

August 21, 2014

Office of Information and Regulatory
Affairs,
Attn: OMB Desk Officer for DOL-BLS,
Office of Management and Budget,
725 17th Street NW, Room 10235,
Washington, DC 20503



National Association of Service
Providers in Private Rehabilitation

RE: Public Comment of the Proposed Test of the Occupational Requirement Survey
Via email: OIRA_submission@omb.eop.gov

Dear Michel Smyth:

The National Association of Service Providers in Private Rehabilitation (NASPPR) has been actively monitoring the efforts by the Social Security Administration to develop a new Occupational Information System (OIS) and our members will be a major stakeholder and user of the new system. We would like to raise some issues, and provide comments and recommendations on the new data collection areas, the practical utility of the data, and the likely quality of the data. We are particularly concerned with the usability, defensibility, implications to other disability adjudication systems and overall cost of the new OIS system.

NASPPR is a Division of the National Rehabilitation Association representing Rehabilitation Counselors, Rehabilitation Nurses, Placement Specialists, Physical Therapists, Occupational Therapists, Vocational Evaluators, Job Developers, Employers, Speech Pathologists, Insurance Adjusters, Administrators, Managers/Supervisors, Educators, Attorneys, Physicians, and Students who may be involved in Social Security Disability adjudication work as Vocational Experts.

In Fiscal Year 2013, SSA held approximately 690,000 disability hearings with Vocational Experts providing testimony in approximately 570,000 of these. Vocational Experts provide evidence at hearings before an administrative law judge on the applicant's ability to perform work in the labor market, and currently rely on highly specific data found in the Dictionary of Occupational Titles. Social Security Vocational Experts will be one of the primary users of the new Occupational Information System.

The specific questions the OMB requested comments on are below with NASPPR's comment in *italics and blue font*.

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.

The basis for the SSA disability adjudication system is “does the claimant have a disability and does that disability prevent the claimant from performing their past work and/or any other work”. These questions are evaluated based on an analysis of the medical evidence, a review of the claimants past education and work history and an analysis of the occupational demands of work in the labor market. The SSA adjudication system relies on the Dictionary of Occupational Titles for the definitions and demands of occupations, the DOT was last updated in 1991, with the majority of 12,761 occupations in the DOT last analyzed in 1979. The labor market has changed dramatically in these years and it is imperative that an updated dynamic occupational information system is developed.

- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

NASPPR has major concerns related to the validity of information due to the methodology of collection used. The reliability of the NCS instrument and methodology for collecting the salary, benefits and job number data from employers is not in question and has been well established. The burden to the group of employers who will be asked via the survey instrument to identify the physical and cognitive demands of work will be increased but is manageable, and the response goals seem reasonable. However the validity of collecting the cognitive and physical demands via survey without actual in-person job analysis is our concern. This information will be used in administration hearings and its validity will be challenged by claimants’ representatives. The administrative cost alone of each disability hearing is \$7,200 and the average lifetime benefit cost of each approved disability claim is over \$250,000 (SSA OIG 2012 report). If the basis of occupational information is not valid and is challenged, this has the potential to have a substantial impact on the system.

- Enhance the quality, utility, and clarity of the information to be collected; and

NASPPR’s comments on the actual data elements of the survey are listed below: NASPPR comments are in italics:

(1) “Time to proficiency,”

- a. Minimum education required? If no minimum, must workers be able to read and write?
- b. Prior work experience required? How much?

- c. Post-employment training (OJT, mentoring, etc.) required? Type and how much?
- d. Professional certification, state or industry license, other pre-employment training required? Type and time to obtain?

This data element is frequently used during disability hearings to rule out particular occupations as a result of a claimant's limited education (less than high school) or training, inability to speak/communicate in English and limitations in performing in traditional academic settings (as a result of learning disabilities, intellectual disabilities or difficulties with concentration). It would be important to understand not only must the worker read and write but at what level—i.e.: recognize numbers/letters, write short sentences, read narrative instructions, understand safety signs etc. Clarity on the issue of required vs. preferred education would also be important.

- (2) Physical Demand characteristics/factors of occupations, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix C of the Selected Characteristics of Occupations (SCO).

It appears that the survey data elements are consistent with the physical demand factors from the DOT and SCO, but that several of the factors could use some clarification based on the type of limitations typically discussed in hearings. NASPPR is pleased with the clarifications and data elements included in this section (in particular the addition of manipulation tasks with one hand vs. bimanual) and would make the following additional comments:

- Standing and walking. Standing and walking are distinct functions, and although relational, there are occupations where one will perform prolonged standing such as would occur for a cashier or machine tender/operator and very little walking is required. Some individuals with physical limitations can move around, e.g., walk for long periods of time, but cannot stand in one position. We would recommend asking questions specific to each factor.

We would also recommend 'depth perception' be included under Hearing and Visual Requirements. This is an important requirement for jobs such as driving and is frequently a concern with loss of vision in one eye.

Reaching data should be collected for above shoulder, waist to chest height, and below waist.

Under the Lifting/Carrying section, the form uses the word 'Seldom' with two different definitions.

Bending is not included in your list of factors. Bending at the waist is different than “Getting Low” - stooping, crouching, kneeling, and crawling. The use of the trunk for bending and twisting has not been addressed. These are very important factors in particular with the high number of claims involving back injuries.

- (3) Environmental Conditions, measured in such a way to support SSA disability determination needs, comparable to measures in Appendix D of the SCO.

These factors are typically being addressed on claims where the limitations are related to allergies/asthma (exposure to fumes, gases, allergens, temp/humidity extremes), seizure disorders (exposure to unprotected heights, dangerous moving machinery) and neurologic conditions where exposure to sound and light may increase symptoms. The majority of these elements appear to be well defined, but it would be helpful to have clarification on the “proximity to moving mechanical parts” factor—i.e.: what type of machinery; guarded assembly machinery, fork trucks, large construction equipment etc. so that the Vocational Expert can comment on the risk based on the disability.

- (4) Data elements that describe the mental and cognitive demands of work.

These factors are some of the most common areas on which disability hearings focus. However, the DOT offered limited descriptive data elements for mental and cognitive demands of work. NASPPR is pleased that the BLS/SSA project has expanded these factors, since 60% of all disability claims include an allegation of mental/cognitive limitation. The expansion of the task definitions of complexity, control, repetition and contact will be of great assistance in disability hearings, in particular for the nature of the contacts for work related tasks.

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

We are in support of NCS’s electronic method of collecting the data and believe it will reduce the burden on employers. Additionally the regular updating of the data via the NCS survey will provide a dynamic OIS, which previously was lacking.

Other general comment/feedback concerns regard the expansion of the NCS survey to include data elements for the SSA OIS are:

Data Collection and Data Quality:

We remain concerned with the point of contact and lack of direct observation of the occupation being surveyed. Although HR personnel are the appropriate point of contact when gathering information on wages and benefits for the NCS, they do not always understand or know the real physical demands of many jobs the way the worker or the

direct supervisor does. We understand that the field economists are collecting data directly from businesses through their human resources and management staff as they do when collecting data for the NCS. **However, there is neither clear provision for direct observation of the work being performed, nor is there interaction with direct supervisors or workers whom have more intimate knowledge of the requirements of the work, especially the physical and cognitive demands of the occupations.**

Per the Phase II Summary Report, the field economists found that when they were “able to observe the job in action or the work environment, they were better able to apply professional judgment when coding the elements. The Phase III Summary Report also acknowledges (page 18) that **some respondents knew less about the job, and therefore, more professional judgment was required of the field economist. As such, there could be issues with the quality of the data being collected. We would suggested to BLS staff a more integrated approach where they do field job analyses, including observations of the occupations performed and interview with direct supervisors for some of the occupations.**

With regard to the collection tools tested in Phase III, we would recommend use of the Single Quote tool to capture information on one occupation at a time. The Multiple Quote tool would be the least favored as there could be significant questions as to whether there was a blending of jobs when eliciting answers by element for all selected jobs.

Interview Duration:

The interview period for each occupation remains significantly low when considering the data being gathered for multiple occupations. Although the Phase III Summary Report indicated that it took on average 18 minutes to gather SVP and leveling data and 33 minutes to gather Physical Demands and Environmental Conditions data per establishment contact, there is no indication as to the number of occupations per establishment included in the average time. As we understand that four to eight occupations are being surveyed per establishment, this could mean as little as 4.125 to 8.25 minutes were spent on the physical demands for each occupation. Based on our extensive experience conducting field job analyses, this represents an inadequate amount of time to gain a clear understanding of the actual demands of an occupation, given the number of data elements under Physical Demands and Environmental Conditions.

Connection between the work activity and the person:

Measuring the requirements to perform the job, not the person performing the job. This is a frequently misunderstood concept. In order to look at the demands of a job, the field economists need to look at work activity. Although there is some cross-over between the person's abilities and the job demands, **the focus of the occupational analysis should be on the job demands.**

We note that no Industrial Organizational Psychologists are in the Social Security nor the NCS work groups. We view this as a deficiency, as IO Psychologists can bring great insight and clarity on the issue of occupational requirements.

Cognitive Elements:

It would appear based on the ORS Form 4 that the Cognitive Element lexicon comes from the NCS and is being superimposed onto the ORS. This lexicon has no relation to the Social Security Residual Mental Functional Capacity Questionnaire which is the foundation for much of the questioning in Social Security Hearings. The language and factors measured should be consistent with factors typically explored in SSA disability hearings. Is there literature/research that supports this group of cognitive elements and can these elements be cross walked or mapped to standardized psychometric testing instruments?

Data Elements Collected:

As we have commented on in the past, it is important to collect not only duration of an activity, but also frequency.

NASPPR is pleased with the scope of the data elements being collected as part of the ORS survey processes and believes these elements have practical utility in the disability adjudication process. NASPPR has been active in working with SSA on improving the efficiency of the current adjudication system and welcomes the opportunity to dialog, comment and work with BLS and SSA on this necessary and valuable project.

We appreciate the opportunity to provide comment and welcome any opportunities to work with you in the future.

Sincerely,

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