



Winter 2006  
Volume 22, No. 3

Official Publication of the  
American Board of  
Vocational Experts

ABVE 2006 SPRING CONFERENCE  
March 24 - 26, 2006  
Renaissance Ft. Lauderdale - Plantation Hotel

The ABVE Spring Conference, set for March 24-26, 2006, in Ft. Lauderdale, Florida, is in the final planning stage. Dr. G. Michael Graham, Conference Chairperson, said the Spring conference has always collected a wide range of topics and speakers and reflects many threads suggested by the ABVE membership.....this Spring's conference is no different.

**Topics include:** Cross Examination — Techniques That Work; Reading People – the Art Of How Juries Are Selected; Life Care Plan Development With Appropriate Assistive Technology Interface; Is There Junk Science In Vocational Assessments?; The Roles & Responsibilities of the Physician and Vocational Rehabilitation Expert In Objective Assessment of Future Care Needs & Ability To Work and Earn Money (a title that takes way too long to say); Assessing Earning Capacity From An Empirical & Scientific Perspective; Bulletproofing Your Direct Examination Experience; A New Approach To Pre-and Post-Injury Earning Capacity Utilizing the Constructs of the DOT & O\*Net Research and the eDOT Skills Project; How Video Tape Job Analyses Are Produced and Demonstrate Worker Traits Better Than Paper and Pencil Analysis Techniques.

Wowie...one can certainly see that there is a wide variety of topics, but with one common thread.... HOW TO MAKE US BETTER VOCATIONAL EXPERTS. There is truly something here for every level of practitioner and for every level of forensic development among our membership!



Ft. Lauderdale is right on the ocean and has lots of opportunities of fun for the whole family such as the Everglades, airboat rides, alligators, shrimp feasts, water sports and shopping! The hurricane season has concluded and Ft. Lauderdale is ready to make your stay interesting, fun, exciting, efficient and eventful..... and the ABVE conference topics are not too shabby either!! Check the ABVE website ([www.abve.net](http://www.abve.net)) for registration materials.... Full-color conference brochures have been sent out to the membership and Dr. Graham will be batch emailing little reminders of the conference and nudging you to register NOW!

**ADDITIONAL DETAILS ON PAGE 10**

Contents	
Spring Conference - Ft. Lauderdale .....	1
President's Message .....	2
From the Editor's Laptop .....	3
Clearing the Air .....	4
Member Commentary .....	6
Welcome to New Members .....	6
Pitfalls of Short Form Testing .....	7
Job Board .....	7
Science FCE & RTW .....	8
Ethical Q&A .....	9
Ft. Lauderdale .....	10

## American Board of Vocational Experts

### Board of Directors

#### President (2005 - 2007)

Donald Jennings, EdD  
Feasterville, PA  
<mailto:Djenn826@aol.com>  
<mailto:pres@abve.net>

#### President-Elect (2005 - 2007)

G. Michael Graham, EdD  
San Ramon, CA  
<mailto:michael@grahamconsulting.org>  
<mailto:preselect@abve.net>

#### Treasurer (2005 - 2006)

Philip Spergel, EdD  
Jenkintown, PA  
<mailto:pspergel@aol.com>

#### Secretary (2003 - 2006)

Cynthia Grimley, MS  
Lexington, SC  
<mailto:cgrimley@sc.rr.com>  
<mailto:secty@abve.net>

#### Immediate Past President (2005-2007)

Harold Kulman, MA  
Marietta, PA  
<mailto:hvkb@comcast.net>

#### Director-At-Large (2003 - 2006)

Bruce Growick, PhD  
Columbus, OH  
<mailto:growick.1@osu.edu>

#### Director-At Large (2005 - 2008)

Larry Sinsabaugh, PhD  
Richmond, VA  
<mailto:larry@sinsabaughconsulting.com>

#### Director-At Large (2004 - 2007)

Claude Peacock, MEd  
Birmingham, AL  
<mailto:cfpeacock@mindspring.com>

#### Director-At Large (2004 - 2007)

Ron Peterson, PhD  
Payson, AZ

#### Director-At Large (2005-2008)

Billy McCroskey, PhD  
Brooklyn Park, MN  
<mailto:bjmccroskey@juno.com>

#### THE VOCATIONAL EXPERT

##### Editor

Betty Lindsey Hale, MRC  
<mailto:blhale@insightbb.com>

##### STAFF

##### Executive Director

Glenn Zimmermann  
<mailto:glenn@btfenterprises.com>

##### Account Manager

Alan Gale  
<mailto:Alan@btfenterprises.com>

##### National Office

3540 Soquel Avenue, Suite A  
Santa Cruz, CA 95062  
Phone: (831) 464-4890  
FAX: (831) 576-1417  
<http://www.abve.net>

## President's Message

By Don Jennings, ABVE President, 2005–2007



Now that we are coming into the winter months, I hope all of you are busy and have been refreshed and re-energized by the extended summer we have had, at least here on the East Coast.

I would like to talk to you about several different issues:

**Issue #1** is in regard to ABVE conferences. As many of you are aware, the Board recently passed a policy statement, indicating that 51% of all CE credits should be obtained by attending ABVE conferences. Since that policy was passed, there had been much discussion on the list serve and also from the membership at large to specific Board Members, including myself. The two primary concerns seemed to be: A) Financial, and b) the lack of opportunity to obtain CE credits from other vehicles. By the time you receive this article, the December Board Meeting will have been held and, at that Board Meeting, the issue of the 51% of all CE credits was revisited. It is no longer a requirement that 51% of all CE credits be obtained by attending ABVE conferences. It was never the intention of the Board to create any financial hardship or to prevent any members from obtaining CE credits from other vehicles. Rather, it was just a way of trying to enhance the membership. Over the last several years, the Conferences have been well attended and we anticipate that that will continue in the future.

**Issue #2.** Several members have expressed some interest in being a part of the conferences, whether as a speaker or in assisting in coordinating the arrangements for the conference. Therefore, I feel that a general explanation of how conferences are developed and presented would be helpful.

The overall Conference Chairperson, as of a recent Board Meeting, will be the Past President. However, that person will be the individual who is responsible for assigning a Conference Chairperson. The conference chair who will develop, organize, and present the Conference at large. Currently, Harold Kulman is that Past President. Any members, who would like to become speakers or know of individuals who would like to be a speaker can contact Harold. The next two conferences will be held at a) Fort Lauderdale, FL in the Spring of 2006 and b) Philadelphia, PA in the Fall of 2006. There is still time to have speakers placed on the Fall program.

**Issue #3** concerns our Web site. The Web site is up and running and I hope that you are able to use it. If there are any problems encountered with the Web site, contact the ABVE Headquarters office and/or a Board Member. The specific Board Member in charge of the Web site is Larry Sinsabaugh.

**Issue #4.** Many of you are unclear as to the relationship between BTF and ABVE. BTF is the managing and administrative branch of ABVE. They are not part of ABVE, but are actually employed by ABVE to handle our day-to-day operations and the overall administration under the directorship of the Executive Board. The Executive Board vis a vis the membership, is directly responsible for all policies and procedures under which BTF operates with regard to ABVE. Glenn Zimmerman, the Owner of BTF, has provided ABVE with management that has allowed us to progress to the point we have reached today. As many of you were aware, there were other management agencies prior to BTF. At this point, BTF is the agency with which we are aligned and will continue to be so in the foreseeable future.

**Issue #5.** Since the last ABVE Conference in San Francisco, there have been a number of new members. I think that it is very important that the new members be recognized and made to feel at home at these conferences, and on any other occasion where groups of us are able to get together. These members represent the future of our organization and they should be made to feel that they are an important part, and hopefully, contributors to the welfare of ABVE.

CONTINUED ON NEXT PAGE

Vocational Expert

---

## President's Message Continued

**Issue #6.** Since becoming President of ABVE, I have been pleasantly surprised at the number of members whom I hear from on a day-to-day and weekly basis. These are members who do not necessarily have criticism, but have observations and suggestions for ABVE. Without exception, I have found these contacts to be very rewarding to me personally and helpful to the operation of the organization. I would encourage any member who has any concerns about the organization, to contact me or any Board Member. Board Members are representative of the membership and our job is not only to oversee the running of the organization through BTF, but also to be receptive and respond to concerns of the membership. Please do not hesitate to contact any Board Member, including me, if you have any concerns or if you just have some issues you would like to discuss. At this point, I am ending my first year as President, with one year remaining.

## From The Editor's Laptop

**By Betty Lindsey Hale, Newsletter Editor**

Alan Kay, an American computer scientist, inventor, and visionary said that, "The best way to predict the future is to invent it." As we enter 2006, we are presented with a new year of challenges and opportunities in the world of vocationology. Many changes have been planned and are being implemented within the Social Security Administration and Workers' Compensation systems in several states, including California and Texas, have undergone restructuring. Medicare continues to revamp policy that affects the manner in which structured settlements and set aside arrangements are styled in accordance with the Medicare Secondary Payer Statute. The Dictionary of Occupational Titles is nearing the end of its 15-year relevancy period and consistent, valid and reliable functional testing still remains nebulous. As rehabilitation professionals, our expertise is sought in these and other areas in order to provide a bridge over troubled waters whereby the trier of fact may make a more thoroughly informed decision. Although "the times, they are a-changing", we as members of ABVE have a unique opportunity to influence how these changes will affect the world of forensic vocationology. Our professional group has the potential to participate and collaborate with other disciplines and professional organizations in order to educate policy makers and advocate for meaningful and responsible innovations; as contributing trailblazers in the field rather than merely hoping to be able to adapt. Change can be both, frightening and exhilarating. However, I agree with Mr. Kay's perspective and invite you to embrace the changes looming on the horizon and become involved both with ABVE and within your sphere of professional influence to meet these challenges head-on and turn them into opportunities for yourself and to further the discipline of forensic vocationology for the future.

## How Much Should I Charge for my Services?

**By Rosalie Hamilton, the Expert's Expert and author of "The Expert Witness Marketing Book"**  
[www.expertcommunications.com](http://www.expertcommunications.com)

In most instances experts set hourly fees comparable to or slightly more than what they earn in the course of their normal work. If an expert is already a consultant, his hourly rate will be established and he will simply add legal work to the services offered by his existing practice.

If a person is leaving a salaried position to become a consultant, a standard formula is a calculation based on his salary translated into an hourly rate, multiplied by a factor of at least three or four. The exponential factor is to cover overhead expenses, benefits customarily paid by an employer such as insurance premiums and the employer's part of Social Security, and downtime. A self-employed person should make the factor great enough for time to be spent on administrative matters and marketing, as well as for vacation, holidays, and possibly sick leave.

If you are setting up your own practice after having worked for another person or company, make a detailed list of the services that have been provided to you at no cost. You will now have overhead expenses even if you work out of your house and do most of the administrative tasks yourself. Besides needing a telephone and office equipment and supplies, you will have postage and delivery expenses, possibly require office help, and probably will pay more taxes and purchase additional insurance. You will need to invest in marketing and advertising.

Make certain that the final numbers comprising this formula produce a profit in addition to providing a living. Although the consultant can influence profit by varying his productivity and control of expenses, it may be necessary to increase the factor.

If a person going into the forensic field is already self-employed in a profession, he should calculate the hourly value of his time when working full-time in his profession and the corresponding loss when he is not on billable time, e.g., in his office or performing surgery.

Ultimately, your rates should be set by the rule of most businesses, which is, "what the market will bear." If most attorneys who inquire about your services accept your rate as reasonable, it is probably about right. But, remember: If no prospect ever balks at your rate, it is probably not as high as it could be.

The American Board of Vocational Experts, never has and currently does not endorse the use of any specific tests, test batteries, or commercial products.

---

# Clearing the Air

**By Larry L. Sinsabaugh, Ph.D.,**

Member-at-Large, ABVE Board, ABVE Publication and Credentials Chair, Associate Editor, Journal of Forensic Vocational Analysis

Just before and during Thanksgiving week, a series of postings appeared on the IARP listserv, some by ABVE members but mostly by others. These postings started a thread of discussion that I and other ABVE Board members found to be a very negative about the ABVE certification process. Other comments were condescending and patently wrong about the journal. At ABVE, we welcome and invite comments, suggestions and other inquiries. In the Newsletter, we will print letters to the editor. We have such a policy for the journal too. At ABVE we see dialog as good, especially to a healthy organization like ABVE. However, when the information about us is incorrect or is patently wrong and it plays out on another organization's listserv—a response to correct is required. I made such a response. I was also invited to make a comment to the IARP Forensic Board and did so electronically.

ABVE is a good organization. IARP is a good organization. I am a member of IARP as are many of our ABVE members. My thought was that our membership would benefit from my comments, because not all subscribe to the IARP listserv. At ABVE we need to correct misinformation whenever it occurs.

Within the last couple of weeks IARP Forensic Listserv postings have contained misinformation about ABVE, so much so, that I almost do not know where to begin. This is not intended for the purpose of entering into a dialog but to set the record straight and to correct the misinformation.

First, persons interested in the official position of the American Board Vocational Experts (ABVE) are encouraged to look at the website. These are the facts:

The **American Board of Vocational Experts** is the only established body granting board certification, specifically for Vocational Experts, by examination, credentials, professional contribution, and work product peer review, coupled with a minimum number of years experience in practical forensic work in the private and/or public sectors. Board Certification is recognition of advanced specialty status as an expert or

“opinion witness,” and “impartial educator” who collects, evaluates and presents objective evidence for judicial purposes. (Extracted from the ABVE Website, retrieved on November 19, 2005, from <http://www.abve.net/>)

Next, postings about, the ABVE journal have been misrepresented. The journal has been misnamed and references to the editor and editorial practices have in some instances have been misrepresented. Again, here are the facts:

ABVE publishes a journal known as the *Journal of Forensic Vocational Analysis* (JFVA). At the end of February 2005, the ABVE Board tasked E. Davis Martin, Jr., as Editor of the JFVA.

A policy was established and consistent with ABVE Board approval that only members of the ABVE with certification status, at the Fellow or Diplomate level, shall be eligible to become members of the JFVA Editorial Board.

On occasions, individuals having specialized experience or content skills will be invited to serve as a guest editorial board member. These individuals will be recruited and invited to participate whenever a particular manuscript merits such review (including, but is not limited to, specialized new and emerging methodologies, statistics, constructs, or practices).

In spring 2005, the ABVE Newsletter contained an article, any ABVE member who desired consideration to be on or continue on the ABVE JFVA Editorial Board was invited to send a letter of intent and resume to the Editor. A selection was made of those who expressed interest and held certification status of ABVE were included. The ABVE Newsletter goes to all its certified and associate members.

Since the JFVA transitioned to Auburn University, it has a new look. It does not promote implicitly or explicitly any particular university program. Anyone seeking to publish an ideal, concept (theoretical or practical), or research pertinent to vocational expert theory and practice should address their manuscripts to E. Davis Martin, Jr. Editor, JFVA, at Auburn University [E-mail: [martiev@grouppwise1.duc.auburn.edu](mailto:martiev@grouppwise1.duc.auburn.edu) Office: (334) 844-2083].

These are the facts about the journal, I know because I am the *Associate Editor JFVA* and ABVE's Publications Chair.

With regard to certification, ABVE certifies Fellow and Diplomate statuses. It has done so for 25 years. Again, from the ABVE website:

The American Board of Vocational Experts, representing both private and public sectors, was founded in 1980 to preserve the integrity, standards, ethics and uniqueness of the vocational expert. ABVE as a professional certifying body seeks to identify those persons who have met their requirements for certification as Fellows and Diplomates. ABVE also recognizes there are other professionals who are interested and involved in the field who may want an affiliation with ABVE but not certification.

The Board of Directors of ABVE has set forth the following requirements for identifying persons for alternate membership in ABVE:

Associate Member status accorded to individuals who do not otherwise qualify for certification requires a demonstrated interest in the mission of American Board of Vocational Experts. **Benefits of membership include:** Member rate at ABVE conferences; ABVE newsletter; certificate of membership; listing in the ABVE directory; may serve on committees, but may not vote or hold office.

Student Member status accorded to individuals in training and educational phases in the human services field specializing in vocational rehabilitation, psychology, vocational counseling, and other related fields. **Benefits of membership include:** Student rate at ABVE conferences; ABVE newsletter; certificate of membership; may serve on committees, but may not vote or hold office.

When one joins the American Board of Vocational Experts, one joins the premiere organization in the vocational expert field committed to promoting the highest level of professional skill and provision of services.

**CONTINUED ON NEXT PAGE**

Questions, about membership are directed to ABVE Headquarters at (831)464-4890 and to Alan Gale.

(Extracted from the ABVE Website, retrieved on November 19, 2005, from <http://www.abve.net/>)

Third, with regards to credentials, I again refer people to the ABVE Website where a complete and accurate description of the process and procedures are stated; ABVE has set forth the following formalized standards for identifying persons for board certification as Vocational Experts.

#### **Applicants for ABVE certification must:**

A) **Hold a Master's or Doctorate** degree from an accredited institution in human service field specializing in vocational rehabilitation, psychology, vocational counseling, etc.;

B) Have **specific training and experience** in such areas as assessment, functional capacity measures, psychological testing and measurement, job analysis, job placement, job surveys, and have experience providing testimony in these areas;

C) Display knowledge and expertise within a **submitted forensic work product**; and,

D) Attain a **passing score on the ABVE examination**.

ABVE has two certification statuses:

**FELLOW status** requires three years of documented experience in assessment of vocational capacity and vocational expert forensics in addition to the requirements listed above.

**DIPLOMATE status** requires seven years of documented experience in the area of assessment of vocational capacity and vocational expert opinion and demonstration of distinguished performance or recognition as a vocational expert, in addition to the above requirements. This might include the following: published works; leadership position in a professional organization; presentation of papers at professional organization; presentation of papers at professional seminars; and/or sitting on study groups or legislative committees to enhance the professionalism of an organization.

(Extracted from the ABVE Website, retrieved on November 19, 2005, from [http://www.abve.net/certified\\_criteria.html](http://www.abve.net/certified_criteria.html))

ABVE is not affiliated with the Commission on Rehabilitation Counselor Certification, nor does it have to be. ABVE certification has long been recognized as an appropriate standard within the rehabilitation field. ABVE has several hundred members, people who perceived value by holding this certification. ABVE credentials are not for everyone. Moreover, not everyone can qualify for ABVE credentials—nor should they. Individuals seeking ABVE status do so voluntarily, declaring they are willing to under go a formalized process of screening to include a peer review of personal work products by a body of their peers.

Applicants make available to ABVE a completed application packet including an application, a minimum of three letters of recommendations certifying time and experience in a VE setting, three work products (which may include testimony transcripts), and an official transcript from schools and universities attended. A misconception from a recent post suggests only deposition transcript—this is not true and is misleading. The biggest time consuming activity that applicants face is the time waiting to receive letters of recommendations. Much of the time, recommenders do not do so timely. Some applicants must continually remind those who promised to write such letters to do it. This can delay an application from review process, sometimes for months.

Credentials Committee members are selected from the membership from those who have status within ABVE and who agree to apply the standards approved by the board. At present, there are 12 individuals on the committee the status of committee's activities and results have been published in the most recent ABVE newsletter (Summer-Fall, 2005, Volume 22, No. 2). All reviewers follow a standardized and structured review procedure. The validity comes from evidence that is content, concurrent, and construct related. The names of the Credential Committee members are not published on the website, but have been published in the ABVE Newsletter. The JFVA, ABVE Newsletter, and the ABVE website are the official communication vehicles of ABVE.

This year ABVE was able to cut the time of processing completed applications from six months to two weeks. Reviewers read and review all work products before the Credentials Chair makes a final decision. Once an applicant passes the peer review, that person is authorized to be examined. A cut score is set by the Tests Committee Chair. The research for the validity and the validation process of the test has been published in the ABVE journal. Updates for ABVE tests will be forthcoming in a special electronic monograph. Applicants with a successful passing score are certified as either a Fellow or Diplomate. The entire certification process can take up to six months to complete, hardly a major inconvenience to those seeking certification and is in line with the time required by other organizations. The ABVE certification process is one of thoughtful professional reflection, inquiry, and testing.

This is America, people have a right to express their opinions but of late, comments on the IARP Listserv have not only been negative, they have been uninformed, acrid and in one instance appears to have crossed over the line into the unethical. People having issues with ABVE practices and policies need to contact ABVE Headquarters (HQ) to make their opinions known. [ABVE HQ c/o BTF Enterprises, 3540 Soquel Ave. Suite A Santa Cruz, CA. 95062 Phone: (831) 464-4890, Fax: (831) 576-1417].

I am writing to set the record straight with regards to ABVE's purpose, its credentials process and journal editorial board policies. It seems inappropriate to carry on a dialog about ABVE on another association's website. The correct way of handling this is by notifying an ABVE officer or ABVE HQ about any perceived inequities, policies, or practices. To allege or imply implicitly or explicitly the association follows less than professional practices is ethically wrong—it disparages ABVE as an organization. The ABVE organization takes pride in those individuals who have held themselves up for peer review and who have undergone the certification process. Those of us who hold the CRC credential (*CRCC Code of Ethics*, 2002, Section D.7.a) and many IARP members do, understand it is inappropriate to disparage an organization.

## Welcome to the Following New Members

ABVE is pleased to announce that our ranks continue to grow and welcomes the following new members:

**Patricia Ayerza, Portland, OR**  
**Todd Gendreau, Des Moines, WA**  
**Lisa Bartle, Santa Ana, CA**  
**Layne Guinnane, Redding, CA**  
**Holly Berquist, Omaha, NE**  
**Stephanie Hart Howell,  
Andover, MA**  
**Karen Brajenovich,  
San Jose, CA**  
**Shelley Hathaway, Seattle, WA**  
**Cheryl Chandler, Fresno, CA**  
**Marie Kisiel, Winfield, IL**  
**R. Brad Coffey, San Antonio, TX**  
**Eileen Lincicome, Bend, OR**  
**Michael Cruse, Alexandria, VA**  
**John May, Shelburne, VT**  
**Terry Drennan, Sacramento, CA**  
**Jason Miller, Kansas City, MO**  
**Lynn Fox, Honolulu, HI**  
**Dot Moffett-Douglas,  
Mandeville, LA**  
**Lynne Frick, Verdugo City, CA**  
**Judith Najarian, Fresno, CA**  
**Ronald Raketti,  
South Milwaukee, WI**  
**Tracy Remas, San Diego, CA**  
**Rick Robinson, MacClenney, FL**  
**Stephen Schmidt, Medesto, CA**  
**Nancy Segreve, Andover, MA**  
**Lisa Trustin, San Francisco, CA**

## ASSESSMENT OF THE MULTICULTURAL POPULATION

*By Corinne McAuley, M.S.Ed.*

Psychometric testing of individuals from foreign countries where English is their second language can be a difficult experience for both the client and the psychometrist. Using tests that are culture fair are of utmost importance in order to ensure valid results. Despite taking cautionary measures, I have noticed that some foreign individuals do rather poorly on tests of mental ability even with the use of culture fair tests. For example, I tested a woman who had a university degree from India, but she tested out in the low average range of intelligence when I used a test of non-verbal intelligence. She knew how to speak English from an early age. Having been a university student, she must have been exposed to the assessment process at some point. However, she did not test out at an expected level. I have noticed that several confusing anomalies exist with a multicultural population.

A possible explanation for this is that in a North American culture, children play with mechanical or building type toys, such as Mechano, Lego, Tinker Toy, or Lincoln Logs, etc. They learn how to figure out how things fit together early in life, and have gained understanding through the manipulation of shapes and geometric designs. The advantage is that we are programmed from an early age to apply reasoning and logic to solve problems that use abstract designs and shapes. This form of non-verbal intelligence is taken into adulthood.

People from other cultures may have less access to these learning methods, possibly due to impoverished living circumstances, or living in rural areas where there is not as much accessibility to the actual learning experience. Another factor is how much parents are able to support their child's learning. There may not be as much reading and writing materials in the home. One must wonder how well children would perform in school if not obtaining enough exposure to these learning experiences during their formative years.

Another factor to consider is if clients comes from a stressful environment where there is little focus placed on learning experiences. This might occur if coming from war torn countries where terror is experienced on a daily basis, or where there is exposure to domestic violence in the home. We can apply this thinking to various psychometric tests a vocational specialist would administer, such as when assessing clerical aptitude, spatial ability, form perception, or any test that involves problem-solving using abstract designs and shapes.

These are assumptions that need to be tested. If ABVE members can shed further light on this topic, or are aware of research conducted in the field, please pass it on.

**Please note the new contact information for Donna Kisslinger Abram:**

Donna Kisslinger Abram, MSW, CRC, LPC, ABVE  
Concentra Integrated Services  
New phones: (636) 397-4412 x 3005 or (800) 944-9802 x 3005  
New faxes: (636) 397-4549 or (888) 445-5244

# PITFALLS OF SHORT FORM TESTING IN VOCATIONAL EVALUATIONS

By Philip Spergel, Ed.D.

In an article that appeared in the *Professional Psychology/Research and Practice*, 2005, Volume 36, No. 5, 517-518, entitled "Short Forms in Psychological Assessment - Ethical and Forensic Concerns for School Psychology: Comment on Thomson, LoBello, Atkinson, Chisholm and Ryan" 92004), authored by Tony B. Crespi and Natalie N. Politikos, there are significant implications for vocational experts. I have long been critical of vocational experts who use certain short form testing, particularly the Reading Subtest of the Wide Range Achievement Test and the Ammons and Ammons Quick Test of Intelligence. The major issue raised with regard to forensic considerations is the possibility that abbreviated testing could magnify the potential of inaccurately identifying an evaluatee's potential variables for employability. Researchers have questioned the reliability and validity of brief tests with regard to whether or not they have been firmly established. Further, the question of whether or not brief testing is suitable for different cultural groups or, for that matter, individuals with varying disabilities, have yet to be assessed.

The primary benefit of using abbreviated measures, undoubtedly, is the issue of administration time. Short forms, of course, can be administered in less time and, as a result, could have great appeal to the evaluator. Doctors Crespi and Politikos opine that practice guidelines specific to the issues, in our case, a question of transferable skills and employability, are needed. They point out that there might be differences between a screening and an assessment and the purpose for which the evaluation is being used. Guidelines must involve thoughtful consideration of the psychometric limitations of abbreviated testing and using such instruments could become a problem during the testimony of a vocational expert. They cite as an example the following: "Just as an abbreviated medical examination might miss vital material, abbreviated psychological (vocational) assessment tools may similarly heighten the risk of inaccurate diagnosis and placement decisions (our opinions)". The authors point out the fact that this was of great importance for individuals who use tests in the identification of transferable skills to support their testimony.

## Journal Guidelines Available

Those interested in submitting manuscripts for *The Journal of Forensic Vocational Assessment* can request specific guidelines from:

E. Davis Martin, Jr.

Phone: (334) 844-2083

email: [martiev@auburn.edu](mailto:martiev@auburn.edu)

## Job Board

The ABVE Newsletter will run Job Board ads free of charge for members and their businesses. Non-members may list a Job Board ad based upon our established advertising rates.

Well established specialty vocational firm seeking CRC's, CVE, LPC or ABVE in western-central MA & CT territory, conducting WC, PI, EL employability evaluations, testimony and voc. case management of WC, disabled Veteran and career counseling referrals. Testing and job placement exp. req'd. Highly comp. package, growth opportunity.

Send CV to CRC SERVICES,  
P.O. Box 61148, Longmeadow, MA,  
01116. PH: 413-567-5871, FX: 413-567-1291,



## Advertising NEW to The Newsletter

The ABVE Newsletter now accepts selected advertisements. Although ABVE does not endorse any product or service from our advertisers, advertising sales benefit our entire membership. If you work with a professional or organization who's products or services would benefit others in our membership, please encourage the business or individual to contact Betty Lindsey Hale at [blhale@insightbb.com](mailto:blhale@insightbb.com) about advertising in the Newsletter.

---

# Science Functional Capacity Evaluations & Return to Work Issues

*By David Randolph, M.D., M.P.H., F.A.A.D.E.P.*

## **I Introduction**

In an attempt to objectify return to work issues functional capacity evaluations have been provided as a means of “scientifically” verifying an individual’s ability to perform work activities. This article will address an overview of contemporary functional testing and discuss the value of such testing in return to work issues.

## **II Contemporary Issues**

There remains a significant problem with communication of medical information in the assessment of an individual’s ability to return to work. Functional capacity evaluations have been provided as a means to address this issue.

Anyone remotely familiar with this as a concept will understand that functional capacity evaluations are highly variable in terms of not only their relevance but also their scientific validity, reliability, objectivity and usefulness to a medical professional attempting to establish work capabilities. Unfortunately, all too often attempts at determining an individual’s abilities to perform work activity becomes based upon a series of statements regarding an individual’s activity tolerances. These statements are simply reflections of guess work sometimes flavored with secondary gain issues. These statements cannot be corroborated. Similar statements provided by Healthcare providers may similarly be of limited value. Hence, the concept of a formalized and objectified test, which is commonly referred to as the

functional capacity evaluation. While in theory this functional capacity evaluation should help us over the hurdles of guess work with respect to functional ability. All too commonly the information which is provided is muddled by commercially provided functional tests which often are of limited value.

## **III Who Performs Functional Testing and Under What Circumstances?**

There are no professional standards or training mandates with respect to the performance of functional capacity evaluations. These tests are usually not performed under the direction of a medically trained physician and are often generated from various rehabilitation facilities by individuals of variable clinical backgrounds. In general terms the higher the level of scientific credentials the more likely that the functional test will pass muster. The best recommendation is to seek a well known professional in your geographic area, establish a professional relationship with that organization or individual and discuss needs with respect to a given evaluation.

## **IV How Do I Recognize a Good Functional Capacity Evaluation?**

The quality of the information necessitates a certain amount of scientific “jargon” to be built into the functional capacity report. In general the functional capacity evaluation should contain clinical historic information, physical examination information, a review of some pertinent clinical medical records and a summary statement with respect to

the performance of the evaluation. The participation by the examinee and the examination process, the relative level of participation of the examinee and observations with respect to an individual’s ability to return to some form of work with statements regarding the need for restrictions and/or cautions.

Beware of the evaluation which is lengthy, fraught with tables, graphs, charts and jargon but contains no clinical information or information of value to someone trying to assist an individual to return to meaningful work. Equally, beware of the report generated by a computer with statements indicating that the validity is assured based upon its computer based operations. Usually such is not the case and a functional test of this nature will not withstand a medical or legal challenge.

Recommendations are also made to have the functional capacity evaluation interpreted by a medically trained physician skilled and knowledgeable in the arena of occupational or physical medicine. Raw data should always be included in the report even though its value may be limited initially. If a challenge is later provided against the functional capacity evaluation the raw data will aid in support or rejection of the report as meaningful and valid.

## **V How Can I Use the Functional Capacity Evaluation to Return an Individual to Work?**

The value of a relationship with a facility which performs these functional capacity evaluations (often this is a physical therapy/

**CONTINUED ON NEXT PAGE**

rehabilitation program) becomes of paramount importance under these circumstances. A personal relationship with the physical/occupational therapy department will be of tremendous value for the vocational expert seeking to delve into these specific issues. A brief phone conversation with the evaluator can prevent future problems or confusion with respect to the FCE report. In other words simply talk to and/or meet with the physical/occupational therapist performing the test and discuss exactly what is needed from your standpoint in order to address the individual's ability to return to work.

The physical/occupational therapist in the prepared report should provide historic information and medical records as well as diagnoses and stipulations with respect to work capabilities. Safe activity tolerances can be gauged and reported in a properly performed functional capacity evaluation. The report itself should contain validity measures and statements by the examiner that participation was (or was not) consistent. Reports of pain or limited function should be accompanied by documentation of vital signs and indications as to whether body mechanics, etc. supported complaints of functional inability.

It would also be helpful for the vocational expert to establish (if you haven't already) a working relationship with an occupational physician or physiatrist who is familiar with the medical assessment of disability. If this process from a medical standpoint is unfamiliar to you, I would encourage you to contact the central office of the American Academy of Disability Evaluating Physicians (AADEP) at (1-800-456-6095) to find the name and phone numbers of such physicians in your geographic area.

## VI Conclusions

Functional capacity evaluations can be of value in helping an individual return to work. However, as there is little published validity with respect to functional capacity evaluations, the vocational expert should become familiar with the mechanics of the performance of this test and associate with a rehabilitation center (usually in concert with physical/occupational therapists) who perform such tests on a regular basis. Similarly, an ongoing relationship with a medically trained physician knowledgeable in the medical assessment of disability would be equally beneficial.

## Future ABVE Conferences

Mark Your Calendars Now!

Spring, 2006: Ft Lauderdale, FL

Fall 2006: Philadelphia, PA

Spring 2007: Scottsdale, AZ

Fall 2007: Toronto, Canada

## Ethical Questions & Answers

By Rosalyn Pierce, M.A., C.R.C., C.D.M.S., N.C.C., C.C.M., L.R.C.

**Q.**

A group of vocational experts have congregated outside a hearing room conversing. V.E. Smith exits to testify at a hearing. V.E. George remarks that V.E. Smith is the opposing expert on a case that he is working on. He continues by stating that V.E. Smith's reports suck and is a lightweight and that he is going to destroy him on paper and in court. How should the professionals who witnessed the remarks respond, if at all?

**A.**

The American Board of Vocational Experts Code of Ethics **R3.7** states, "Vocational experts who know of a potential ethical violation committed by another vocational expert will attempt to resolve the issue with the alleged offending vocational expert, when the misconduct is of a minor nature and/or appears to be due to lack of sensitivity, knowledge or experience. If the violation does not seem amenable to an informal solution, or is of a more serious nature, vocational experts will bring it to the attention of the Ethics committee of the American board of vocational Experts. If the alleged offending vocational expert is not a member of ABVE, the information will be forwarded to the appropriate professional group to which the offending vocational expert belongs". The American Board of Vocational Experts Code of Ethics **R3.1** quotes, "Vocational experts in their oral statements or written reports will address differences of opinions with other vocational experts in a professional, honest and straightforward manner. Personal affronts are strictly forbidden. Vocational experts in discussing the work of other vocational experts will also do this in a professional manner".

---

## With sun kissed beaches, outdoor cafes, shopping galore and exciting attractions just minutes away, it's easy to trade airport blues for sunny hues.

Here are some ways to play before your flight home.

**LAS OLAS BOULEVARD** Downtown Fort Lauderdale Take a leisurely stroll, people watch, sip a cappuccino at an outdoor cafe or shop the chic boutiques along **Las Olas Boulevard**, a sophisticated mile of fashion, art and sidewalk cafes. Stop by **Stranahan House**, a preserved 1900s house furnished with antiques of the era. Or "follow the red brick road" of Riverwalk, the landscaped park, to the Arts & Entertainment District. Taxi from **Port Everglades**: \$11-16 for 15-min ride.

**RIVERWALK ARTS & ENTERTAINMENT DISTRICT** Downtown Fort Lauderdale (954) 468-1541 The heart of downtown Fort Lauderdale is comprised of shopping, dining, waterfront parks, and cultural attractions — the Broward Center for the Performing Arts, Museum of Discovery & Science, Florida Grand Opera, Historic Second St., Old Fort Lauderdale Museum of History, Museum of Art, Fort Lauderdale International Film Festival, and Stranahan House. All are along brick-lined Riverwalk, a meandering promenade that runs along the New River. The 22-block district includes chic Las Olas Blvd. and Las Olas Riverfront, the entertainment complex. Taxi from **Port Everglades**: \$11-16.

**BEACHFRONT PROMENADE** Fort Lauderdale Beach Boulevard (954) 760-9570 Only two miles north of Port Everglades, you can experience the landscaped beachfront promenade with its signature white wave wall and brick paved path. Across the street, visit **Beachplace** for casual fun, shopping, dining, and entertainment. Taxi from **Port Everglades**: \$11-16.



**BOAT TOURS ALONG INTRACOASTAL WATERWAY & MILLIONAIRE'S ROW** **Water Taxi** (954) 467-6677 Scheduled service from 10am. Closest docks to Port are Marina Marriott and Hyatt Regency Pier 66, both on 17th St. Call for schedule. **Jungle Queen Riverboat** (954) 462-5596 Bahia Mar Yacht Center on A1A. 3-hour narrated sightseeing cruise. Daily 10am and 2pm. Adults \$12.95, under 10 \$8.75. Taxi from **Port Everglades**: \$11-16 for 15-min ride. **Riverfront Cruises** (954) 463-3440 Las Olas Riverfront 1 1/2-hour sightseeing cruise. Every 2 hrs from 10:30 am-8:30pm. Adults \$14, kids 3-10 \$8. Taxi from **Port Everglades**: \$11-16.

**IGFA FISHING HALL OF FAME & MUSEUM** 300 Gulfstream Way, Dania Beach (954) 922-4212 World-class state-of-the-art facility includes seven galleries, an outdoor marina, living wetlands, a theater and indoor/outdoor demonstrations. Open: daily 10am-6pm. Adults \$4.99, Seniors \$4.49, Children \$3.99. Taxi from **Port Everglades**: \$11-16 for 15-min ride.

**BONNET HOUSE MUSEUM & GARDENS** 900 N. Birch Rd., Fort Lauderdale (954) 563-5393 Just about two miles away, nestled between the beach and the Intracoastal waterway, is Bonnet House, a 35-acre historical estate that was once home to artists Frederic and Evelyn Bartlett. Learn about Fort Lauderdale's history, art, nature, and a true love story between two artists. Open: Wed.-Fri. 10am-3pm, Sat.-Sun. noon-4pm, Closed Mon., Tues. and Holidays. Adults \$9, Seniors \$8. Taxi from **Port Everglades**: \$11-16 for 15-min ride.

**SAWGRASS MILLS MALL** 12801 West Sunrise Blvd., Sunrise (954) 846-2350 The world's largest discount and entertainment mall features over 300 designer outlets, specialty shops and restaurants. Don't miss the Oasis, the outdoor wing at Sawgrass Mills with restaurants including Hard Rock Cafe, Wolfgang Puck Cafe, Cheesecake Factory and Legal Seafoods. Allow at least three hours to experience this shopping mecca. Taxi from **Port Everglades**: \$35 for 30 min. ride **SWAP SHOP** 3291 W. Sunrise Blvd., Fort Lauderdale (954) 791-7927 The Swap Shop is the largest outdoor/indoor flea market in the U.S., featuring more than 2000 vendors selling new merchandise plus video arcade, plants, **carnival rides and farmers market**. Free daily circus. Bring your taxi receipt to the indoor reservation desk on the top level and receive a \$10 reimbursement. Open Mon.-Thurs. 9am-5:30pm, Fri.-Sun. 8am-6:30pm. Free Taxi from **Port Everglades**: \$13-18 for 20-min ride.

**THE GALLERIA** 2414 E. Sunrise Blvd., Fort Lauderdale (954) 564-1015 For more shopping adventure just off of Fort Lauderdale Beach, the Galleria Mall offers over 120 stores on three levels of shopping, including Neiman-Marcus, Saks Fifth Avenue, Macy's, Sharper Image and Ann Taylor. Taxi from **Port Everglades**: \$11-16 for 15-min ride.

**DOWNTOWN HOLLYWOOD** Harrison St., Hollywood Blvd. and Young Circle, Hollywood (954) 921-3016 This newly revitalized downtown, just minutes south of Port Everglades, is a great place to stroll, grab a bite to eat and take in Hollywood's distinct personality. Browse art galleries, boutiques and sidewalk cafes. Taxi from **Port Everglades**: \$13-18 for 20-min ride.

**HOLLYWOOD BEACH BROADWALK** A1A between Sheridan St. and Hollywood Blvd. Skate, walk, bicycle or jog along this wide 3 1/2 mile long paved Broadwalk along Hollywood Beach. Restaurants and shops can be found along the way. In-line skate and bike rentals, including unusual 6 person bicycles are available. Taxi from **Port Everglades**: \$11-16.

