

A Contemporary Approach to Vocational Evaluations in Divorce Cases

by Arlene S. Hirsch and Julie Jansen

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

However, we believe 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 also 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 a disability model.

The VRAM framework is organized into three main parts:

- Records Review and Rehabilitation Interview
- Labor Market Research and Inquiry
- Rehabilitation Analysis¹

Sources of Compensation

Vocational rehabilitation consultants typically conduct a Labor Market Survey using 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. 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 at the entry level end of the spectrum and is too general to be useful in evaluating senior level positions.

We have also found that it is useful to provide more than one source of compensation data. We recommend that vocational experts either supplement or replace government data with data from reputable compensation survey companies such as Salaryexpert.com, Salary.com or Payscale.com.

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

Labor Market Research

Many vocational rehabilitation experts 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.

We see several problems with this approach:

- 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 network and 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 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 involved 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, the employers told the evaluator that they didn't have a need for a candidate with those outdated programming languages. The evaluator then concluded that the man was not marketable as a software engineer or computer programmer.

We call this approach "inviting the 'no'." By focusing on positions that require current programming experience, the evaluator made it easy for the potential employer to say 'no' to a candidate they had never met and whose resume they had never reviewed.

For career experts, the gap between a potential candidate's current skills and experience and what employers are looking for is the beginning of the conversation about a person's employability rather than the 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 expert then 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 concrete and specific information about salary ranges.

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 relevant trends
 - Identify relevant job titles, qualifications, and salary ranges
 - Compare salary data to actual job postings and identify representative positions
- Gap Analysis
 - Determine what additional training, education, experience, or certifications are needed 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 including transferable skills as well as the need for additional training, experience, etc.

Conclusion

To date, vocational evaluations in divorce cases have largely been the province of vocational rehabilitation counselors and consultants. However, we believe that the strengths-based model used by career experts is better suited to divorce cases where the primary focus is on evaluating unemployed or underemployed spouses rather than on people with 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

Julie Jansen is a nationally recognized career and executive coach with an expert witness practice specializing in divorce cases. She is the author of the best-selling career classic, *I Don't Know What I Want, But I Know It's Not This: A Step-by-Step Guide to Finding Gratifying Work and You Want Me to Work With Who? Eleven Keys to a Stress-Free, Satisfying, and Successful Work Life...No Matter Who You Work With.*

Arlene S. Hirsch is a nationally recognized career counselor with an expert witness practice specializing in divorce cases. She has written over 50 articles for the Society for Human Resource Management and is the author of the *Wall Street Journal Premier Guide to Interviewing and Love Your Work and Success Will Follow.*