

March 29, 2021

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

Re: Information Collection Activities: Comment Request - 86 FR 7422

Dear Ms. Kincaid:

The following submission reflects my comments on the Information Collection Activities of the Occupational Requirements Survey. I favor the continuation of this survey program, **but only after** considering and resolving data collection changes to assure the consistency of the various factors collected, the completeness of the survey effort for all 867 SOC 2018 occupations, and to absolutely assure that the collected data can be used in a statistically sound manner by the Social Security Administration (SSA) in its disability adjudication process.

Properly done, the Occupational Requirements Survey (ORS) is a critical step to gaining more insight into the current physical, environmental, training, and mental/cognitive demands placed upon the workers of today's economy. The survey must be as comprehensive as possible, truly reflect current economic and workforce activity, and should include as much useful detail available as possible for all 867 SOC occupations. The Social Security Administration (SSA) needs fresh occupational requirements data to better adjudicate its many disability claims every year. SSA **MUST** be able to use the data for resolving its adjudication process, often asked in a series of increasingly complex **multi-dimensional "hypotheticals"** posed to vocational and medical professionals. It is in the multi-dimensional complexity of these hypotheticals that claims are decided.

AREAS OF CONCERN

1. Inadequate sampling of occupations is being done. During the first three years of First Wave data collection (2016-2018), only 347 unique SOC occupations were surveyed, with an average of 99 characteristics per occupation. In the first two years of the Second Wave data collection (2019-2023), 305 unique SOC occupations have been reported of the 867 occupations in the SOC 2018. Data was reported for an average of 117 characteristics per occupation in these first two years, which is an improvement which now begins to include mental/cognitive factors which were not reliably collected in the first wave data set.
At the proposed rate of data collection (11,700 for each of the next 3 years), there is no chance that all 867 SOC occupations will be covered by the end of the Second Wave data collection. **Mathematically, this level of effort will leave more than 250 SOC 2018 occupations unreported, which represents about 30% of the 867 SOC occupations.** This does not appear to adequately address the current information needs of the SSA, which has funded this project since 2013 for more than \$200 million.
2. The methodology as stated in the Federal Register announcement follows the National Compensation Survey (NCS) methods. NCS appears to be continuing to use the SOC 2010

Occupational System. SSA requires use of the SOC 2018. Yet ORS personnel have publicly stated (in three different 2020 conference presentations to the rehabilitation community that they were now following the excellent industry and occupation data collected in the Occupational Employment Survey (OES) rather than following the NCS data collection sample. Which methodology is being followed? The ORS web site also cites NCS data with little mention of OES data in its Benchmarking Section (<https://www.bls.gov/opub/hom/ors/calculation.htm>).

3. In these same three 2020 conference presentations (two to the International Association of Rehabilitation Professionals [IARP] and one to the Vocational Evaluation and Career Assessment Professionals – [VECAP]), different ORS presenters/representatives stated that the data being collected in the ORS survey is discrete for each category collected and **CANNOT be statistically combined in any reliable way with any other factor**. This prevents the use of “simple probability math” (multiplication of percentage values for multiple factors * employment numbers for a SOC group).

While ORS staff purport that they understand the needs of SSA for this data and that they understand the hypothetical questions asked by both claims examiners and adjudicators, the inability to combine the collected data factors in any statistical way will NOT serve the needs of SSA, as hypothetical questions are ALWAYS multi-dimensional: e.g. How many sedentary (Strength) unskilled (SVP 1-2) jobs exist in the national economy with only occasional Reaching and Handling? **IF ORS DATA CANNOT BE COMBINED IN SOME WAY TO ANSWER THIS KIND OF HYPOTHETICAL, THEN THIS SURVEY SHOULD BE HALTED AND ANOTHER WAY FOUND.**

4. Task data is supposedly being collected in this survey, but if so, NONE are being reported in the survey results at ORS yet. If SSA chooses to use tasks from the O*NET system (which is based on SOC 2018), then these are primarily job incumbent reported tasks rather than employer reported data. These tasks will broadly reflect one occupation, but no one job will require the worker to demonstrate use of ALL of those tasks. ***With 70,000+ tools and technologies, how will the SSA revise their collection of data from applicants to capture applicant knowledge of these kinds of tools and technologies?***
5. It is difficult to compare what must have been herculean past efforts by job analysts from various BLS Field Analysis Centers doing more than 75,000 direct job observations to collect and report data on 12,761 unique DOT occupations. The first 12,099 of these occupations were collected between 1973 and 1976 ***without computer technology*** for the ***Dictionary of Occupational Titles, 4th edition*** (1977), which was later revised in 1982, 1986, and 1991. In contrast, ORS has reported data on 305 unique SOC 2018 occupations in 2 years, interviewing only HR managers and small business owners. DOT job analysts observed and rated each occupation as performed by the worker. **There is often a huge data difference in employer perception of performance vs. actual measured performance.**
6. Neither SSA nor BLS/ORS understand the diversity of the 12,761 DOT occupations which have been collapsed into the SOC 2018 coding system containing only 867 occupations. For example, in some cases, there is but one DOT occupation in a single SOC 2018 Occupation. Yet more than 1,500 DOT occupations that have been collapsed into SOC Group 51-9199 Production Workers, All Other. These DOT occupations range in Strength from Sedentary to Very Heavy and SVP from 1 to 8. ORS reports data on many factors for this occupational group, of which OES reports only 222,230 persons employed in year 2019. Did ORS proportionately collect data from the 200+ NAICS industries in which OES employment is reported? Or for SOC Group 51-9198 Helpers –

Production Workers with 553 unique DOT occupations ranging from Sedentary to Very Heavy Strength, or SVP 1-6? OES reports 2019 employment of 303,030 persons in more than 180 NAICS groups. Or SOC Group 51-9061 Inspectors, Testers, Sorters, Samplers, and Weighers with Strength ranging from Sedentary to Heavy and SVP from 1-8 which includes 782 DOT occupations. OES reports 576,950 employed in 2019 across 275 NAICS industries. How well did the ORS sampling correspond to the employer reported existence of occupations in this SOC? The ORS data revealed to the public is void of this information.

7. Worse yet, the BLS O*NET program has failed to continue to invest much effort to align DOT occupations with changes in the SOC coding, starting in 2010 and continuing today with SOC 2018 coding in widespread use. This article explains the problem: <https://skilltran.com/index.php/support-area/documentation/269-onet-rejects>
8. BLS is averse to litigation yet closes its eyes to the very litigious nature of SS Disability claims. In 2020, two court cases [Goode v. Commissioner Social Security](https://casetext.com/case/goode-v-commr-of-soc-sec) (<https://casetext.com/case/goode-v-commr-of-soc-sec>) and [Westendorf v. Saul](https://casetext.com/case/westendorf-v-saul) (<https://casetext.com/case/westendorf-v-saul>) emerged due to BLS failure to thoroughly link its available OES data to the ever aging DOT. SkillTRAN tried to help in 2011/2012, but [its efforts were rebuffed](https://skilltran.com/index.php/support-area/documentation/269-onet-rejects) (<https://skilltran.com/index.php/support-area/documentation/269-onet-rejects>). While both cases resulted in remand decisions (which enables the claimant case to continue), both cases may have been avoided had the court, BLS and SSA used proper data and cross-linking. [Case summaries are here.](https://skilltran.com/index.php/support-area/documentation/270-court-decisions) (<https://skilltran.com/index.php/support-area/documentation/270-court-decisions>)
9. The second wave ORS data collection is a 5 year data collection. I do not understand how definitions and data can be reliability connected if the definitions of the data being collected continue to change. There must be stability in the questions asked and data collected. ORS is revising its Data Collection manual annually. It should not revise its forms during the survey period. I note that the forms expire in this 2021 calendar year. Has action been taken to obtain clearance to extend the period of data collection beyond 2021?
10. ORS should report the NAICS industries from which occupational data was gathered. This should be done at the 3-digit level of coding minimum, 4-digit level preferred. This would coincide with OES employment statistics and lead to a far better method to estimate employment. Further, Strength, SVP level, and other critical values should also be reported at the NAICS level, as there is likely to be a consistent pattern for one industry vs. another industry for the same SOC group occupation.

SkillTRAN has commented on BLS and ORS activities many times, extending back to the original excellent efforts of the Occupational Information Development Advisory Panel (OIDAP) in 2009. Perhaps it is time for an external group of highly qualified people who still know and appreciate the level of detail that is available in the DOT to be recruited to contribute to continued evolution of this important effort. Count on my continuing interest and careful evaluation and deployment of the important data collected by ORS and other BLS programs.

Jeffrey A. Truthan, MS-Rehabilitation Counseling, Certified Vocational Evaluator
President – SkillTRAN LLC – skilltran.com
3910 S. Union Court
Spokane Valley, WA 99206

