education Requirements for Current Licenses and Certifications
- Evaluatee Ability to Count Money and Make Change
- Evaluatee Typing Skills

- Evaluatee Sales Skills
- Evaluatee Computer Hardware Skills

Labor Market Statistical Information Domain

- US Department of Labor Statistics
- Definition of Relevant Labor Market

Labor Market Sampling Domain

- Physical Demands of Suitable Jobs
- Licenses and Certifications Required for Suitable Jobs
- Educational Requirements for Suitable Jobs
- Job Duties for Suitable Jobs
- Required Skills for Suitable Jobs
- Commute Distance from Evaluatee's Residence to Suitable Job

Work Life Participation

- Evaluatee Consistency of Past Work as a Reflection of Future Work Participation
- Evaluatee Option to Engage in Part Time or Full Time Work
- Reason for Periods of Unemployment between Jobs (over evaluatee's past work history)

Rehabilitation Planning and Services Domain

- Rehabilitation Interview
- Review of Medical and (or) Behavioral Health Treatment and Consultation Records (current)
- Rehabilitation Training Plan
- Success or Failure in Previous Rehabilitation Services
- Rehabilitation Services Provided to Evaluatee
- Rehabilitation Training Plan Anticipated Dates of Service

Professional Resources Domain

- Employer Job Descriptions
- Evidence Based Research Literature to Support Opinions

Legal Jurisdiction Domain

- Deposition Transcript(s) of Parties Involved in the Action or Cause

- Form Perception Aptitude for Proposed Alternative Work

- US Census Bureau Labor Market Statistics

- Wages for Suitable Jobs
- Anticipated Hiring for Suitable Jobs
- Job Title for Suitable Jobs
- Job Turnover for Suitable Jobs

- Medical and Behavioral Health Treatment Plan Impact on Work Schedule
- Average Duration of Unemployment Between Jobs (over evaluatee's past work history)
- Evaluatee Proximity to Retirement Eligibility
- Evaluatee Post Incident Retirement Plans
- Evaluatee Pre Incident Retirement Plans

- Review of Medical and (or) Behavioral Health Treatment and Consultation Records (pre-existing)
- Rehabilitation Services Evaluatee has Independently Pursued
- Foundation of Opinion(s) of Opposing Vocational Expert
- Functional Job Analysis
- Access to Training Providers and Opportunities
- Rehabilitation Training Plan Accommodation(s) and Support(s)

- Functional Capacity Checklist