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Re: Federal Register Announcement:
https://www.govinfo.gov/content/pkg/FR-2024-12-26/html/2024-30671.htm

Dear Ms. Bouchet:

Collectively, tens of thousands of people serving the varied needs of people with disabling conditions continue to rely on the steadily aging Dictionary of Occupational Titles (DOT) for detailed information about what it takes to perform occupations. At present, continued reliance on the DOT for disability related issues is essential because O*NET does NOT cover all aspects of the various demands surrounding real world performance of occupations. SSA recently affirmed its reliance on both DOT and the newer, yet still incomplete Occupational Requirements Survey (ORS) to best enable its decision-making for its several million annual disability claims.

Completion of both the First (3 year) Occupational Requirements Survey (ORS) data collection (2016-2018) and the Second (5 year) ORS data collection (2019-2023) have failed to fully collect all the data needed (and completely funded by SSA) to the collective estimate of likely $400+ million since ORS began in FY 2013. The first wave data collection managed to collect no usable mental/cognitive data due to poor design/wording of questions and it only reported some data for 369 of the 848 civilian Standard Occupational Classification (SOC) occupations. This is 43.5% coverage of the SOC occupations to be collected. Adding two years to the ORS data collection for the 5-year Second Wave data collection resulted in more reporting (but not complete reporting) on all of the available ORS factors for 477 SOC occupations, which is only about 56% of the 848 SOC occupations.

Extension of the third wave data collection to an 8-year time period is unlikely to complete this full data collection either. At an average Second Wave pace of about 95.4 occupations per year, 95 x 8 = 763 SOC occupations, or about 1 year short of completion of a full data set (another 85 occupations). This pace closely mimics the annual O*NET data refresh process which averages about 100 SOC occupations per year.

While the number of people employed in each of the remaining SOC occupational groups will be smaller, the relative number of job analyses required to achieve a suitable sample per SOC occupation may actually increase. Bottom line … I do not have confidence that ORS will get its

assigned job done even within this extended 8 year time frame if there is no change in how the data collection is being conducted.

In my [4/24/2023 comments](#) on this subject, I suggested that the ORS program explore working with a trained core of external, private job analysts and private vocational rehabilitation providers who are widely dispersed around the United States and who have experience in collecting and reporting similar data elements for public and private institutions such include Workers Compensation, Long Term Disability Insurance (LTD) and similar occupational programs. On site job analyses typically take anywhere from 1.5 to 3 hours to complete capture of all factors. **The ORS expects that 5-8 of these can be done per day, which I believe is faulty thinking.** This is confirmed by the many missing data elements when reported ORS data is examined in detail and it is apparent that each of the reported 477 occupations do not have reported values for all data elements, including some basic elements such as Strength requirements. <u>It must be recognized that it takes longer to collect/rate all of the ORS data elements than is typically allotted in an ORS survey</u>. Because of running out of time to properly and fully conduct the surveys, BLS data collectors omit collection of various data fields and this results in many missing elements in reported data due to insufficient sample size.

Further, this data is being collected by highly compensated economists. The correct job level for this kind of data collection is a Job Analyst, known in the General Service (GS) system as a GS 0343 or in the SOC Classification system as 13-1141 Compensation, Benefits, and Job Analysis Specialists. OEWS data shows that this level of personnel can collect the required ORS data at a compensation rate of at least 30% less than compensation paid to economists. This is the more appropriate use of the time and skills of federal personnel to collect the ORS data. Additionally, private sector job analysts and private sector vocational rehabilitation providers can be utilized for this data collection due to their availability and widespread geographic dispersion around the United States. Many private rehabilitation providers have excellent working relationships with employers in various industries due to prior case work from a variety of referral sources. Private providers are very accustomed to completing forms from many different referral sources and can readily adapt to the data collection requirements of the ORS survey process.

<u>The notion that "only BLS personnel" can collect ORS data is obsolete thinking</u>. Where would our military, space exploration, and even social program initiatives be without the involvement and innovative thinking of the private sector? It is time to expand the data collection effort and have the right level of personnel, both public and private sector, collecting this data to get the job done fully and within a shorter window of time. ***Hire some private sector help!*** The job will get done more thoroughly and sooner than 2031. It is not only the SSA that needs this new and more accurate information. The public, private, and non-profit disability sectors and long-term disability insurance need fresh occupational data for more effective claims management and return to work efforts of disabled /injured individuals, no matter the cause of a disability.

<u>Q. Is the proposed "Third Wave" of data collection necessary? …of practical utility?</u>

A. It is crucial that valid and complete ORS SOC group data of sufficient sample sizes be collected and fully reported for ALL six-digit SOC Groups and particularly for all variables critical for use by SSA.

In my extensive analyses of the final Second Wave data set, there are far too many collected values for a single factor that do not equal 100% of the unreported sample sizes. This is a serious quality issue and must be addressed and I think are a direct reflection of unrealistic expectations of the amount of time needed to fully complete an ORS survey for a single occupation instance.

There is substantial inconsistency in the reported frequency of many variables. This is likely a function of some areas (such as Physical Demands and Worker Characteristics) **being skipped** during time-constrained interviews with employers/HR personnel and collecting perhaps only Mental-Cognitive|SVP factors rather than the full set of factors.

There is tremendous variability within a 2-digit SOC Group. "Averaged" data for the 6-digit SOC Groups within each 2-digit SOC Group should NEVER be done without careful proportionate weighting of the values by its relative employment (as reflected in the 6-digit Occupational Employment and Wage Survey – OEWS). Further, the OEWS program sometimes uses "hybrid groups" to combine multiple SOC Groups into a single "new" OEWS group. This problem worsens with a very incomplete reported ORS data set.

As a taxpayer, I have a very difficult time digesting the amount of time and money that this project is consuming at its current pace and price. I support completion of this essential task because current and complete data is needed by SSA to better adjudicate its 2+ million disability claims per year. I expect nothing less than full collection|reporting of all the necessary data for each of the 848 civilian SOC occupations by the end of this current 5-year "Third Wave". **Any lesser result would be completely unacceptable and would fail SSA in meeting its obligations.**

Q. Evaluate the accuracy of the agency's estimate of the burden and cost of the collection, including the validity of the method and assumptions used.

Sample Size. The data collection for ORS Second Wave reports data for 477 SOC Groups, or 56.25% all the 848 SOC groups. It is difficult to expect that after 8 years of data collection (first + second waves) that magically all these 848 SOC groups will be reported for the final set in 2028. The absence of a complete data set is NOT an acceptable outcome of this third wave data set, no matter whether it is 5 years or 8 years of data collection.

There is inadequate descriptive disclosure about its sample by ORS about each reported SOC.
1. Reporting by the ORS does not include the sample size by 6-digit SOC group
2. There is no indication of the NAICS (4-digit coding only) of the businesses that were surveyed, nor the proportion of the survey dedicated to each NAICS.

3. There are no descriptive statistics about the percentage of respondents and geographic distribution where factors were collected.
4. Multiple SOC groups are sometimes combined by BLS to a single (new) OEWS group. I do not see any evidence of proportionate weighting in these groups.
5. There is no description of respondents by role (e.g. Human Resources / Direct Supervisor / Worker / Job Analyst / CEO / ? etc.)

These items are basic descriptive statistical reporting about sample size. At a 4-digit level of NAICS coding, there is no chance of disclosing employer identity for a surveyed establishment. This same depth of reporting by NAICS level is already done by sister agencies within the BLS, including both the OEWS Survey Group and the Employment Projections survey group. Both these groups report data down to 30-50 people nationally by 4-digit NAICS industry coding! There is no reason why ORS cannot similarly disclose both its sample size per SOC group and the proportion of NAICS industries it has surveyed at the 4-digit level of NAICS coding in its sample collection so that it can be directly compared to the OEWS survey results. This assures that the ORS sample closely emulates the OEWS sampling, which is not verifiable in the currently released ORS data sets. The OEWS includes data for sometimes hundreds of NAICS.

Disclosure of numbers at the 4-digit NAICS level will still protect employer confidentiality and establish that ORS has indeed sampled appropriately following the same stratification sampling by the excellent OEWS program. **For SSA to use this data confidently, this kind of data must be disclosed by ORS.** Federal constraints on data reporting to protect employer confidentiality apply equally to all BLS programs. **ORS has failed to disclose any of this data thus far.**

Too little time is allocated per occupation to get full responses from each interview for all targeted occupations. This has resulted in shortcuts to reported data in critical areas including SLMHV values (vs. Max Wt Lifted) – These should all sum to 100% per occupation. Showing the frequency of data collected at each NAICS4 level enables confirmation that ORS is properly and proportionately stratified when compared to the OEWS survey.

The use of data reported for "rolled up" two-digit SOC codes (e.g. 51-0000 Production Occupations) overestimates employment in basic areas such as Strength (Sedentary and Light) and Specific Vocational Preparation (SVP) because data for the underlying 6-digit SOC codes remains very incomplete and because each of the 6-digit SOC codes occurs with different frequency (per OEWS data). **Applying rolled up ORS data (which appears to assume equal distribution across all the SOCs reported) is a serious error and could potentially overestimate the number of sedentary unskilled occupations by many times.**

Any calculations and percentages must be couched in the context of proportional weighting by the reported frequency in the OEWS survey and for which ORS data is available only. **This is not being done and it is leading to exaggerated "facts".**

ORS staff say that the reported values for each 2-digit SOC group are being proportionately weighted by employment numbers at the 6-digit SOC level, but my analysis of reported (publicly available) data does not confirm this statement.

ORS data collection forms include areas for job description and lists of tasks performed. Yet ==nowhere in the released ORS data is this information being publicly shared. Task data should be reported==, but so far has not been disclosed in either the final First Wave or Second Wave data to date. ==The SOC 2018 code system lacks any task statements at all.==

ORS data is being collected from employers and human resources people. This is very different from direct job observation, for which economists are not truly trained to collect nor to recognize the difference between what is said vs. how jobs <u>actually do</u> get done, which trained job analysts detect and objectively report.

Nowhere in reported ORS data is there disclosure of the frequency by job role of the respondents to this survey. These subtle influences are likely sources of respondent bias.

Where unchanged variables can be combined to increase sample size and expand reporting, combine (First), Second, and Third Wave data sets to increase and report the N per variable. This also enables comparative functional alignment with the critical OEWS data set.

Direct observation of the occupation being done is far more reliable than simple interviews with HR personnel, whose responses are clouded with the employer's worker's compensation experience rating and OSHA regulations. Supplement ORS data collection by using Job Analysts and well-trained survey workers.

==**SUGGESTION:**==
Having observed 9 years of data collection (with a First Wave "false start" on Mental-Cognitive data elements (that I foretold in 2014), with barely one half of all SOC occupations covered so far, and with serious voids in reporting of all ORS data elements during every survey for every SOC occupation, **it is time to engage the paid, contracted participation of qualified private sector job analysts (properly trained for ORS data collection) to:**
    1. Do on site job analyses using ORS data forms / applications
    2. Gather/report task data by SOC Group
    3. Complete ALL requested factors for every assigned occupation at specific employers
    4. Submit completed surveys electronically to BLS for quality assurance and aggregation
    5. Submit supplementary, anecdotal information as appropriate
    6. Be appropriately compensated upon accepted completion of all data elements for each survey

This corps of private, skilled Job Analysts can be managed virtually and would be widely geographically dispersed. Many already have substantial knowledge about employment in specific industries. **I would be very interested in renewed conversation about this option as a mechanism to supplement the current ORS data collection effort.**

Please accept my responses here as evidence of my continuing strong interest in the best possible collection of ORS data for the proper use of the **fully collected data set to support the accurate determination of disability claim outcomes for persons with disabilities**. This same completed data set will further help to guide millions of persons with disabilities toward a suitable, sustainable vocational goal and successful return to work. Engage the assistance of the private sector to get this job done fully, completely, within the current scheduled 5 year time.

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