<u>**Sent Via Facsimile to 202.691.5111**</u>

23 May 2014

Ms. Nora Kincaid
BLS Clearance Office
Division of Management Systems
Bureau of Labor Statistics, Room 4080
2 Massachusetts Avenue NE
Washington, DC 20212

RE: Occupational Requirements Survey Comment Request

Dear Ms. Kincaid:

Thank you for the opportunity of providing public comment on the Occupational Requirements Survey (ORS) collecting data on specific factors relevant to disability adjudication. My response is relevant to my usage of these data as a forensic and primary care practitioner with nearly a quarter century of experience, not in my past capacity as the Chair for Social Security Administration's Occupational Information Development Advisory Panel (OIDAP) or any of my present professional or academic affiliations.

Although the primary purpose of the ORS is for the Social Security Administration's (SSA) disability programs, the impact of the usage of this data in all disability systems cannot be underestimated. The use of these data will resonate beyond social insurance applications (e.g., workers' compensation, long term disability), and have long and lasting effects on every system I have worked within in the United States and internationally.

A couple of decisions that have been made about what data are collected excite me. For example, to have occupational data that not only has been collected on relevant physical/mental/cognitive elements, but also has information about wages, will provide the opportunity to have much richer information than currently exists. I also applaud the use of field data collectors instead of other modes of data collection that reduce data quality for the level that is needed for forensic applications.

From the limited information available about the current sampling and data collection strategy of the ORS, I have the following areas of commentary to provide:

1) *Classification:* I agree with the primary classification of the ORS being tied to the Standard Occupational Classification (SOC), as a start, and event at the O*NET-SOC level. However, continued input into this topic from across the user community indicates that the SOC aggregation is insufficient and needs greater granularity given the ergometric and ergonometric data that are needed vis-à-vis econometric

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applications for policy development purposes. The topography required in greater disaggregation needs to be understood and addressed. Providing the data user with responses at only the SOC level would result in a waste of resources and certainly accelerate litigation across the legal spectrum (e.g., administrative law, civil law, family law). It is unclear how the data collected will be tied to the O*NET. Will this be at the detailed or intermediate work activity levels? This would be my recommendation, particularly given the latter level that is consistent with the kind of ergometric data application and where a common measurement between these work activities could facilitate transferability of skill decisions.

2) *Sampling*: Although I appreciate the opportunity to have information available about all occupations in the labor market, research by SSA and the International Association of Rehabilitation Professionals suggested there were about a dozen occupations that were critical to have information about in the SSA adjudication process. From reviewing the results of Phases 1, 2, and 3, it appears that some of these critical-need occupations were captured, not all. That is a problem. Also, the physical demands of a truck driver who is required to tarp a flatbed or one that drives a refrigerated unit are vastly different. Industry details needs to be sufficient to capture these important differences. O*NET's Tools and Technologies may be beneficial in this process. Balancing the need to have information about the variety of occupations in the economy and ensuring that those of critical need are captured to the level where the data could hold up to legal challenge should be part of the sampling strategy considerations.

3) *Instrumentation*: Several concerns arise in the review of ORS Form 4PPD-4P for data collection. First, the most troubling items on the instrument are the Cognitive Elements identified. Remember these work activity data have to be matched with existing measures of the individual for decisions to be made about the individual's residual abilities and the requirements of work activities. Nowhere in the ORS information did I find the literature supporting the selection of the Cognitive Elements or their validation to work activity nor the measurement of the individual where the work-person match could be made. These elements are not part of the disability lexicon, nor how we typically obtain measurements about cognitive abilities, nor how we perform job analyses to obtain work activity to determine the person-work match. This is a huge problem. For SSA's purposes, these elements would require the replacement of the Mental RFC form and cause substantial inference from the psychological and related data received by the Disability Determination Services, increasing potential for error and burdening an already encumbered system with additional appeals. The Cognitive Elements have become so important that now the majority of cases at Steps 4 and 5 of the SSA disability adjudication process involve decisions where such cognitive or mental data is a factor. Thus, the greatest attention for the validation of ORS instrument elements needs to be paid to the Cognitive Elements. Several questions arise: What work analysis studies exist that

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document the valid and reliable measurement of the Cognitive Elements? Additionally, what studies exist that demonstrate that these Cognitive Elements are valid and reliable measures of an individual's cognitive abilities? If these studies do not exist, what are the plans for further developing and validating the Cognitive Elements selected for the ORS Form 4PPD-4P? Second, I suspect that you may sufficient comment into the physical demands of jobs where my detail will not be additive. Lastly, I *strongly* urge you to collect absolute data rather than data in pre-determined ranges. This provides the opportunity to cluster the responses in the current frequency and duration configuration of the *Dictionary of Occupational Titles* (US Department of Labor, 1991), or to improve upon those scales with more distinct or broader clusters that may make sense now or in the future. If that data is not captured in absolute terms, there is no opportunity for reconfiguring ranges in the future.

4) *Data Collection*: Given the use of field analysts for the collection of data, not all field data collection provides the type of data quality required for disability adjunction. It is my understanding that the economist's "observation" does not include the observation of the work itself, and particularly its measurement. This could be the Achilles Heel of the ORS. How is the present data collection strategy being validated with actual observation and measurement of an occupation, particularly for those occupations that represent the majority of SSA disability adjudication cases? Anyone who has ever collected data for job and work analysis understands observation and sporadic measurement to validate observation is important for data quality. I have countless examples in my career when performing a job analysis where my measures of the work activity vary significantly from the estimates provided by either the incumbent or the a human resources professional. If the ORS is rolled out without such validation studies, it could result in the misuse of taxpayers' dollars for this effort. Data collection and validation constitutes the most vulnerable of the project's weaknesses within any forensic setting, SSA or otherwise.

5) *Validation*: Usability analyses will provide the best measure of how the new data from the ORS could be used in disability systems by comparing the outcome decisions with the current occupational data and the new ORS data. Beyond running usability analyses with the SSA Disability Determination Services, I would also recommend performing similar analyses with the US Department of Labor's Office of Workers' Compensation Program that uses these data in similar applications as it is used within other social insurance and forensic systems in the private sector.

Thank you for having made yourselves available to attend and present at national conferences and the materials you have made available to date on the ORS and SSA websites. That initial level of transparency is appreciated. Two areas of greater transparency would be to allow ORS raw data to be available to researchers for analysis

and comment. This is critically important to validating your efforts. Second, holding webinars either at critical points along the ORS's development process or at pre-determined intervals (i.e., every 4-6 months) would continue the flow of information and input into the process to truly answer the question you are attempting to determine: Will the ORS provide occupational data to replace the *Dictionary of Occupational Titles* for disability programs? As a user of the data that is desperate for your success, my hope is that the answer to this question will ultimately be "yes." Thank you for the opportunity of providing input. I look forward to other opportunities to provide further input and can make myself available should you have any questions.

Sincerely,

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