

**Toward a Foundation for Determining Loss of Earning Capacity: Transferability of Skills
Definition, Method and Application**

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Abstract. Foundation, method, definition and application of Transferable Skills Analysis (TWS) are developed in detail as the preferred method for establishing the basis for determining future Employability and Earning Capacity. The skills and worker traits possessed by a worker are rooted in the work history and verified by the vocational expert. The work history profile is adjusted using the results of medical, educational and vocational evaluations to establish the residual employability profile of skills, physical abilities, and worker traits as defined by the Department of Labor in the Dictionary of Occupational Titles. With this profile the transfer of skills process searches the occupational database to determine vocational alternatives. The search methodology is based on the U.S. Code of Federal Regulations and involves a complex matrix that confines the search to skills within the same or similar Work Fields (WF) and Materials Products Subject Matter and Services (MPSMS) at or below the associated skill levels defined by the Specific Vocational Preparation (SVP) values in the individual's work history. The adjusted worker trait profile is used as a filter through which occupations selected by the WF-MPSMS-SVP search are subjected, as opposed to other methods that utilize worker traits as the primary search criteria. The authors caution that the TSA process requires the vocational expert's judgment on establishing the work history, adjusting the worker trait profile and interpreting the results.

**The Classic Model of Transferability of Work Skills: Issues Affecting the Accurate Assessment of
Future Vocational Options in Earnings Capacity Assessment**

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Abstract. This article discusses initially the elements of a classic transferability of skills analysis (TSA), and then presents a number of strategies designed to facilitate the effective use of this methodology by vocational experts charged with assessing future earning capacity in civil litigation. In addition, it covers the degree to which transferability of skills parameters influences the pre-injury work histories of persons who were later involved in administrative and/or civil law procedures. The work histories of 258 clients of private rehabilitation services were analyzed using the classic TSA model.

Transferable Skills Analysis: A Common Sense Approach

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Abstract. This article reviews the history of transferability of skills based on government data and offers suggestions for contemporary analysis of future work potential in forensic settings. The article concludes that the O*Net is not a method for transferability of work skills and the rehabilitation professional will continue to rely upon the Dictionary of Occupational Titles and related resources. Further, the basis of transferability is, and will continue to be, a variation of the methodology used for determination of Social Security Disability Insurance benefits.

**Understanding Transferability and Occupational Classifications: Implications for Vocational
Forensics**

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Abstract. Occupational classifications such as Work Field and Materials, Products, Subject Matter and Services (MPSMS) are of particular relevance in the construction of vocational opinions. This article discusses the rationale for the use of occupational classifications in relation to vocational development theory, proprietary rehabilitation, and transferable skills analysis. Research related to the relevance of these classifications is discussed in the context of their use in construction of opinions of employability and loss of earnings capacity.

A Daubert Perspective on Transferable Skills Analysis: A Plaintiff Attorney's Perspective

Tyron Elliott, Esq.

A Daubert Perspective on Transferable Skills Analysis: A Defense Attorney's Perspective

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