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Software & Internet Services for Vocational Decisions

April 20, 2015

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

Dear Ms. Kincaid:

The following are comments submitted in response to the 2/18/2015 Federal Register request for comments about the Proposed Collection of data for the Occupational Requirements Survey (ORS). I have responded in the past and will continue to contribute comments about this important work.

This response comes from my lengthy work experience using the venerable *Dictionary of Occupational Titles* (DOT) as both a user since 1975 and as a software developer since 1985. SkillTRAN is a Washington State LLC exclusively focused on the electronic delivery of occupational and labor market data useful in many market segments. We have used the DOT as the hub for our product line for more than 30 years, so the planned change to something substantially less comprehensive than the DOT has a huge impact on our base of nearly 5,000 customers, including the Social Security Administration (SSA) itself. The concerns reflected in these comments will impact not only the SSA in its claims adjudication process, but it will impact all professionals serving persons with disabilities. It is imperative that such a massive change as what is being undertaken occur with careful forethought to the practical impact to this important and growing population of people.

Necessity / Practical Utility
There is no question that fresh occupational data is needed. Eighty percent (80%) of the DOT data was last updated in 1977 – nearly 40 years ago! Many DOT occupations have been combined with other DOT occupations, which has likely increased the requirements to perform some of these remaining occupations. Other DOT occupations have vanished due to automation, obsolescence, or offshoring.

We have seen dramatic reductions in the overall size of the manufacturing sector since 1990. From a total of 18 million workers in 1990, only 12 million now remain. This 1/3 reduction in the total manufacturing sector work force is not evenly distributed. When I have carefully studied the 137 sedentary, unskilled DOT occupations so often cited by

SSA in disability adjudication, 90% of these sedentary, unskilled occupations occur in the manufacturing sector. Two-thirds (2/3) of them cluster into only 13 NAICS industries. The overall decline in these 13 industries averages 58%!

Trying to actually find sedentary, unskilled employment is increasing problematic. It is further complicated by a structural shift in how many employers bring many of these kinds of workers into their operations. Rather than hiring low-skilled persons directly, employers increasing use temporary employment agencies. This frees them from the stranglehold of WARN notices and the overhead of hiring/firing/training. Employers build the cost of these temp workers into their contracted production work when they bid projects out. Two SOC occupations stand out, with one third of the total employment of these workers being in temporary employment agencies:

- 51-9199 Production Workers, All Other (1,526 DOT Occupations)
- 51-2099 Assemblers and Fabricators, All Other (29 DOT Occupations)

These two SOC occupations represent 1,557 DOT occupations, 12.2% of the 12,761 total.

Examining the DOT occupations in these groups, the SVP levels range from 1 to 8; Strength varies from Sedentary to Very Heavy. These are NOT homogeneous groups. Study of these groups (and many other SOC groups) is going to reveal ranges of standard error that render interpretation of information nearly impossible, unless enough of these occupations can be sampled proportionately in the appropriate industries. It does not appear that the statistical design for this effort will do that.

The problem is practical utility. The stated path is to collect data about occupations using the SOC code system of 820 occupations. O*NET has 974 distinct occupational definitions that begin with one of these 820 SOC group codes. It appears that somehow the SOC collected group data is going to be applied to the 974 O*NET codes rather than collecting at the O*NET code level. This is the first source for serious error when trying to use this "new OIS".

The next issue is that the venerable but aged DOT has 12,761 unique occupations. These are being aggregated down to 820 occupational groups only. Some of these groups contain hundreds of DOT occupations, and the variability of values obtained for critical factors such as SVP and Strength is going to be so great as to effectively render the new data set of only 820 occupations functionally useless.

A glimmer of hope exists if enough data can be gathered particularly for the most troublesome SOC groups (those with the highest variability of SVP/Strength) by sufficiently sampling enough of the NAICS groups in which the occupations occur. An SOC occupation in an industry is likely to be more consistent in terms of physical demand and SVP.

However, the verbalized reporting plan (from public presentations by BLS and SSA) is to only go to a 2 digit level of NAICS coding, which will be completely inadequate for these highest variability SOC groups. NAICS coding should go to at least a 3-digit level of coding and probably to a 4- or 5-digit NAICS coding level for greater precision. This will also permit a direct link to critical labor market data for numbers of people employed

nationally in these targeted industries. This may well require an increase in the sample size to achieve results at a reliable level … but so be it. It must be done and done well.

The BLS "outside subject matter expert" conducted a literature review of occupational requirements going back only 10-15 years in the literature. The 4th edition DOT itself was built from the 1972 Handbook for Analyzing Jobs. The literature search should have gone back at least this far. Many important constructs (such as Aptitudes) date back to WWII. While one part of SSA contends that this effort is driven primarily to help with the needs of claims adjudication, there is another part of SSA that is dedicated to Return to Work Initiatives. Aptitudes figure prominently into that very important effort. This data collection completely ignores Aptitudes. I believe this omission to be a critical flaw.

Accuracy of the Estimate of Respondent Burden

The amount of time estimated to be spent on collection of the physical demand and mental cognitive sections is very low compared to a more reliable method of direct observation in addition to discussion with HR personnel and small business owners about job requirements. Real world job analysis experience by rehabilitation professionals shows that a greater amount of time spent in these critical areas will lead to more accurate data collection. BLS has similarly noted improved data quality when doing direct observation of the work being done. The greatest expense in this effort is finding employers willing to participate (which apparently has not been a problem) and getting BLS job analysts on site. Some additional time spent in actual observation of the occupation being performed will greatly enhance the quality of the collected data. While outside of the "normal way" that BLS job analysts have collected data, data accuracy will also be improved by actual measurement of weights lifted, pushed/pulled, distances traveled, and decibel levels in the work environment.

Enhancements to the Quality/Utility/Clarity of Data Collection

SSA is funding the collection of this data. The resulting data (OIS) should be usable for all of SSA's purposes ….not just for the claims adjudication side. If it is done improperly, then very expensive claims decisions and testimony offered in the claims adjudication process will be severely compromised.

SSA claimants present with a wide variety of work history (per DOT coding), but coding work history at the SOC or even O*NET level will often overestimate a person's SVP unless it can be further narrowed to the industry in which the prior job was performed. Then the SVP range should tighten significantly. The net result is that inappropriate occupations may be identified and legitimate claims could be inappropriately denied.

In the proposed data collection form, SSA has taken excellent steps forward to improve the quality of data collected in the domain of physical demands. These are now much more discrete data collection elements, which reflect the excellent suggestions and work of the OIDAP.

Unfortunately, the same clarity of discrete characteristics is missing from the confounded and convoluted questions being asked about the mental/cognitive requirements of an occupation.

SSA has some very specific characteristics that it discerns from the claim information submitted to it that are not being specifically captured in this data collection form. Notably, there are no discrete questions about:

- Memory
- Reasoning
- Concentration
- Pace
- Persistence
- Production rate
- Number of "steps" required to perform tasks (please define "step")
- Time permitted the worker to be "off task"
- Decision making
- Judgement
- Level of stress (which needs to be explicitly defined)
- Permissible absences (particularly during the probationary period)
- Frequency of rest or break periods

Each of these factors should be well defined and asked discretely, not "rolled up" into the current form of mental/cognitive questions. The current form has too many mixed concepts, and it is increasingly confusing to the respondent as the scale is explained. Break each of these constructs out into individual scales. They could be aggregated somewhat later, but they should be captured discretely now for respondent clarity.

Missing from the Physical Demand data collection effort are the following useful factors that should be included:

- Standing (separated from walking)
- Twisting of trunk (trunk rotation – a very common source for back injury)
- Reaching overhead (should be simply defined as "at or above the shoulder" … very easy to describe and observe)
- Depth perception
- Color vision (whether required or not)
- Balancing
- Touch/Feeling
- Tasting/smelling
- Visual accommodation (seeing near then far with rapid focal adjustment)

Also critically missing is capture of the typical work situations in which a worker must be comfortable performing, such as:

- Taking charge (Dominating)
- Tolerating short-cycle/highly repetitive tasks
- Influencing the behavior of other people (public or co-workers)
- Attaining precision tolerances (like machining work)
- Exercising considerable judgement to make decisions or recommend courses of action

There is also no capture of traditional worker functions related to working with Data, People, Things, or Ideas (constructs that can be helpful in identifying alternative work

possibilities for people). Many useful and popular testing instruments, developed over decades for career counseling and exploration, would be rendered obsolete by this new OIS. This kind of information is extremely helpful in the process of returning people to work.

Further, this data collection effort fails to collect any information summarizing the primary activities and purpose of the work being done by the worker or any areas of specialization in which this work is done. In the DOT, these Work Fields and Materials, Products, Subject Matter, and Services (MPSMS) codes are essential to the examination of occupations that may be transferable from one occupational group to another. The lack of Work Fields and MPSMS codes associated with the new data collection effort will fundamentally change and enormously weaken the ability of SSA to perform transferable skills analysis for older workers. This is a glaring omission from work which SSA is obligated to do as defined in the Code of Federal Regulations 20 CFR 404.1568(d).

Respondents to this survey have shown great willingness to participate in sharing information because of the important purpose of this expensive data collection effort. It is essential that full, clear, and proper questions be carefully and discretely asked of respondents that will facilitate clarity for both the respondent and particularly for SSA. While BLS and SSA have balked at asking more questions, so far, respondents have been very cooperative. Some sampling asking about each of these discrete areas above should be done to truly find out just how far in depth the information can be obtained.

Reporting of the results of this data collection effort has not been identified as pertains to how SSA will be able to use the collected data in its current processes. The new mental cognitive questions cover too many discrete constructs all wrapped up into a small number of too complex questions to generate good or useful data for SSA. The quality of results obtained from the proposed data collection (asking only HR personnel and the small business owner) will be compromised and will be more variable since no occupations are being directly observed and none are being empirically measured.

Weights lifted and forces exerted should be verified with a simple scale and push/pull meter, noise levels measured with an inexpensive decibel meter, and distances walked or reached should be measured at a minimum. The job analysts are on site already …. A few more minutes in observation and simple, quick measurement will greatly enhance the quality of information obtained and eliminate a potential legal objection that the information is all just "hearsay", since it was only described to the analyst rather than directly observed. Why leave that potential avenue of legal protest open to objection?

OSHA, CDC, and NIOSH all meticulously measure things. So can BLS! Does BLS not understand that this survey data is going to be subjected to the most stringent review by the legal profession? Why is SSA shortchanging the objectivity of this research process, knowing that the legal profession will meet them head on at the appeals level? Please … do this properly the first time!

BLS has created an initial ORS Collection Manual. It is a good start to carefully identifying each of the factors collected. The manual must be totally free-standing and include all information in it directly rather than just refer to another manual or

procedure that is inaccessible to a non-BLS person. Descriptions of each of the elements should be done in concert with language used also by rehabilitation, mental health/psychological care, and healthcare professionals. SSA must interpret the data collected in terms of the information reported by these kinds of professionals in its adjudication process. The ORS Collection Manual should be very carefully vetted by these kinds of professionals prior to the full data production collection effort. The ORS Collection Manual must be completed prior to the full production collection.

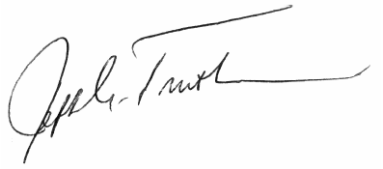
It is not clear if Temporary Employment Agencies are included in the mix of industries surveyed by the NCS. This is really important because nearly 3 million workers are employed by this industry. As many as 1/3 of all workers in some SOC occupations are employed not by an industry, but rather by a temporary employment agency. This is a fundamental change in how/where some occupations are performed. This has a significant impact on how a worker would enter an industry – perhaps ONLY through the gateway of a temp agency. The requirements of such agencies must become known. SSA will also need to understand the impact of this employment shift on sedentary, unskilled workers.

The "normal" NCS survey method selects companies, then interviews them to determine what occupations exist in each company/industry. A more efficient method to approach this and to provide a nicely stratified sample of occupations is to use the OES (Occupational Employment Survey) staffing patterns by industry to already know which occupations to expect in what density prior to walking in the door. There are clear, well-established patterns of staffing, industry by industry. The OES survey program already understands all this. There should be a cooperative effort combining these approaches to assure that the best data is most quickly obtained by SSA given its substantial investment in BLS services. There should be no "turf wars" within BLS since SSA is its customer in this case. Both OES and NCS should work cooperatively to produce the best possible results in the shortest amount of time. Perhaps some of the OES respondents would also be willing to help NCS in its data collection effort. The OES effort covers 1.2 million establishments. The NCS effort is significantly more limited in scope.

Minimization of Burden

Respondents have been very willing to participate in this extra survey because of its important ramifications concerning persons with disabilities. Now is the time to pause to clean up the inadequacies of this data collection effort, particularly in the mental-cognitive area before this expensive, yet vital effort is undertaken. It is essential that the proper mental cognitive questions be carefully and discretely asked of respondents to facilitate clarity for both the respondent and for SSA. There are many loose ends that must be tightened up prior to a full production data collection effort.

Sincerely,



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