

There is Something Happening Here – Labor Market Survey/R
Cloie Johnson & Jan Donley February 2014

Over the past 18 months Cloie Johnson as the Vocational Representative and Jan Donley, as the VP Associate to the Washington Self Insurers Association (WSIA), along with their work group, have worked to address the challenges of Labor Market Surveys (LMS). It is our pleasure to share the progress we have made with the VRC community and thank IARP-WA for their support.

The historical aspects of labor market research as well as peer reviewed and generally accepted literature was shared with L&I. It was believed by the VRC community that there was another way to look at the LMS.

Cloie and Jan recruited a cross section of VRCs from around the state working on both State Fund and Self Insured claims. It was an esteemed group of VRCs who graciously gave their time to this effort.

The workgroup participated in dissecting the issue, reviewing literature (much written by VRC's in Washington State), and analyzing the WAC. A survey was prepared and over 100 responses were received representing over 75% participation. The workgroup used the survey responses to develop a sample LMS format and developed the following mission statement: *Propose a complementary labor market research methodology based on existing objective labor market and wage data through Employment Security Department, federal and other state resources.*

Our intention is to uphold the current WAC guidelines while increasing LMS accuracy, strengthening case outcomes and decreasing costs through reduction of subjective data collection methods, for example, direct employer contacts.

The review and analysis revealed that Federal, State and other resources such as The Dictionary of Occupational Titles (DOT), Washington Occupational Information Systems (WOIS), Employment Security Data (ESD), and O*NET, together with a previously completed on-site Job Analysis (JA), can be objective, valid, quantifiable, relevant and reliable sources of information. Employer contacts would be utilized for claim specific criteria that are not addressed within the data sources previously cited.

The workgroup believes VRCs have the ability based upon their education, training, specialized knowledge and clinical judgment to use these sources knowledgeably, within the confines of our professional training and experience, consistent with generally accepted methodology in the field of Rehabilitation Counseling, and prudently exercising professional clinical judgment to provide a solid opinion regarding an injured worker's ability to work.

All of these results were brought to L&I. L&I recommended we vet this with others, including the legal community. The workgroup contacted attorneys representing both claimants and employers, and obtained their feedback, which was generally positive. It was mutually decided that it would be helpful to beta test the new approach. Two mock Assessments were prepared for blind review by L&I VSS staff. These included both State Fund and Self-Insured Assessments which were previously completed and which had been previously approved by L&I as originally prepared. The names and claim numbers were changed for anonymity.

Cloie and Jan then met with L&I to discuss their conclusions. The Assessments that utilized the new adjusted LMS format were generally considered by L&I to be work products that would be upheld if disputed. A third AWA was submitted utilizing zero employer contacts (except for those provided in the on-site redacted job analyses). This too was found to be acceptable based on the thoroughness of the analysis and the fact that the LMS matched the physical restrictions of the worker.

This methodology has been presented by Jan and Cloie to the vocational community through IARP-WA, VTSG, and IMG. They also spoke at the WSIA Region Meeting on January 27, 2015 in Tukwila.

The essence of the new LMS/R (the R stands for research) is to begin with quantitative data from the relevant and reliable local and national data sources and to then seek qualitative input to determine if in fact an occupation is suitable for retraining or if an individual is able to obtain and perform the work. The key component is the VRCs capacity to articulate the analysis, findings and opinion relevant to the outcome stated, addressing any inconsistencies or providing applicable emphasis to the recommendation based upon the VRCs knowledge, training and experience combined with professional clinical judgment. This utilizes quantitative and qualitative data to address the appropriateness of a recommended occupation.

VRCs are educated, certified, and adhere to a code of ethics. VRCs are experienced and qualified, possessing specialized knowledge and the ability to think critically. This LMS/R requires synthesis and persuasive writing and is within the VRCs Scope of Practice.

Look for upcoming training events and webinars from WSIA and IARP-WA, or contact us at cloie@osc-voc.com or jan@jdonley.com