**Auburn University Syllabus**

1. Course Number: RSED 7310

Course Title: Proprietary Rehabilitation

Credit Hours: 3 Semester Hours

Prerequisites: Graduate Standing / Admission into Forensic Certification Program

Instructor: Michael McClanahan Ph.D.

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Live instruction 4:00-6:30 p.m., Wednesdays (ZOOM & Panopto)

2. Date Syllabus Prepared: August 2024

3. Text: Weed, Roger & Field, Timothy (2012). Rehabilitation Consultant’s Handbook. 4th Revised Edition. Elliott & Fitzpatrick, Inc., Athens, Ga.

4. Course Description:

This course is an overview of private sector vocational rehabilitation – with an emphasis on vocational evaluation. The student will be acquainted with the role and function of vocational evaluation, case management, and vocational expert work in workers’ compensation, personal injury, social security, and other litigated cases.

5. Course Objectives

The primary objective of this class is for students to develop an understanding of the professional and business practice of being a Vocational/Rehabilitation Expert, including:

* 1. To gain a working knowledge of theoretical and practical process models of private practice in settings involving litigation.
  2. To develop a working knowledge of the disability determination process in various sectors (i.e., worker compensation, personal injury, Social Security) often found in forensic rehabilitation service delivery systems.
  3. To develop the skill of critically analyzing professional efforts of professionals in fields other than Vocational Experts while not violating the “one profession shall not serve as a conduit to another profession” rule.
  4. To develop an understanding of the Vocational Expert’s role in Social Security Disability Hearings, Worker Compensation cases, and Personal Injury Cases.
  5. To understand the difference between hypothetical and fact-based questions.
  6. To develop a working knowledge of performing a transferability of skills analysis.
  7. To develop skill at performing a labor market access and wage loss analysis.
  8. To develop an appreciation and skill for conducting vocational interviews.
  9. To understand various techniques and strategies for presenting cases from the expert witness stand.

**Course Content and Tentative Course Schedule**

|  |  |  |
| --- | --- | --- |
| Week | Topic / Exams | Reading / Assignments Due |
| 1  8/21/2024 | *What is a Forensic Practice in Rehabilitation?*  A Behind the Curtain Look at the Last two Weeks of Practice  “Clean Shirts” - Economics of Forensic Private Practice  Skilltran & Oasys  Class Orientation: Goals, Objectives, Tests, Assignments, Expectations | Assignment this week:  “What I Bring to the Vocational Expert Practice.” [5 points]. Read Chapter 11    Go to Skilltran website, review **Job Browser Pro Web:** Video   [Introduction](https://vimeo.com/549072965/34243ea8fd) (25 minutes) |
| 2  8/28/2024 | *Models for Forensic Vocational Evaluation*  Case Study  McClanahan’s Model | **“Assignment 1. What I Bring to the Vocational Expert Practice.” DUE**  **[5 points]**  Assignment:  Read Chapters 1 & 2  Appendix E  Appendix K: Interview Worksheet, Functional Considerations Checklist  Functional Capacity Checklist |
| 3  9/4/2024 | *Social Security: A Hypothetical Reality*  Skilltran & Oasys  File Review  Analyzing PRW  Transferability of Skills  Hypothetical Questions & Real Answers  Tricks of the Trade | Assignment:    Review VE HANDBOOK that is in Handouts File on Canvas  Appendix K: Transferability of Skills Worksheet |
| 4  9/11/2024 | *Social Security:* *A Hypothetical Reality* (continued )  Case Study  Demonstration | Assignment - 2. Vocational Expert Role in Worker Compensation Cases in my state [5 points]  Assignment:  Read Chapter 6    Log onto Skilltran; do searches |
| 5  9/18/2024 | *Workers Compensation: A Doctrine of Sameness*  Case Study  Alabama Model - Vocational Disability Ratings (VDR)  Rehabilitation Model  Other States | **Assignment - 2. Vocational Expert Role in Worker Compensation Cases in my state [5 points] DUE**  Assignment:  Read Chapter 3  Skilltran: **OASYS Web:** Video    [How to run a Transferable Skills Report](https://vimeo.com/547742939/0a69faaeb9) (18 minutes) |
| 6  9/25/2024 | *Workers Compensation: A Doctrine of Sameness* (continued) – Guest:  Mr. Sam Ingram, Attorney at Law  ***What a Defense Lawyer Looks for in a Vocational Expert*** | Assignment:  Read Chapters 4 & 5  **3. Job Browser & Oasys Social Security**  **Due [5 points]** |
| 7  10/2/2024 | *Staying in Your Lane When Venturing Out*  Case Study  Physicians  Functional Capacity Evaluations | **44. Job Browser & Oasys for Work Comp Due [ 5pts]**    Prep for Exam #1 |
| 8  10/9/2024 | **Quiz #1 [25 points]**  **\*Quizzes are online for all students\*** | Assignment:  Read Chapter 10  Appendix J |
| 9  10/16/2024 | *Personal Injury: Jury Deliberation*  A Life Care Plan - Case Study  Guest: Ms. Camie Hawkins, Certified Life Care Planer  ***Life Care Plans and Personal Injury*** | Assignment:  Read Chapter 7  Log onto Oasys program. Run searches |
| 10  10/23/2024 | *Personal Injury: Jury Deliberation*  Case Study  Worklife Expectancy  Wages  Benefits | Assignment:  Read Chapter 8 |
| 11  10/30/2024 | *Personal Injury: Jury Deliberation*  Guest: Mr. Jeremy Knowles, Attorney at Law  ***Do’s & Don’ts of Vocational Experts*** | Assignment:  Read Chapter 9 |
| 12  11/6/2024 | *Wrongful Death from the Insured’s POV*  Case Study  Rehabilitation Research  Hypothetical Approach | Assignment:  Appendix C, F  **55. Job Browser & Oasys for Personal Injury Assignment Due [5 pts]** |
| 13  11/13/2024 | *The Vocational Expert in the Courtroom*  Pre-trial preparation  Prepping the Lawyer - List of questions  Accommodation strategies | Assignment:  Read Chapter 12 |
| 14  11/20/2024 | *Hanging Up Your Shingle: Forensic Markets beyond “The Big Three”*  LTD  Divorce  Employment Law  VA  Corrections  Other | Assignment:  Enjoy Thanksgiving Holidays |
| 15  11/27/2024 | NO CLASS - THANKSGIVING WEEK | Prep for Exam #2  **6. Personal Injury Report & Rebuttal [25 pts] Assignment Due** |
| 16  12/4/2024 | **Quiz # 2 [25 points]**  **\*Quizzes are online for all students\*** |  |

**Course Requirements, Assignments, & Grading:**

Course assignments are due on the dates specified. When assignments are turned in late without an approved absence/excuse, scores for the assignments(s) will be reduced by two (2) points per day with no assignments accepted more than one week past the due date (refer to the Class Policy Statements in this syllabus for information about excused absences and make-up assignments). Students in this course are required to complete the specified course requirements.

|  |  |
| --- | --- |
| **Assignments / Quizes:** | Points |
| 1. What I Bring to the Vocational Expert Practice | 5 |
| 2.Voc Expert Role in Work Comp Cases in my State | 5 |
| 3. Job Browser & Oasys for Social Security | 5 |
| 4. Job Browser & Oasys for Work Comp | 5 |
| Quiz #1 | 25 |
| 5. Job Browser & Oasys for Personal Injury | 5 |
| Quiz #2 | 25 |
| 6. Forensic VE Report & Rebuttal | 25 |
| **Total** | **100** |

**Grading Scale**

|  |  |
| --- | --- |
| A 90-100% |  |
| B 80-89% |  |
| C 70-79% |  |
| D 60-69% |  |
| F Below 60% |  |

**Course Assignments, Requirements, & Evaluation:**

**[All of the assignments listed in this syllabus are subject to further development. What is included here is a synopsis]**

**1.**What I Bring to the Vocational Expert Practice [5 pts]

This is my opportunity to get a first impression of you. Please write a single-spaced, one-page paper (no more than one page, please) and respond to the following questions:

1. Please give a brief description of your education and work experience. Please do not attach a CV. I would like a thumbnail sketch in narrative form.

2. Why are you taking this course? What do you hope to get out of this course?

3. Have you worked as a Vocational Expert?

4. Are you familiar with transferability of skills? To what extent?

5. Have you used job search software?

6. Are you familiar with Department of Labor exertional categories, skill levels, and worker trait factors?

7. Where in the world of work do you see yourself in five years? Ten years?

8. Identify three things that you bring to the table that would help you as a forensic rehabilitation professional.

9. Make sure to include your name!

**2. Vocational Expert Role in Worker Compensation Cases in My State [5 pts]**

Your assignment is to provide a one-page description of the Vocational Expert’s role in worker compensation cases in your state of residence. This description should include a brief summary of the work comp laws in your state, and then describe the role of the Vocational Expert. You may join with others in the class and submit it as a group report, but you are welcome to go it alone as well. It is recommended that you gather information informally. In other words, if you know a person in your state who provides worker compensation assessments or case management, ask that person. If you do not know anyone, pick up the phone and call lawyers’ offices who advertise. Or ask around in any way you can to get the information. If your state has no use of a Voc Expert in work comp cases, say so. Your default will be Alabama’s worker compensation system that I will review in class. Please do not submit internet lifted information.

Please use 12 point font, Times New Roman. Single spaced. This is not a term paper. I do not care about margins, but I will count off if either page is more than one page. I recommend a series of bulleted statements that summarize your assessment. This is not APA style. The work on this assignment will be graded on content.

This is a 5 point assignment.

**3. Job Browser & Oasys for Social Security**

For this assignment, you are to prepare one case for VE testimony. To accomplish this, make a 6x8 (6 across, 8 down) table. Across the top of the table, left to right, the labels should be: Job Title, Dot number, Exertion, SVP, Skill, Claimant Exertion.

Now, insert the job titles from the attached SSA-3369-BK. In the last column, put the exertional level at which the claimant performed the job. This will be one of: S, L, M, H, V. The amount the claimant lifted on the job is described on each page describing the job. Notice that there is no description for one of the jobs. List it on the form anyway (this happens a lot).

Next, go to Skilltran.com. Your ID or Username is Auburn2, and PW is WarEagle1. When you need to do the transferability of skills, your user name is Auburn1. PW is same.

Locate each job using the search engine on the Skilltran website. Fill in the table with the information required. Assume that the last job listed was performed as described in the DOT. Also assume that the server is server, informal.

Respond, in writing to the following hypothetical questions:

H1 Assume a hypothetical individual who is 47 years old with a HS Diploma. This person can perform Medium work, unskilled. Can the person perform past relevant work. If so, which jobs? For the jobs eliminated, please explain why.

H2 Assume the same hypothetical individual who can perform Light work, unskilled. Can the person perform past relevant work. If so, which jobs? For the jobs eliminated, please explain why.

H3 Assume the same hypothetical individual who can perform Sedentary work, unskilled. Can the person perform past relevant work. If so, which jobs? For the jobs eliminated, please explain why.

H4 Assume the same hypothetical individual who can perform Light work, unskilled. In addition, this person can occasionally squat, stoop, kneel, crouch and crawl. In addition, this person cannot work in environments where there is more than Moderate background noise. Can the person perform past relevant work. If so, which jobs? For the jobs eliminated, please explain why.

H5 Assume the same hypothetical individual who can perform Medium work, unskilled. In addition, this person can occasionally squat, stoop, kneel, crouch and crawl. In addition, this person cannot work in environments where there is more than Moderate background noise. Can the person perform past relevant work. If so, which jobs? For the jobs eliminated, please explain why.

H6 Assume the same hypothetical individual and the assessment of the PRW you described. Are there transferrable skills that transfer to Light work? If so, identify 1 to 3 jobs that each of the jobs in this claimant’s PRW would transfer to. In your answer, make sure that the SVP of the jobs in the claimant’s PRW is at least a 4.

H7 Now reconsider H4. List three DOT job titles that are consistent with this hypothetical. Then give the incidences in the U.S. economy of each of the jobs. Make sure that the incidences reference full time employment only.

H8 In all of your answers above that you said the person could work, could that hypothetical individual work if she was absent 4 days per month?  
   
H9 In all of your answers above that you said the person could work, could that hypothetical individual work if she was off task 20% of the work day?

Please use 12 point font, single spaced. No more than 4 pages. I will count off if you go beyond the page limit. Grammar, syntax, etc. not an issue here.

[AU SSA-3369 Forensic Class Assignment.pdf](https://auburn.instructure.com/courses/1379952/files/183032071?wrap=1)[Download AU SSA-3369 Forensic Class Assignment.pdf](https://auburn.instructure.com/courses/1379952/files/183032071/download?download_frd=1)



**4. Job Browser & Oasys for Work Comp** [5 points]

This is a case of a 46-year-old female who was working as a Registered Nurse. She was working in an emergency shelter that was set up to accommodate Covid 19 patients when she slipped while assisting a patient onto a gurney and injured her back. She went through the usual course of conservative treatment (i.e., pain medications, physical therapy, graduated RTW schedule), and ultimately underwent a lumbar fusion. The procedure went well. She underwent a FCE that indicated she is capable of Light work with the ability to occasionally stoop, kneel, crouch, and crawl. She cannot climb or balance. She was earning $29.00 per hour, and working 55 hours per week.

1. Please identify the plaintiff’s PRW of RN as found on Job Browser Pro. You will find the best match is Nurse, General Duty. What is the DOT#, Exertional category, and Physical Demands?
2. Based on the FCE, can she RTW as an RN?
3. Conduct, via Skilltran, a search of the numbers of jobs in the DOT she could have performed before she was injured. Set the maximum physical abilities of the search as her PRW. In other words, if an RN in the DOT is a Medium job, set the search parameters at Medium. Do the same with the other physical demands. How many jobs are there?
4. Now run a second search based on the FCE results using the same methodology as #3 that is based on PRW. How many jobs in the DOT are there?
5. Based on those two LMA searches alone, what percentage of jobs can this plaintiff no longer perform that she could have performed had she not been injured?

To complete this assignment, you will need to go to Job Browser Pro. Locate the correct job in the plaintiff’s PRW and record the physical requirements. Then conduct a Worker Trait Factor (WTF) search of all the jobs that are in the DOT based on the plaintiff’s ability to work as an RN. Record that number. Then go back in and adjust the search parameters based on the FCE. Record that number.

This is a one-page assignment. Twelve-point font, single spaced. Simply answer the five questions above.

The answer to #1 is the Job Title, DOT#, Exertional Category, and Physical Demands

The answer to #2 is either “Yes” or “No.”

The answer to #3 is the number of DOT jobs she could perform preinjury based on her PRW

The answer to #4 is the number of DOT jobs she could perform postinjury based on the FCE

The answer to #5 is a number. It is the number of jobs she could perform based on the FCE (#4 above) divided by the number of DOT jobs she could perform preinjury based on her PRW. Subtract that number from 1 and then multiply it x100%.

Oasys: ID- Auburn1 PW- WarEagle1

Job Browser Pro: Auburn2 PW- WarEagle1

**Quiz #1 & Quiz #2 (25 points & 25 points)**

There will be two quizzes this semester. The second quiz will be comprehensive, with approximately 25% coming from information covered prior to Quiz #1. The quizzes will cover instructor presented material, reading assignments from the text, guest lectures, and assignments. Quizzes will be multiple choice, true/false, short answer, and matching. Quizzes are online through Canvas and will require Respondus LockDown Browser or proctor.

**6. Job Browser & Oasys for Personal Injury** 5 pts

Oasys: ID- Auburn1 PW- WarEagle1

Job Browser Pro: Auburn2 PW- WarEagle1

You have been retained by counsel to examine, explain, and make recommendations of a Vocational Evaluator on the other side of a case who obtained the following scores on testing (assume testing is valid):

Wais IV IQ – 99 (Verbal = 112 ; Performance 88)

Achievement

Reading Comprehension & Word Recognition – 10th grade

Math – 7th grade (SS=84)

The aptitudes obtained are described in U.S. DoL classifications:

G 3

V 2

N 4

S 4

P 4

Q 3

K 5

F 4

M 3

You also have available ASVAB scores that were obtained 12 years ago. These scores are described in percentiles (compared to the general working population).

G – 97.5

V – 95

N -- 93

S -- 50

P --70

Q -- 55

K -- 88

F -- 91

M -- 95

Further assume that the individual was an Electrical Engineer (DOT # 003.061-010) for six years prior to the injury in which she fell 22 feet from the cat walk of a power plant. She suffered an LOC, with the time she was out estimated at eight to 10 minutes.

1. Convert the ASVAB scores to the 1-5 scores used by the US DoL.
2. List the converted aptitude scores in the provided table.
3. List the academic scores by GED (Reasoning, Math, Language) level
4. List the aptitudes from your analysis of PRW
5. Comments are brief, table form. Compare each of the aptitudes by source (i.e., ASVAB, PRW, VE). No need to recommend neuropsychological.
6. Are there jobs available based on the VE’s scores? If so, list five of them by title and DOT number.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | ASVAB %ILE Converted | PRW | VE’s Scores | Differences, comments |
| G |  |  |  |  |
| V |  |  |  |  |
| N |  |  |  |  |
| S |  |  |  |  |
| P |  |  |  |  |
| Q |  |  |  |  |
| K |  |  |  |  |
| F |  |  |  |  |
| M |  |  |  |  |

1. **[25 points]** Forensic Vocational Evaluation Report

You are to write a Report as if it is destined for trial. The Report is to follow the format of the Report that is in Files on Canvas and as we will discuss in class. It is important to consider all of the parameters that are discussed in class. Not all details are contained herein. You will be given a completed vocational interview form, test data, medical records and everything else that you need to complete the report. Upon completing the report, you are to write a rebuttal to it. The report is not to exceed 5 pages, and the rebuttal should be no more than 2 pages. Eleven point Times New Roman font (or similar).

**Class Policy Statements:**

**Participation**: Students are expected to participate in all classes and participate in all exercises. ***It is the student’s responsibility to contact the instructor if assignment deadlines are not met***. Students are responsible for initiating arrangements for missed work in advance of the due date. This syllabus is considered a contract between the instructor and student.

**Attendance/Absences**: Attendance is expected at each class meeting. If an exam is missed, a make-up exam (it may be in another format) will be given only for University-approved excuses. Arrangement to take the make-up exam must be made in advance. Students who miss an exam because of illness need a doctor’s statement for verification of sickness. Other unavoidable absences from class must be documented and cleared with the instructor in advance. See the General Counsel Policies at <https://sites.auburn.edu/admin/universitypolicies/default.aspx>.

**Accommodations**: "Students who need accommodations are asked to arrange a meeting during office hours the first week of classes, or as soon as possible if accommodations are needed immediately.” To set up this meeting, please contact me by e-mail (mcm0009@auburn.edu) If you have not established accommodations through the Office of Accessibility, but need accommodations, make an appointment with The Office of Accessibility, 1228 Haley Center, 334-844-2096 (V/TT)."

**Professionalism**: As faculty, staff, and students interact in professional settings, they are expected to demonstrate professional behaviors as defined in the College’s conceptual framework. These professional commitments or dispositions are listed below:

* + 1. Engage in responsible and ethical professional practices
    2. Contribute to collaborative learning communities
    3. Demonstrate a commitment to diversity
    4. Model and nurture intellectual vitality

**Assignments**: This class adheres to the current style manual of the American Psychological Association, unless otherwise specified. This is particularly true for the final Vocational Evaluation Report (assignment #7). Other assignments will be graded more on content than on style. This is divergent from other classes you might have in this program. The reason for this disparity is to encourage students to function as forensic specialist do. That is, with one eye on content, the other on time.

**Academic Integrity:**

As a graduate student in the Special Education, Rehabilitation, and Counseling department, you will be held to the highest standards of academic conduct. Academic misconduct will be dealt with according to General Counsel Policy.

(see <https://sites.auburn.edu/admin/universitypolicies/default.aspx>)

All your work in this class should be original to you and to this class. Of course you are expected to explore, analyze, and discuss the ideas of others, but you must give them proper credit through citations and references. Also recycling papers from other classes is not acceptable. You can certainly continue to explore an area of interest, but you must do new or additional research and writing. The bottom line is ALWAYS (on exams, on papers, on projects, on presentations) do your own, original work, give credit to others for their ideas, and, if in doubt, ask.

According to the Publication Manual of the American Psychological Association (2010), plagiarism (p. 15) involves presenting the work of another as if it were your own work. Work can refer to the written words of another, or their ideas. It is very important that you give appropriate credit to others when you use their work. If you use the exact words of an author in constructing a sentence or paragraph, you must use quotation marks around those words and give the page number in the citation. If you paraphrase someone else’s work, you must also give them credit with a citation. Paraphrasing involves rewriting someone else’s words to say what they said. It is best to use your own words when paraphrasing, but you can rearrange the order of words in an author’s sentence AND change some of the words and this would be considered paraphrasing. A good rule to follow is that any time you use more than three words in a row from an author, put those words in quotes.

**All students are expected to know what constitutes plagiarism and to avoid committing plagiarism in their written work. If plagiarism exists, it is a violation of the APA Ethical Standards, regardless of intention.**

**General Counsel Policies**

General Counsel now maintains a single website that serves as the collection of all University Policies: <https://sites.auburn.edu/admin/universitypolicies/default.aspx>. This replaces the Tiger Cub policies.

**SYLLABUS DISCLAIMER:**

***The instructor reserves the right to make changes to the syllabus as needed due to the developmental needs of the students. In the event that changes are deemed necessary, the instructor will inform students the at the earliest date possible in class, email, or Canvas.***