

Occupational Information Development Advisory Panel Quarterly Meeting Minutes

Sheraton Atlanta Hotel
Atlanta, Georgia

April 27-29, 2009

This document contains the minutes of the second quarterly meeting of the Occupational Information Development Advisory Panel (the "Panel"). This discretionary Panel, established under the Federal Advisory Committee Act of 1972, as amended (hereinafter referred to as "the FACA"), will report to the Commissioner of Social Security ("Commissioner"). The Panel will provide independent advice and recommendations on plans and activities to replace the Dictionary of Occupational Titles used in the Social Security Administration's (SSA) disability determination process. The Panel will advise the agency on creating an occupational information system tailored specifically for SSA's disability programs and adjudicative needs. The Panel will provide advice and recommendations related to SSA's disability programs in the following areas: medical and vocational analysis of disability claims; occupational analysis, including definitions, rating, and capture of physical and mental/cognitive demands of work, and other occupational information critical to SSA disability programs; data collection; use of occupational information in SSA's disability programs; and any other area(s) that would enable SSA to develop an occupational information system suited to its disability programs and improve the medical-vocational adjudication policies and processes.

Panel Members Present:

Mary Barros-Bailey, Ph.D. (Interim Chair)
Robert T. Fraser, Ph.D.
Shanan Gwaltney-Gibson, Ph.D.
Thomas A. Hardy, J. D.
Sylvia E. Karman
Deborah E. Lechner
Lynnae M. Ruttledge
David J. Schretlen, Ph.D.
Nancy G. Shor, J.D.
Mark A. Wilson, Ph.D.
James F. Woods

Call to Order:

Debra Tidwell-Peters, the Designated Federal Officer, called the meeting to order and recognized the Panel's Interim Chair, Dr. Mary Barros-Bailey. After the Panel members introduced themselves, Dr. Barros-Bailey thanked them and SSA staff for their work

since the Inaugural Meeting, reviewed the Panel's Charge from Commissioner Astrue, and reminded Panel members of the September 2009 deadline for the first set of Panel recommendations.

Dr. Barros-Bailey provided an overview of the existing Panel subcommittees and their work on taxonomies, physical demands, mental and cognitive demands, and user needs and relations. She also announced the creation of an additional subcommittee to focus on transferable skills analysis (TSA). The TSA chair, Mr. Tom Hardy, was recognized and introduced the members of the subcommittee.

Dr. Barros-Bailey reviewed the agenda for the day and referenced the "Roadmap" document provided to the Panel. Ms. Karman, Panel member and Project Director, provided the Panel with a summary of the various components of, and documents listed in, the "Roadmap."

Presentation: Case Demonstration Part 1, Claim Intake and Initial Development of Medical and Vocational Evidence

John Owen III, Deputy Director, Division of Disability Determination Services Operations Support

Shirleen Roth, Social Insurance Specialist, Office of Program Development and Research

Ms. Shirleen Roth gave an overview of a sample case that was prepared as an illustration of an adult disability claim. Mr. Owen then provided a detailed description of how the claim would be processed, focusing on claimant interaction with the field office, how information is collected and filed, the DDS intake review, and the process of developing the initial medical and vocational evidence.

Presentation: Case Demonstration Part 2

Tom Johns, Branch Chief, Disability Quality Branch, Dallas Office of Quality Performance

Mr. Johns' presentation focused on the process for evaluating physical impairments shown in the case, described the types of information collected from various sources, and the development of the physical residual functional capacity (RFC) assessment. Panel members requested clarification regarding the process of documenting the physical limitations of the claimant, as well as the processes involved in assembling medical records.

Presentation: Case Demonstration Part 3, Evaluation of Mental Impairments

Tom Johns, Branch Chief, Disability Quality Branch, Dallas Office of Quality Performance

In Part 3 of the *Case Demonstration*, Mr. Johns evaluated the physical and mental impairments in the file and provided an in-depth explanation of acceptable (and unacceptable) medical sources, explained how those sources are used to complete functional assessment forms and discussed how mental medical evidence is evaluated to assess mental residual functional capacity.

Presentation: Case Demonstration Parts 4 and 5, Vocational Evaluation—Past Relevant Work and Other Work

Shirleen Roth, Social Insurance Specialist, Office of Program Development and Research

Ms. Roth demonstrated an occupational information system entitled OccuBrowse and referenced other programs that contain the Dictionary of Occupational Titles (DOT) including OASYS, West Law, and Job Browser Pro. She described the Guide for Occupational Exploration, a Department of Labor publication, highlighting its potential use in transferability of skills analysis. The presentation also covered problems that exist in the current system and a discussion of possible approaches to resolving these issues in a new system; a discussion of the importance of job demands; and, notation of the difficulties SSA has encountered in using the DOT.

Presentation: Part 6, Perspectives from Hearing Office and Office of Appellate Operations

Judge Cam Oetter, Administrative Law Judge, Macon Georgia Hearing Office, Office of the Chief Administrative Law Judge

Judge Robert Goldberg, Administrative Appeals Judge, Office of Appellate Operations

Judge Oetter gave a detailed explanation of the appellate process, including how cases at this level are *de novo* proceedings, and a discussion of other information that can be considered (such as formal or informal education, previous work, community projects, or hobbies). The presentation also covered the importance of representation and the overall impact of the case backlog.

Judge Goldberg informed the Panel that at the final administrative review level, judges review ALJs' decisions and review substantial evidence. At the Appeals Council (AC) level, the adjudication is not *de novo*—cases are adjudicated based on the record, i.e., the AC decides whether to remand the case back to the ALJ, pay the case, or deny review. Judge Goldberg noted that the record is not closed at the AC level and the claimant can still produce new evidence, but it will only be considered by the AC judge if it is relevant

to the period during which the ALJ adjudicated the case. The AC tries to be uniform in its approach, but they must react to particular circuit and district court decisions in each circuit.

On day two of the second quarterly Panel meeting, April 28, 2009, Ms Tidwell-Peters called the meeting to order and turned it over to the Interim Panel Chair, Mary Barros-Bailey.

Presentation: Case Demonstration

Shirleen Roth, Social Insurance Specialist, Office of Program Development and Research

In concluding her presentation from the previous day, Ms. Roth presented an analysis of steps 4 and 5 of the sequential evaluation process as it relates to past relevant work and transferable skills analysis. In Step 4, it is determined whether the claimant can perform their past relevant work as they describe it. To get a better understanding of what those jobs entail, the adjudicator may consult the Dictionary of Occupational Titles to compare the physical demands required and the claimant's limitations. If the claimant cannot perform their past job as they describe it, the DOT is consulted to determine if the claimant can perform their past work as described in the DOT. A determination is then made regarding whether the claimant can perform their past work.

If the claimant cannot perform their past work, the next step is to determine whether the claimant may perform other work in the economy. Ms Roth referenced 20 CFR Subpart P, Appendix 2 regarding the agency's determination whether or not the claimant can perform work in the national economy. If the claimant's skills are transferable to other occupations, SSA would find the claimant not disabled.

Presentation: Perspectives from Vocational Experts

Lynne Tracy and Scott Stipe

Lynne Tracy provided an overview of a Vocational Expert's testimony during and before an Administrative Law Judge (ALJ). The VE reviews the claimant's file, including the claimant's age, education, and work history. During the hearing, the VE provides the judge with the claimant's job title, DOT code, and exertional level. Mr. Stipe stated that the VE develops hypothetical questions based on the claimant's vocational factors such as age and transferability to prepare for hypotheticals asked by the ALJ. Ms. Tracy suggested that SSA develop a better definition for the term "moderate" as a category on forms describing a limitation for performing a specific job related function. Mr. Stipe described the process for conducting a transferable skills analysis; where the VE is considering a claimant's aptitudes and skills obtained through previous work as well as how temperaments required in a job affect transferability for claimants with cognitive impairments. Ms. Tracy suggested that SSA develop limitation categories consisting of more scale, thus providing evaluators with more options for classification. She also

provided additional functional descriptors to include on a “wish list” for SSA to develop such as one step/two step jobs, reaching, concentration, persistence, pace, and keyboarding.

Presentation: Perspective from Claimant Representatives

Art Kaufman and Charles Martin

The primary role of the representative is to assist the claimant in gathering evidence, used by SSA to determine the claimant’s physical and/or mental residual functional capacity (RFC). The representative assists the claimant in trying to prove that this RFC considered along with knowledge gleaned from past work and/or education, would prohibit the claimant from performing work in the national economy. Claimant representatives are required to have a thorough knowledge of the Social Security Act, Social Security Regulations, Rulings, HALLEX, and POMS. The responsibility of the representative is to prove that jobs--not occupations--that the claimant can perform do not exist.

Presentation: Initial report of OIDAP Work Taxonomy Subcommittee

Dr. Mark Wilson, *OIDAP Member/Subcommittee Chair*

Dr. Wilson summarized the work of the OIDAP Taxonomy Subcommittee work in three distinct segments. The first is an overview of work analysis. Work analysis may be defined as collecting information about jobs, by any means, for any purpose. Work analysis is generally performed in the context of trying to understand the individual, the organization in which they are embedded, and larger environmental factors. The second segment in terms of the methodology is an analysis of work taxonomies. The primary purpose of taxonomy is classification. This classification can vary in level of detail, such as in the degree of job characteristics and the manner of aggregation. The third consideration is the evaluation criteria. Considerations for evaluation begin with whether the dimension has obvious physical, cognitive, emotional, behavioral, or interpersonal relationship to world of work. Some vital questions raised by this presentation were: Is the analysis legally defensible? Are the dimensions for evaluation used multiple times by experts in the field? Is the dimension sensitive to jobs SSA currently sees frequently? How is work evolving?

Occupational Information User Panel

This panel consisted of the vocational experts, claimant representatives, judges and staff who presented to the Panel earlier in the meeting. An addition was Judge Rick Waitsman, Administrative Law Judge, Office of Hearings and Appeals, who noted that the sit. stand option is not in the Dictionary of Occupational Titles, but it comes up in case after case. Tom Johns clarified that the narrative in the MRFC is the actual assessment of the claimant’s functioning. It is not sufficient to merely complete the check boxes without providing a narrative. Concerning aptitudes, Scott Stipe indicated

that VE's evaluate aptitudes from an individual's past work experience. In terms of more quantitative information about what job requirements are in the cognitive domain, Mr. Martin indicated that the DOT's very general GED requirements are limited because they don't have a statistically valid test that can be administered that will provide a result comparable to the classifications in the DOT. He also recommended that in evaluating jobs there should be a grade level achievement required as a means of job classification.

Public Comment and Panel Discussion and Deliberation

Dr. David Thomsen, president at ERI and PAQ, and Linda Lampkin provided an overview of their occupational software, eDOT, as well as their collaborative efforts with Vertek.

John Yent from the Louisiana Committee of Social Security Vocational Experts provided an overview of the challenges of responding to hypotheticals posed during an ALJ hearing and the need to develop a system that provides reliable, consistent information.

Angela Heitzman, a rehabilitation consultant and vocational expert, provided an overview of International Association of Rehabilitation Professionals (IARP) Occupational Database Committee and plans to research and evaluate existing databases to replace the Dictionary of Occupational Titles.

On day three of the second quarterly Panel meeting, April 29, 2009, Debra Tidwell-Peters, the Designated Federal Officer, called the meeting to order and turned it over to the interim Panel Chair, Dr. Mary Barros-Bailey.

Presentation: Fundamental Dimension of Human Cognitive Functioning

**David A. Schretlen, Ph.D., the Johns Hopkins University School of Medicine
Department of Psychiatry and Behavioral Sciences, OIDAP Member, Subcommittee
Chair—Mental/Cognitive Demands**

Dr. Schretlen explained that one possible approach to identifying aspects of cognitive functioning is factor analysis. Factor analysis aims to elucidate smaller subsets of latent abilities that account for most of the performance variability seen in larger sets of cognitive measures. Dr. Schretlen reviewed a number of previously reported factor analytic studies and summarized models of human cognitive architecture involving single, dual, and multiple latent factors. He discussed the advantages and disadvantages of recommending that SSA adopt simple versus complex models of cognitive functioning for purposes of mental RFC assessment.

Discussion centered on how Dr. Schretlen's information could be used in the analysis of work. He described how testing a sample of incumbents may be an option to consider, noting that he was interested in how well the top 100 occupations in the US economy might map across different levels of job complexity.— this could be the top 50, 100, or 250, etc. SSA would then have this data to compare applicants to the characteristics of

people who are successful in the occupation. As a result of this approach, SSA would need to determine through policy where to draw the line to separate who is employable from who is not. A Panel member asked about the possibility of claimant's malingering to lower their scores on tests, and Dr. Schretlen stated that this is a legitimate but tractable concern. Panel members also discussed whether it would be within the Panel's authority to make recommendations on how to improve the methods currently used to gather information from the claimants about functioning.

Summary of Panel Discussion and Deliberations:

There was discussion among the Panel members about the users' Panel from day two and whether anyone had additional questions for them. Panel members reflected that they still have many questions for SSA's users of occupational information, and this led into a discussion about the status of the visits to the DDSs for interested Panel members.

OIDAP member Deborah Lechner said she would be interested in seeing more case samples that deal specifically with the joints of the upper extremities – fingers, elbows, shoulder – and the cervical spine. because she thinks this is an area that SSA's current classification system does not address very well.

Dr. Robert Fraser asked for clarification about the types of resources available to SSA adjudicators for transfer of skills analysis; he was particularly interested in knowing about the use of SkillTRAN. Shirleen Roth explained that SSA has a digital library which allows adjudicators to use SkillTRAN's Job Browser Pro. The Digital Library also has available Vertek's OccuBrowse and OASYS, as well as West Law software for adjudicators.

Dr. Fraser reported that the cognitive subcommittee met over breakfast and discussed looking at the taxonomies presented by Dr. Wilson to see what their cognitive components might be, but Dr. Wilson responded that the taxonomy subcommittee already planned to do this. Sylvia Karman stressed the importance of coordinating the efforts of the various subcommittees so efforts are not duplicated. Dr. Wilson said that the taxonomies do a better job of picking up the physical aspects of work than the mental. He said that as the research progresses into the mental demands of work, SSA's data will probably be better than any of the existing models.

Dr. Wilson said that most assessments on the work side or human attribute side are meant to assess attributes across the entire range, but SSA needs to be able to clearly differentiate toward the bottom of the distribution for physical and cognitive work demands. Again the issue was raised that SSA would need to determine where to make the cut off.

Dr. Schretlen asked Dr. Wilson to explain what he meant by a generalized work activity (GWA). Dr. Wilson said that defining GWA would be up to SSA, but it has to be behavioral and probable. However SSA envisions GWA's, it must cover all work. Ms. Lechner pointed out that GWA's might be sufficient in the cognitive arena but when

addressing physical it is also important to know what types of materials people are working with.

Dr. Fraser questioned whether there is any published literature about the reasons people lose their jobs especially in the interpersonal behavioral world. Other Panel members agreed that it would be interesting to do a literature search to see what is available on this subject. Dr. Shanan Gibson said that part of the reason there is not much literature on the subject of job terminations has to do with the poor job organizations do documenting terminations, often for legal reasons.

Project Director's Update

Sylvia Karman reported that action items gathered from the OIDAP Inaugural Meeting had been addressed and updates were available in members' binders and handout materials. Other updates included:

- Short-term project: ICF International is wrapping up its evaluation of the occupational data from Career Planning, Software Specialist, Inc and the methods used to collect the data. The final report is due at the end of May.
- Occupational and Medical-Vocational Claims Information study: SSA is starting a study of occupational (work history) and medical-vocational outcomes in claims to determine which jobs claimants most frequently cite as past work in addition to other critical information. Other data will also be gathered. The goal is to have this project completed by mid 2010.
- Single decision maker pilot: A Panel member enquired about the SDM pilot at the inaugural meeting. The SDM pilot is scheduled to expire in September of 2009, and at that time a workgroup will review the program to determine its impact on the program to determine whether to eliminate or expand it.
- History of the Mental RFC form: Members of the workgroup prepared a paper about the development of the MRFC, and it is in the Panel members' binders.
- User Needs Analysis: On Tuesday, the UNA interviews were tested, and the results will be shared with the Panel when available. The UNA consists of asking a series of questions of SSA's users of occupational information, including adjudicators and reviewers. The questions ask respondents to consider, given a person's impairments, the effect on job performance.
- Outreach:
 - Several members of the Occupational Information Development (OID) Team attended the Society for industrial and Occupational Psychology annual conference in New Orleans. This gave team members the opportunity to become more familiar with the literature and work going on in I&O psychology.

- Panel members Sylvia Karman presented at a National Academies of Science meeting that is reviewing O*NET about why SSA cannot use O*NET. Panel member Mark Wilson attended also attended the meeting.
- Training: Panel member Mark Wilson and RJ Harvey, a Virginia Tech professor who is part of the OID team, presented a day and a half workshop for SSA staff on the fundamentals of job analysis.

Panel Administrative Business

- Operating procedures were reviewed and adopted.
- Minutes from the Inaugural Meeting were reviewed and adopted.

Subcommittee Updates

- DDS/ODAR visits: Status of this project was discussed earlier in the meeting. Panel member visits are pending.
- Transfer of Skills: Subcommittee members are reviewing a bibliography.
- Mental/Cognitive: Dr. Fraser will be looking into literature on job terminations and cognitive behavioral factors that might be relevant. Subcommittee members will also begin surveying literature on the emotional and interpersonal factors that appear to be predictive of job loss.
- Physical Demands: SSA staff sent out a survey to users of occupational information, and the results of the survey are in Panel members' binders. The subcommittee will survey literature to see what kinds of physical demand classifications exist beside the DOT.
- RFC User Needs: This subcommittee is changing its name to the User Needs Relations subcommittee and is expanding its scope. This subcommittee will act as the Panel's public relations and users' investigative arm.

Panel Decisions and Actions

- The TSA subcommittee is putting together a round table discussion on TSA.
- SSA staff members will put together a list of the top 100 jobs in the US economy.
- Dr. Fraser will research literature on job terminations.
- The taxonomy subcommittee will ask Panel members to attempt an analysis of Suzy Que.
- Dr. Schretlen asked to be put on the agenda for the June meeting to present about the methods of inference that might be helpful to the Panel.

Meeting Adjournment:

The meeting adjourned at approximately 2:15 p.m. (EDT).

Certification

I, Debra Tidwell-Peters, Designated Federal Officer for the Occupational Information Development Advisory Panel, hereby certify that the above minutes accurately describe the Quarterly Meeting of the Panel held on April 27, 2009 thru April 29, 2009, at the Sheraton Atlanta Hotel, 165 Courtland Street NE, Atlanta, GA 30303.



Debra Tidwell-Peters
Designated Federal Officer