

Vocational Rehabilitation MONTHLY



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Employment Agencies as Resources for Job Placement

It is becoming more and more difficult to skirt the employment prerequisites set forth by temporary job placement and employment agencies, some of which are questionable under fair employment practices.



Injured workers looking to return to work are many times encouraged to utilize the expertise of well-known employment agencies, sometimes referred to as temporary placement agencies, as an additional resource when

searching for employment. Historically, these agencies use a variety of screening and testing procedures to classify applicants to a particular trade or identified job-skill set. Not only are they able to screen out bad applicants, they are quickly able to ascertain an applicant's ability to follow directions and listen effectively. For vocational re-habilitation providers these agencies can provide additional sources of feedback in measuring the injured workers interviewing skills, appearance, and consistency in vocational testing.

A concerning trend has begun to develop where more and more employment agencies are requiring standardized lifting requirements for all job applicants. Others are also imposing rules that all applicants must have worked within the previous 60 days to be eligible for services. As a primary employer, a company is certainly allowed to exercise certain practices that may be discriminatory in nature as long as they don't violate federal and state employment/labor laws.

On the surface it is easy to identify that these standardized policies would exclude a good deal of

workers who had sustained injuries while working at their previous job. Can this merely be an oversight in employer hiring practices, or is there more to the story?

Where is the validity in establishing a Wage Earning Capacity?



As the *Sington v. Chrysler* decision continues to redefine vocational rehabilitation practice in Michigan, many providers are being asked more frequently to conduct labor market research to potentially identify a claimant's "wage earning capacity". Vocational Rehabilitation providers can easily identify the multitude of concerns this may raise in their quest to obtain fair and objective wage data.

At this point in time, it seems most appropriate to use a variety of means to establish this determination. Along with government published wage data, vocational experts should also explore classified ad searches, online job postings, and most importantly, make direct employer contacts. All information should be documented thoroughly with names, addresses, and contact numbers for reference during deposition or trial. It is one thing to search through all jobs found and identify the one that pays the most, however, an objective, multitude of jobs that are consistent with the workers' qualifications and training will be much more valuable for all parties involved. This process not only helps contribute to the validity of wage determination, it can reduce the amount of hearsay and cross examination.