

VECAP

Vocational Evaluation and Career Assessment Professionals



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To Whom It May Concern:

The following comments address the concerns that we, as vocational evaluators, career assessment professionals, and vocational rehabilitation providers have regarding the Occupational Requirements Survey (ORS). We believe overall, the ORS can be a supplementary improvement to the Dictionary of Occupational Titles (DOT) and O*Net. However, we have some major concerns regarding the data collection.

VECAP members work as vocational evaluators and experts in a variety of settings including Social Security, Municipal, State, and Federal Courts. Our members, when testifying in court, are required to explain their methodology during direct and cross examination. Inconsistencies found in the ORS data present potential ethical and legal dilemmas for our members as well as flawed outcomes from the judicial process. The people ultimately harmed by the ORS inconsistencies and missing information are those with disabilities who are applying for benefits.

The quality of the judicial process and just proceedings rely on accurate, complete, and contemporary data about occupations and jobs. At this point, the data are not complete in the ORS. After nearly eight years of data collection and hundreds of millions of taxpayers' dollars spent on this data collection effort, the Department of Labor (DOL) and the Social Security Administration (SSA) still do not have updated information regarding all of the SOC 2018 occupations in the national economy. The data as they are currently presented are potentially skewed, not to mention incomplete. As a result, it is likely that the quality of the SSA disability determination process will be compromised if vocational evaluators and experts are to rely on ORS data.

Two primary concerns regarding the data collection process include the professional backgrounds of the persons collecting the data and the method for collecting such critical information. Economists, those who are currently tasked with collecting the data, do not have the adequate skill set needed to perform job analyses. For example, does an economist know how

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much effort it takes to push and pull a cart, particularly for carts being moved within different work environments? Job Analysts have physical and ergonomic backgrounds and understand the makeup of job requirements in the national economy. Economists have the adequate skill set needed to perform an economic survey, which is a much higher level of data aggregation than at the individual job or job category level.

The second concern, the methodology, is likewise at issue. A phone call to human resource personnel or employers to collect these data, as opposed to onsite job analysis, is inadequate. Human resource personnel and even many employers do not possess the detailed knowledge regarding intricacies of jobs as they must be performed for employment success. Certainly, they cannot know all of the many cognitive and physical demands of individual jobs within their companies.

Similarly, the amount of time spent collecting critical data is inadequate. The Bureau of Labor Statistics overseeing the ORS chooses to limit interviews with employers to about an hour phone call or interview for as many as eight distinct SOC occupations during that one call or interview. For each occupation, ORS collects an average of 140 data points on each. That equates to about 7-8 minutes per occupation to collect 140 data elements. This is problematic and absolutely leads to short cuts to the data collection and what actual data are being reported. It appears the data collected thus far has been accomplished based upon convenience rather than accuracy. There are only 60,000 data points reported for 426 individual SOC 2018 groups. This means only 426 of the 848 civilian SOC groups – about 50.2% of the entire SOC 2018 classification system are represented. This leaves another potential 60,000 data points as unknown or at least unreported.

Only half of the SOC groups data have been reported. None of the known data have yet been taken under administrative notice by SSA. For example, SOC: 51-0000 includes 7,561 DOT occupations which equals 59.25% of all DOT Occupations. This same aggregate code represents only 5.97% of the entire BLS Occupational Employment and Wage Survey (OEWS) of 140,885,570 workers as of the May 2021 OEWS data. The current 2022 ORS data set only reports data for 49 of the 104 SOC 2018 occupations in this aggregate 51-xxxx SOC group. The ORS Survey does NOT disclose the sample size for the North American Industry Classification System (NAICS) industries covered by the survey nor the NAICS industries surveyed. This helps to explain why vocational evaluators and experts continue to use the known DOT instead of the incomplete ORS.

The history of the development of the DOT is that it was conducted by the US Department of Labor's Job Analysts. These professionals were specifically trained by the Department of Labor to directly observe and analyze jobs. They followed procedures in the *Handbook for Analyzing Jobs* (1972) to collect and report ALL FACTORS for ALL DOT occupations. This document (and its 1991 update, *The Revised Handbook for Analyzing Jobs*) continues to be used by the Social Security Administration. During the time of this ORS data collection, the ORS definitions in its "Data Collection Manual" have been changed and expanded multiple times. These changes and expansions during data collection are confusing to vocational evaluators and experts who seek clarity. It is totally unknown how data, collected under different definitions during the same data collection period, can be directly and confidently used.

For example, the DOT job of “Surveillance System Monitor” cross references to two different SOC codes. The first SOC code is 33-9031: Gambling Surveillance Officers. The second is 33-9099 which is for “Protective Service Workers, All Other.” Per the DOT, the Specific Vocational Preparation for the Surveillance System Monitor is rated at 2, which is considered Unskilled. However, based upon our group’s experience and research, we know that this position is generally Semi-Skilled in current practice due to the mental, cognitive, and social requirements. These requirements are considerably more complex than an unskilled position. Furthermore, in a non-government setting, the Surveillance System Monitors are likely to alternate from looking at a monitor to walking to check building security. Circumstances and occupational demands and requirements have changed over time; more accurate, complete, and reliable information is required.

There is little question that the DOT needs to be updated. In its current state it is hopelessly outdated. The potential exists for the ORS data to be a good replacement for the DOT. However, before that happens, the above-mentioned concerns need to be addressed and all data elements should be reliably reported for every SOC 2018 occupation. Transparency during this phase is of utmost importance as litigation will eventually challenge and expose every step in the process. The released “final” data set needs to disclose the sample size for each set of observations. Most importantly, it also needs to disclose the number surveyed in each NAICS’s industries that were surveyed. This is relevant because occupational requirements often vary for the same occupation performed in a different NAICS industry. Reporting would suffice at the 4-digit level of NAICS so that the data can be appropriately and proportionately compared to the data collected by the well-established BLS Employment Projections (EP) and preserve confidentiality of reporting employers. In its EP survey, BLS routinely projects 10-year employment data by NAICS down to as few as 30 people in a specific Metropolitan Statistical Area. Surely, ORS can do similarly to disclose the “n” surveyed nationally without fear of risk to employer disclosure at a NAICS 4-digit level - NATIONALLY.

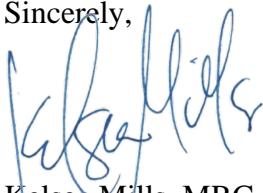
During an administrative claims hearing, vocational evaluators and experts are cross-examined by an attorney or claimant representatives. Savvy representatives will ask vocational experts to explain their methodology. If the representatives ask the experts to explain the source of ORS data and the experts are unable to adequately respond, then those experts could be deemed as not credible or disqualified. The effect to those professionals’ careers would be devastating.

We support the continued ORS data collection according to a stable, consistent definition of each factor, and a complete disclosure of sample size per 4-digit NAICS industry surveyed. This is essential to use the employment numbers reported by the OEWS program in order to establish statistically reliable data upon which important calculations must be made to consider the various factors that emerge during the adjudication of disability claims within the existing SSA framework.

Thank you for the opportunity to comment on this essential data base. We are available to work with the BLS and SSA on these issues and others, which we have not included. The quality of

living and livelihoods of thousands of people with disabilities depends on correcting the ORS data base and methods for collecting data.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kelsea Mills', written over the word 'Sincerely,'.

Kelsea Mills, MRC, CRC, CVE, CEAS I
VECAP President on behalf of the VECAP Board