

Knowledge Enhancement Seminar Study Guide

1. The Vocational Expert

What is the role of the rehabilitation professional as a vocational expert, and how do different venues impact the required differences with regard to expectations of the expert? What are the needed qualifications, including knowledge and experience of specialty areas? This section provides both specific and general information regarding the role of the vocational expert (in social security, compensation, and legal cases).

Blackwell, T., Field, T., Johnson, C., Kelsay M., & Neulicht, A. (2005). *The vocational expert: Revised and updated*. Athens, GA: Elliott & Fitzpatrick.

Dillman, E. (1987). The necessary economic and vocational interface in personal injury cases. *Journal of Private Sector Rehabilitation*, 2(3), 121-142.

Field, T., Choppa, A., & Weed, R. (2009). Clinical judgment: A working definition for the rehabilitation professional. *The Rehabilitation Professional*, 17(4), 185-195.

Hutchinson, C. (2012). What is an expert witness? Available at www.pli.edu/Content/Treatise/Expert_Witness_Answer_Book

Van de Bittner, G. (2014). Consultation in workers' compensation law. In R. H. Robinson (Ed.), *Foundations of forensic vocational rehabilitation*. New York: Springer.

2. Occupational Information

*Occupational information is in a state of flux or stagnation - depending on one's point of view. The aging Dictionary of Occupational Titles and the O*NET databases are discussed and compared with consideration given to alternation resources. The Heitzman et al. paper is an excellent discussion of the current status of the DOT with recommendations for a reasonable solution. The SSR 00-4p best defines the role of the VE (in SSA hearings) while encumbered with the obsolete DOT.*

Barros-Bailey, M., & Karman, S. (2014). Occupational and labor market information: Sources and application to forensic practice. In R. H. Robinson (Ed.), *Foundations of forensic vocational rehabilitation*. New York: Springer.

Field, J., & Field, T. (2004). *The transitional classification of jobs* (6th ed.). Athens, GA: Elliott & Fitzpatrick.

Heitzman, A., Meltzer, J., Paquette, S., Schneck, G., & Truthan, J. (2009). A call to update the DOT: Findings of the IARP occupational database committee. *The Rehabilitation Professional*, 17(2), 63-84.

McCroskey, B. (2003). *Billy Joe McCroskey's most significant papers on rehabilitation research*. Athens, GA: Elliott & Fitzpatrick.

Dictionary of occupational titles. (1991). Washington, DC: U.S. Department of Labor.

Revised handbook for analyzing jobs. (1992). Washington, DC: Department of Labor.

*Occupational information network (O*NET)*. (1998). Washington, DC: U.S. Department of Labor, Employment and Training Administration.

SSR 00-4p: Titles II and XVI: Use of vocational expert and vocational specialist evidence, and other reliable occupational information in disability decisions. Available at <http://eis.ba.ssa.gov/OP>

U.S. Department of Labor. (annual). *Occupational employment statistics*. Available at www.usdol.gov/oes/

3. Vocational Testing and Evaluation

Vocational testing, assessment and/or evaluation is a critical component in the process of determining functional capacities of a person. Assessment may be an important source of information for the transferable analysis. For further reading assessment and evaluation, consult Maki and Tarvydas (Chap. 11), and Rubin and Roessler (Chap. 9).

Maki, D., & Tarvydas, V. (2012). *The professional practice of rehabilitation counseling*. New York, NY: Springer.

Harwood, K. (2004). A review of clinical practice guidelines for functional capacity evaluations. *Journal of Forensic Vocational Analysis*, 7(2), 67-74.

Power, P.W. (2006). *A guide to vocational assessment* (4th ed.). Austin, TX: pro-ed.

Rubin, S., & Roessler, R. (2012). *Foundations of the vocational rehabilitation process*. Austin, TX: pro-ed.

Walker, J., & Heffner, F. (2011). The importance of testing in forensic vocational disability. *The Rehabilitation Professional*, 19(1), 11-16.

4. Transferable Skills

Transferable skills analysis (TSAs) is an important part of the evaluation process for determining residual functioning, identifying related jobs, and providing the foundation for estimating future lost earnings. Understanding the TSA process and related occupational information is necessary in order to complete this task.

Author (no date). *Certification: Work product criteria*. Santa Cruz, CA: ABVE.

Bast, S., Williams, J., & Dunn, P. (2002). The classic model of transferability of work skills: Issues affecting the accurate assessment of future vocational options in earnings capacity assessment. *Journal of Forensic Vocational Analysis*, 5(1), 15-28.

Dunn, P. L., & Kontosh, L. G. (2002). Understanding transferability and occupational classifications: Implications for vocational forensics. *Journal of Forensic Vocational Analysis*, 5(1), 41-48.

Field, T. (2002). Transferable skills analysis: A common sense approach. *Journal of Forensic Vocational Analysis*, 5(1), 29-39.

Field, T., & Dunn, P. (2014). Transferability of skills: Historical foundations and development. In R. Robinson (Ed.), *Foundations of forensic vocational rehabilitation*. New York: Springer.

Kontosh, L., & Wheaton, J. (2003). Transferable skills analysis and standards of practice: Wherever the two shall meet? *Journal of Forensic Vocational Analysis*, 6(1), 41-48.

McCroskey, B., Streater, S., Wattenbarger, W., Feldbaum, C., & Dennis, K. (1997). Analyzing employability using worker trait factors: Past, present and future. *Journal of Forensic Vocational Assessment*, 1(1), 7-39.

Truthan, J., & Field, T. (in press). Computer-based vocational guidance systems and job matching. In Strauser, R. (Ed.). *Career development, employability and disability: From theory to practice*. New York, NY: Springer.

Truthan, J., & Karman, S. (2003). Transferable skills analysis and vocational information in a time of transition. *Journal of Forensic Vocational Analysis*, 6(1), 17-26.

5. Other Areas of Expertise

Beyond the basics of the rehabilitation process, professionals may specialize in one or more areas of case development and planning. Included in this section are references for estimating lost employment and earnings, life care planning, hedonics, and ADA issues.

Berg, J., & Ehlert, S.S. (2010). Evidence-based vocational analysis: A solution to the "soft science" problem. *Journal of Forensic Vocational Analysis*, 13(1), 23-30.

Brookshire, M., & Cobb, W. (1983). The life-participation-employment approach to worklife expectancies in personal injury and wrongful death cases. *For the Defense*, July, 20-25.

Brookshire, M., & Smith, S. (1990). *Economic/hedonic damages: The practice book for attorneys*. Cincinnati, OH: Anderson.

Dillman, E., Field, T., Horner, S., Slesnick, F., & Weed, R. (2002). *Approaches to estimating lost earnings: Strategies for the rehabilitation consultant*. Athens, GA: Elliott & Fitzpatrick.

Field, T. F. (2008). Estimating earning capacity: Venues, factors and methods. *Estimating Earning Capacity*, 1(1), 5-40.

Field, T. F. (2012). Estimating earning capacity: A historical review. *The Rehabilitation Professional*, 20(2), 51-62.

Field, T. F., & Jayne, K. A. (2008). Estimating worklife: BLS, Markov and disability adjustments. *Estimating Earning Capacity*, 1(2), 75-99.

Horner, S., & Slesnick, F. (1999). The valuation of earning capacity: Definition, measurement and evidence. *Journal of Forensic Economics*, 12(1), 13-32.

McMahon, B. (2010). ADA Amendments Act of 2008: A pocket guide for rehabilitation professionals. *The Rehabilitation Professional*, 18(1), 11-18.

Neulicht, A. T., Riddick-Grisham, S., & Goodrich, W. R. (2010). Life care plan survey 2009: Process, methods and protocols. *Journal of Life Care Planning*, 9(4), 131-200.

Robinson, R., & Pomeranz, J. (2011). The Vocational and Rehabilitation Assessment Model (VRAM): Introduction of an empirically derived model of forensic vocational and rehabilitation assessment. *The Rehabilitation Professional*, 19(4), 91-104.

Shahnasarian, M. (2008). A review of recent circulated publications on earning capacity. *The Rehabilitation Professional*, 16(1), 39-42.

Van de Bittner, E., & Field, T. (Eds.). (2012). Special issue: Diminished future earning capacity. *The Rehabilitation Professional*, 20(2), 49-148.

Weed, R., & Johnson, C. (2006). *Life care planning in light of Daubert and Kumho*. Athens, GA: Elliott & Fitzpatrick.

6. **Federal Rules, Case Law, and Discovery/Testimony** (legal cases and federal rules can be retrieved through Google)

An understanding of the federal rules is both critical and essential for the vocational professional who offers testimony in either hearings (SSA and Compensations venues), and state and federal courts. Especially important is to be knowledgeable of the rules for discovery and testimony. The Supreme Court trilogy (Daubert, Kumho, & Joiner) directly impact the nature of expert testimony with the emphasis being on acceptable methodology and foundations issues.

Daubert v. Merrill Dow Pharmaceuticals, 509 U.S. 579 (1993).

Dominick, B. K. (2004). *Daubert & ADA decisions: Will functional capacity evaluations hold up in court?* *Journal of Forensic Vocational Analysis*, 7, 119-126.

Federal rules of evidence.

Federal rules of civil procedure.

Feldbaum, C. (1997). The Daubert decision and its interaction with the federal rules. *Journal of Forensic Vocational Assessment*, 1(1), 49-73.

Field, T. F. (2006). Vocational expert testimony: What we have learned during the post-Daubert era. *Journal of Forensic Vocational Analysis*, 9, 7-18.

Field, T. (2011). *Federal rule 702 in light of the Daubert, Kumho and Joiner rulings on the admissibility of expert testimony*. Athens, GA: Elliott & Fitzpatrick.

Field, T. (2010). *Admissible testimony and clinical judgment*. Athens: GA: Elliott & Fitzpatrick.

Field, T. (2012). *Expert disclosure: Federal rules of civil procedure 26, 34 & 37*. Athens, GA: Elliott & Fitzpatrick.

General Electric Company v. Joiner, 522 U.S. 136 (1997).

Kumho Tire v. Carmichael, 526 U.S. 137 (1999).

Sutherland, K. (2010). A fifty-state survey concerning the admissibility of expert testimony. *The Rehabilitation Professional*, 18(1), 31-34.

7. **Standards and Ethics**

All professional certifications require both knowledge and application in the area of ethics. Ethics, in and of itself, can help to keep the professional out of "trouble" in situations and issues requiring a correct understanding of what is appropriate and even legal. A good starting point to have a working knowledge of ethics is the ABVE Code and the Commission Casebook.

Author. (2007). *Code of ethics*. Santa Cruz, CA: ABVE.

Barros-Bailey, M., & Carlisle, J. (2014). Professional identity, standards, and ethical issues in forensic vocational rehabilitation consulting. In R. Robinson (Ed.), *Foundations of forensic vocational rehabilitation*. New York, NY: Springer.

Barros-Bailey, M., Carlisle, J., & Blackwell, T. L. (2010). Forensic ethics and indirect practice for the rehabilitation counselor. *The Rehabilitation Professional, 18*(2), 95-102.

Christenson, J. (2011). The ethical implications for insurance rehabilitation practitioners. *The Rehabilitation Professional, 19*(4), 83-90.

Curtis, R. S., Martin, E. D., Graham, G. M., & Sinsabaugh, L.L. The vocational expert and ethics. *Journal of Forensic Vocational Analysis, 9*, 43-48.

Neulicht, A., McQuade, L., & Chapman, C. (Eds.). (2010). *Commission on rehabilitation counselor certification casebook*. Athens, GA: Elliott & Fitzpatrick.

Tarvydas, R., Cottone, R., & Saunders, J. (Eds.). (2010). Special issue on professional ethics. *The Rehabilitation Professional, 18*(2), 43-122.

8. Foundation and Reference Texts

This section addresses issues that are related more to the foundations of forensic rehabilitation consulting. Included here are general references which contain information on medical issues (anatomy, pain, statistics, forensics rehabilitation, life care planning, and employment). These resources are useful as general texts for information on a variety of topics related to the field.

Author. (1993). *Guides to the evaluation of permanent impairment* (4th ed.). Chicago, IL: American Medical Association.

Barros-Bailey, M., Carlisle, J., Graham, M., Neulicht, A., Taylor, R., & Wallace, A. (2008). White paper: Who is the client in forensics? *The Rehabilitation Professional, 16*(4), 253-256.

Brodwin, M., Siu, F., Howard, J., & Brodwin, E. (2009). *Medical, psychological and vocational aspects of disability* (3rd ed.). Athens, GA: Elliott & Fitzpatrick.

Deutsch, P., & Sawyer, H. (1999). *Guide to rehabilitation*. New York, NY: Mathew Bender.

Dillman, E. G. (1998). Interfacing the economic and vocational in personal injury cases. *Journal of Forensic Vocational Assessment, 1*(2), 19-39.

Gamboa, A. (2006). *The new worklife expectancy tables*. Lexington, KY: Vocational Econometrics.

Garner, B. (Ed). (2000). *Black's law dictionary* (7th ed.). St. Paul, MN: West Group.

Ireland, T. (2011). Uses of the American time use survey to measure household services: What works and what does not work. *The Rehabilitation Professional, 19*(3), 111-118.

Richards, H., & Donaldson, M. (2010). *Life and worklife expectancies* (2nd ed.). Tucson, AZ: Lawyers and Judges.

Robinson, R. (Ed.). (2014). *Foundations of forensic vocational rehabilitation*. New York, NY: Springer.

Strauser, R. (in press). *Career development, employability and disability: From theory to practice*. New York, NY: Springer.

Van de Bittner, E., & Field, T. (Eds.). (2012). Special issue on diminished future earning capacity. *The Rehabilitation Professional*, 20(2), 49-148.

Weed R., & Berens, D. (2010). *Life care planning and case management handbook* (3rd ed.). Boca Raton, FL: CRC Press.

Weed, R., & Field, T. (2012). *The rehabilitation consultant's handbook* (4th ed.). Athens, GA: Elliott & Fitzpatrick.