A Contemporary Approach to Vocational Evaluations in Divorce Cases

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Most vocational experts in divorce cases are vocational rehabilitation consultants who use the Vocational & Rehabilitation Assessment Model (VRAM) to conduct vocational evaluations. This methodology was first introduced in 2012 to assess the employability and earning capacity of individuals with disabilities in Worker's Compensation and Personal Injury cases.

However, we have found that a more contemporary, strengths-based model is often a better approach in divorce cases where the primary issue is the employability and earning capacity of unemployed or underemployed spouses.

We are experienced career counselors and coaches with extensive knowledge of the job market. We know how careers are launched, developed and managed, what an effective job search looks like and how hiring decisions are made. This expertise provides the foundation for our vocational evaluations and expert witness testimony in divorce cases.

Although there are some similarities between our methodology and the VRAM framework, there are important distinctions. In this article, we discuss different elements of the VRAM methodology and introduce a more contemporary, problem-solving approach that we have found to be an effective alternative to the disability model.

VRAM is organized into three main parts, all of which emphasize "rehabilitation.

- Records Review and Rehabilitation Interview
- Labor Market Research and Inquiry
- Rehabilitation Analysis[1]

Records Review and Rehabilitation Interview

The VRAM Records Review and Rehabilitation Interview routinely includes detailed information about a spouse's medical conditions, symptoms and medications that have little or no impact on the individual's employability or earning capacity; whereas career experts only include relevant medical information.

Sources of Compensation

Vocational rehabilitation consultants typically use data from the Bureau of Labor Statistics (BLS), Occupational Outlook Handbook and Dictionary of Occupational titles to research the qualifications and salary ranges for occupational roles within a certain geographic region.

We question the value of relying exclusively on government data for the following reasons:

[1] Vocational Rehabilitation Process and Work Life | Request PDF (researchgate.net)

1. The classification system does not reflect emerging job titles. For example, Recruiters and Talent Acquisition Specialists are lumped together under the catch-all category of Human Resource Specialists

2. Some common job titles are omitted altogether. For example, the workplace trend towards Diversity, Equity and Inclusion (DEI) has given rise to the increasingly commonplace title of DEI Specialist, Manager or Director. None of these titles are reflected in the government data.

3. The BLS data does not reflect changes in the minimum wage for entry level positions and is too general to be useful in evaluating senior level positions.

We advise vocational experts to utilize more than one source of compensation data. And that they supplement or replace BLS with data from reputable compensation survey companies such as Salaryexpert.com, Salary.com or Payscale.com.

Labor Market Research

Many vocational rehabilitation consultans conduct labor market research by identifying open positions and then contacting the companies that have listed those positions to ask whether they would consider hiring the person being evaluated.

This approach raises a number of questions and concerns for the following reasons:

- The evaluator's choice of positions is subjective and seemingly random
- The presentation of the facts is incomplete
- This approach fundamentally misunderstands how hiring decisions are made and how people actually find jobs.

A job search is a self-marketing campaign that relies heavily on a candidate's ability to build rapport with hiring managers and gatekeepers and "sell themselves" for the position.

The evaluator is not a recruiter; therefore, it is not the evaluator's job to persuade the hiring manager to interview the potential candidate. We do not believe that it is possible for a hiring manager to evaluate a job prospect based on the limited and arguably skewed information that the evaluator is able to provide.

We prefer to identify the range and number of job opportunities posted on various websites and present examples of specific actual positions that are representative of the kinds of opportunities that are available.

Gap Analysis

We often conduct a gap analysis to determine what the individual can do to facilitate their re-entry into the job market and/or improve their marketability. Our final opinion often includes an immediate, mid-term, and long-term assessment of the person's employment options. This can include taking classes, getting certifications, finding an entry level or more junior position initially, applying to a company's career re-entry program, etc.

Case example: A 50-year old man with a Master's degree in Computer Science and prior experience in software engineering had dropped out of the workforce in order to pursue his hobbies and help raise the couple's daughter. After his wife filed for divorce, both parties hired their own experts to determine his employment options and earning capacity.

The vocational rehabilitation consultant's labor market survey consisted of calling employers to ask whether they would consider hiring someone who had not worked in programming for the last ten years and who was not familiar with newer programming languages.

Not surprisingly, most of the employers said they were looking for candidates who were familiar with more current programming skills. This led the consultant to conclude that he was not employable as a software engineer or computer programmer.

We describe this approach as "inviting the 'no'" because the information which is presented invites the recruiter to say 'no' to a candidate whose resume they had not reviewed and whom they knew little about.

For career experts, the gap between a potential candidate's current skills and experience and what employers are looking for is the beginning of a conversation about a person's employability rather than a final conclusion.

In this case, the career expert was able to chart out a course of action that would allow this man to learn current programming languages and gain coding experience in a reasonable amount of time in order to facilitate his re-entry into the job market.

Accommodating Special Needs

Some of the spouses that we evaluate do have medical conditions or disabilities that need to be taken into consideration when evaluating their employment options.

A career consultant who was evaluating a physical therapist with carpal tunnel syndrome was able to determine that there were physical therapy positions in home health and telehealth that he could do without further injuring his hands.

The career consultant reviewed job postings to identify open positions for physical therapists in home health and telehealth and provided several examples of representative job openings along with more specific information about salaries.

Job Search Evaluation

Because most career experts have extensive experience with job search coaching, we recognize that the successful outcome of any job search often depends on the individual's job search strategy and skills. So we feel it is extremely important to review and evaluate resumes, LinkedIn profiles, interviewing skills, job search strategy etc.

After unsuccessfully applying to more than 500 jobs using Internet job sites, a senior level executive concluded that he would not be able to find a job at his previous salary. However, when the career expert reviewed his job diary, she immediately noticed that he was applying for jobs for which he was vastly overqualified using job sites that were intended for lower-level employees.

She recommended that he work with a job coach to implement a targeted two-pronged job search strategy that emphasized networking with former colleagues and connecting with executive recruiters since these have proven to be the most effective job search strategies for senior level executives.

Our Methodology

- ☐ Review relevant documents and conduct Vocational Interview
- ☐ Labor Market Survey
  Conduct general labor market research to identify job and labor market trends
  Identify relevant job titles, qualifications and salary ranges
  Benchmark salary data against actual job postings
- ☐ Gap Analysis
  Determine what additional training, education, experience or certifications are required to re-enter the job market or improve marketability
  Research and recommend resources
- ☐ Evaluate Job Search Strategy
- ☐ Analyze short-term, mid-term and long-term options and projected salary ranges

Conclusion

To date, vocational evaluations in divorce cases have largely been the province of vocational rehabilitation consultants who use a disability model to evaluate a spouse's employability and earning capacity.

We have found that a more contemporary, strengths-based model is better suited to divorce cases where the primary focus is on evaluating unemployed or underemployed spouses rather than on disabilities.

We have a deep knowledge and understanding of the current job market, industries, functional areas, and specific job titles. This enables us to gather the relevant, comprehensive information about the spouse we are evaluating and focus our market research specifically on what the individual can do to become gainfully employed.

By combining a structured vocational evaluation with our career management knowledge and expertise, we are able to provide a highly effective evaluation that is realistic, optimistic and forward-leaning.

Authors

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