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ADVISORY PANEL QUARTERLY MEETING

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SOCIAL SECURITY ADMINISTRATION  
LOS ANGELES, CALIFORNIA

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## PROCEEDINGS

MS. TIDWELL-PETERS: My name is Deborah Tidwell-Peters, and I am the Designated Federal Officer for the Occupational Information Development Advisory Panel. We welcome you to the September quarterly meeting.

I will now turn the meeting over to Dr. Mary Barros-Bailey, the Interim and Panel Chair.

Mary.

DR. BARROS-BAILEY: Thank you, Debra.

Good morning, everybody. How is everybody doing this morning? Great, okay.

Welcome to our fourth quarterly meeting for the OIDAP. I just want to start before I head into the agenda with some general comments. First of all, based upon what we have before us, the nearly 600 pages of work that this panel has done, and beyond the Panel, the users, everybody's input has gotten us here. And so I want to thank everybody publicly from the Panel, to the staff, to the user, to everybody that has been involved in this process. It has been tremendous.

It has been, as a rehab counselor and vocational expert I never thought I would learn as much as I have learned in the last six months. And one of the things that I keep on saying is, I feel like I need one of the communicators like Star Trek because, in so many ways, we have learned that sometimes when we communicate in a certain way what we are saying may mean something differently. And so we learned communication among us. And I think part of the challenge is also communicating that back out through our written reports and that type of thing, so we have attempted to do that through this process. So thank you all.

I wanted to kind of give a little bit of an orientation of how we got here and

where we are going, just because the draft report that we have before us, even if you look at the recommendations, one of the Panel members mentioned yesterday, that she has never been involved with the group that the draft from Friday was considered an old draft. Just because this process has been what we call "iterative," it really has. We have been able to structure the subcommittee in a way and a Panel in a way to be able to work through some of these recommendations.

What I would like to do is kind of orient us to what our recommendations are. The scope of our recommendations for this report to the Commissioner is about the data elements for the content model and the classification. That was our main task for this fiscal year. Some other recommendations kind of float out of that, some research recommendations, some measurement recommendations, but I made a recommendation for a content model and classification data elements.

What will be happening over the next day and a half in terms of the voting process, the subcommittees are giving the recommendations to the Panel that we will be voting on. The Panel will vote on those recommendations and then, as a Panel, we give our recommendations to SSA. So part of the process is subcommittees to Panel, Panel to SSA.

Part of what has happened in terms of, through the summer, we had our initial set of draft reports coming in from the subcommittees about a month ago. And several months ago, when we were trying to figure out how long this thing was going to be, we had, initially, estimated 25 to 50 pages; we will be over 600 pages by the time, probably, this is finalized.

And so the first whiff we got of that was about a month ago with the initial set that has grown since then. We have gone from that to review by the subcommittees in terms of the individual reports to what you might hear some Panel members refer to as "Ralph,"

which is really the overarching report that the subcommittee reports are appendices of, but it is our overall concept in terms of our recommendations. We have gone through that process that was written about two weeks ago. The subcommittee looked at it. It went back to the individual subcommittees yesterday. There have been some changes through that process to what we call the voting schematic, which is what is going to be guiding us over the next day and a half. And so there might even be some changes there in terms of our final recommendations.

Where do we go from here? So, obviously, because the word we are using is "iterative," what we see in our draft reports is something that might not be the very final product because of the voting schematic. We go back and change that the overall reports reflect what the recommendations are from the Panel.

It is very, very important for people to understand, this is the starting point. This is not the finish line. And so our recommendations are really a point where we need to launch from, they are not where we are stopping. And so as long as people understand that, I think it is really important that there is going to be more opportunity for people to offer commentary of where we are going.

And then from that point, we will get into a lot more detail throughout the meeting over the next day and a half in terms of item development -- excuse me -- instrument development and testing and a lot of the R&D through this process.

One of the things that did happen yesterday that I think I need to mention right off of the shoot is one of our subcommittee's names changed. We went from Transferable Field Analysis Subcommittee to Work Experience Assessment Subcommittee to better reflect really what TSA is within the context of Social Security to not compound or confuse that in terms of how it is used in other systems. And so we wanted to -- we are trying to be very

purposeful in terms of our use of terms so people understand where we are coming from.

Okay. Now, I just want to review the agenda in terms of what we are going to be doing today -- or over the next couple days. We are going to start off with the presentation by Dr. R.J. Harvey and Shirleen Roth in terms of lessons learned from the DOT and O\*NET. What are the paperweights? What is helpful to our process?

We will have a break from 9:25 to 10:00. We will go in terms of Panel discussion on General Recommendations One and Two. These are -- were three general recommendations that flowed into the whole recommendations scheme that didn't necessarily arise, specifically, from any of the subcommittees, but were general recommendations. We will be talking about those.

Then we will start with Work Taxonomy and Classification at 10:30, presentation and also voting on those recommendations until 11:30. We will take a lunch break until 12:45. We will go into the -- it says on your agendas, "Transferable Skills Analysis Subcommittee," but that is, now the Work Experience Assessment Subcommittee, until 1:45. Then we will go to the Cognitive Subcommittee from 1:45 to 2:45, take a break for 15 minutes, go into public commentary from 3:00 to 4:00, and then general discussion deliberation from 4:00 to 5:00 for the panel. And then tomorrow, I will go into detail in terms of the agenda for tomorrow, which will involve more of the subcommittee process.

So at this point, I would like to maybe turn the meeting over to Dr. Harvey and Ms. Roth for their presentation.

MS. ROTH: Good morning, Madam Chair and members of the panel. Thank you for the opportunity for SSA staff to provide you with a brief description of a working paper that we are preparing for you and for your consideration. My name is Shirleen Roth and with me is Dr. R.J. Harvey, and we would like to describe for you some of the lessons learned from the

DOT and O\*NET, Occupational Product Produced by the Department of Labor.

Through considering these products, we have to build upon these lessons as the Occupation Information System or OIS is being developed to meet SSA's needs. Now, for the presentation we are going to go over five main topics, the first three are review points. We think it is important to go over these review items to put into context the lessons learned, but we are going to keep -- stay as brief as possible with these particular items as we can.

The first topic is the big picture and that is the Social Security Act. We have lots of rules and regulations all the way from the Social Security Act down to operational instructions that we provide to our adjudicators. But our primary reference is the Social Security Act, and it is important to keep in mind that the Social Security Act contains what I call a work standard and that is that when we evaluate whether or not someone is disabled we compare their functional capacity with their ability to work. And again, that is embodied within the Social Security Act, definition of disability, which is on your screen or on your slide.

We have to find that in order to be under a disability only if “his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, work experience, engage in any other kind of substantial gainful work which exist in the national economy.”

And it is for that reason that we need to develop this system and it is for that need that we need to make sure that this system is tailored.

Now, Dr. Harvey is going to be discussing with you some of the terminology that is needed -- understanding that -- we need to have an understanding of certain terminology as we go forward.

DR. HARVEY: Good morning. If you have questions throughout this, please, feel free

to interrupt. We are, as Shirleen noted, we are going over some definitional issues for a variety of reasons, not the least of which being that, it is important that we all mean the same thing when we use a term. So we are going to review some of that as well as focus on the question of exactly how these taxonomies or what taxonomies are involved in doing the work that will be associated with this product.

People often use the term "taxonomy." In fact, one of our subcommittees has Taxonomy as part of its title. And it is easy to think, "Oh, the taxonomy. Well, that's the taxonomy."

Well, what taxonomy are we talking about? Basically, there is going to be three. Two of which, if you turn to your next slide, you can see a graphic of that you have seen before and will probably see again. The infamous two worlds of work which is the distinction that is extremely critical for the purposes at hand. We can think of the job side, the right side of that figure as describing the activities, characteristics, aspects of occupations that jobs demand of workers including, context, responsibilities, outcomes, et cetera.

The second aspect -- which oftentimes, we don't clearly identify as being something that is indeed qualitatively different -- reflects the person side of the equation. This is what people, workers, actual flesh and blood people bring to the occupational situation. The job has demands that it expects workers to perform, workers to bring things to the table, and to some degree of success to perform the occupations, demands. The person side of the work is the one that is perhaps most familiar to people who are in the trenches doing work with SSA. These are the characteristics of people that get evaluated in terms of their Residual Functional Capacity or RFC, physical capabilities, mental capabilities, et cetera.

Again, oftentimes, we will talk about both of these as being things that we talk

about or parts of information that we need. But we never need to lose sight of the fact that these represent very different types of information, one describing characteristics of work itself, one describing characteristics of people that they bring to the work situation. And there is our graphic again.

Let me stress that, the illustrative examples that are presented in here are not meant to suggest ones that we particularly intend to use but are meant to reflect the fact that on both sides, on the person side and on the job side, we can think of this collection of information as representing a hierarchy from the lowest levels describing the highest level of specificity, up through moderate levels, up through the highest levels describing the most abstract way of looking at work.

As you can see, on the right side there is in blue indicating the various levels. You will notice coincidentally they both have five levels. We don't mean to imply that there is some line in the sand out there that differentiates one from the other, this is a continuum. But for purposes of ease of communication -- and I think it pretty much describes fairly well the way these tend to congregate, that we can think of these as representing at least five general kinds of categories from the lowest level, which corresponds to DTO work tasks, up through level two, which were a slightly more abstract than task level three; increasingly more abstract, four; much more abstract up to five, being the highest level, at which we could describe work.

Same thing on the person side, we can assess people in terms of very detailed characteristics that we would actually have as being items that would be evaluated in a performance test or an evaluation up through more abstract kinds of construct in terms of characteristics of people and up through the highest level of personal characteristics.

The third taxonomy -- like two is not enough -- we need three. Our third

taxonomy deals with, the issue of how do these work activities tend to cluster when work actually is performed in the economy. This is the work, as it exists, phrase that is so important to us, Social Security. Figure two, if you move to the next page, gives an example of the level of specificity, and a similar hierarchy that we can identify with respect to that. As before, the various levels go from the most detailed down at the bottom, up through the most abstract, moving up to the top.

This is another area in which terminology is extremely important. At least in the sense of everyone understanding and adopting a common reference for what these words actually mean. Going through an order, positions being at the bottom, this is simply the collection of work task responsibilities, duties, et cetera that are assignable to a given worker. Arguably, not to get metaphysical this early in the day, but this is, arguably, the only part of the process that is actually real. We know what people do. You can go out with a camera or follow them around or observe and say that these are the things that Joe or Jane actually does on the job. There may be some disconnect between what the organization wants Joe or Jane to do versus what Joe or Jane actually do. But the point is, whatever they do is something that actually can be discovered and is real.

The rest of these represent hypothetical kinds of constructs that we use, oftentimes, without really thinking too hard, but they are indeed hypothetical, and we use them to simplify the task of trying to figure out what is going on. Clearly, we can't -- given within the single organization; it is typically impractical to try to make decisions at the position level. We have to say, well, what positions are similar enough to share a job description? And we refer to those as "jobs."

We can then move to the next level of abstraction and say, well, across organizations, what kinds of jobs, even if they might have different titles, what kinds of jobs

are basically referring to the same kinds of general activities, which we refer to as "occupations"? And this is the level at which DOT -- DOT's title taxonomy referred to or tried to describe work, collections of jobs that are similar enough that we can view them as being entities that exist across organizations across the economy.

Note that this is not the way that other taxonomy systems use the term "occupation." For example, the SOC refers to "occupations," but in fact, they are not talking about the same kinds of occupations the DOT refers to. So for present purposes, the term "occupation" will be used as in the capacity in which the DOT talked about.

Moving higher, the SOC and other systems like that operate on an even more abstract level. Basically, they describe entities that represent collections of similar occupations that exist across the economy. The question of how similar is subject to dispute, but the point is, they are more abstract than the typical way in which the DOT described occupations. This is reflected, and obviously, the numbers of elements that we would need to define these.

DOT rated tens of thousands, approximately, 13,000 in the last edition. In the earlier editions, apparently an excess of 30,000 titles were formally rated. SOC's and other systems trying to, again, simplifying the process, reducing that down to hundreds of titles instead of tens of thousands.

And then finally, at the highest level, for some purposes some people identify even more abstract clusters of the way work exists in the occupation, which I have called, leveraging the current parlance extreme job families. These represent very high level clusters of occupations. Literally, ones that you can count on one hand in terms of how many people say exist. For some functions people say, well, there is really only three general families, a clerical, and a managerial and operative. And obviously, for many purposes that might be too

abstract, but the point is, some people see the need to achieve that degree, a very high level of simplification.

Point being, continuum, just as before, even though we have chosen to illustrate five levels of this from the most detailed up to the most abstract, the fact remains, again, these lines really don't exist. It is a continuum, but these tend to be the ways in which taxonomic systems that we actually see do break down.

Moving on to topic three, turn it back to Shirleen.

MS. ROTH:

Thank you, R.J.

Within the next review area that we would like to discuss with you has to do with SSA's occupation information requirements, and I say that this is a review area because it is something we previously presented to you. There is on -- you have been presented with a paper, a working paper, from SSA staff entitled, "Social Security Administration Legal Program and Technical Data Occupational Information Requirement." And that working paper is posted on your Web site and [www.SSA.gov/OIDAP/](http://www.SSA.gov/OIDAP/) so that both you and the public can review that if you have an interest in seeing it in detail. I am going to be going over, briefly, just as a reminder to you of the kinds of information that we are interested in and some of our concerns in the development of occupational information, because then that leads directly into, what have we learned from the DOT and O\*NET.

Now, the first step in this process as I do want to go -- previously, I reviewed with you the Social Security Act. This particular slide has to do with the sequential evaluation process, which is embodied in our regulation. It is an interpretation or an operationalization of the Social Security Act definition of disability. And it shows, for example, that:

“The first step of sequential evaluation is the question whether or not an individual is now working and performing substantial gainful activity.

“If the person -- if the answer to that question is 'yes,' then the decision is made that the person is not disabled.

“If the answer to that question is 'no,' we go to the next step.

“At step two, we ask the question, does the individual have an impairment that is severe and meets the duration requirement?

“If the answer to that question is 'no' then we make a determination that claimant is not disabled.

“If the answer to that question is 'yes,' the person has a severe impairment and that they meet the duration requirement, then we go to step three.

“At step three, we ask the question, does the individual have an impairment or impairment that meets the criteria in the listing of impairments.”

These are medical listings that we find -- if someone meets these listings or has an impairment that is equivalent to these impairments then we would find their condition -- their medical condition to be of such severity that we would find them to be disabled without further investigation. And at that point, we would find claimant to be disabled and would pay the claim. If the person does not meet or equal impairment in that listing of impairment, then we would go to the next step. In the interval between those two steps, we will evaluate the person's residual functional capacity and that is, we will determine what is the most that person can do given their mental or physical impairment. And that is an administrative assessment. We use that assessment in the next two steps, steps four and five.

The question that we ask at step four is:

"Given the individual's residual functional capacity, is the individual still able to

do his or her past work?

“If the answer to that question is 'yes,' we find the person is not disabled.

“If the answer to the question is 'no,' then we go to the next step.”

At the last step of sequential evaluation, we ask the question:

"Is the individual able to perform other work given his or her RFC, age and work experience?"

And at that step, we refer to a series of what we call Rules of Medical Vocational Guidelines we find in the regulation. "If the answer to that question is 'yes,' the person is able to perform other work then we would find the person not disabled. If the answer to that question is 'no,' they are not able to perform other work, then we find the person is disabled and we pay the claim."

So again, that is a brief review of our sequential evaluation process. We need information about work in order to apply the fourth and fifth steps of the sequential evaluation process.

Now, going on to the legal and policy requirements, again, I am not going to go over the entire paper with you. Basically, just review it quickly so we can go on to the next part of the presentation. The first requirement is that the work must reflect national existence and incidence of work. Again, tied directly back that -- definition disability in the Social Security Act, it must reflect work requirement. In other words, it must provide data that will allow us to compare the individual's residual functional capacity with the existence of work. And lastly, it must be legally defensible.

And going on to the next requirement, I am going to just basically give a brief description. For Occupational Title Taxonomy, we need something that describes work using an Occupational Title Taxonomy that defines occupations at a level of granularity that is

sufficiently detailed to minimize within titled differences on rated attributes.

So in other words, the Occupational Title Taxonomy needs to be rating similar occupations, similar work activities, and similar attributes. It needs to describe occupations in terms of a common profile of work activities or work attributes, comprehensibly span the job-side domain that R.J. talked about, and it needs to be relevant to disability evaluation. It needs to describe occupations using a common profile of work or attributes or the person side that R.J. talked about.

Individual differences of elements that workers bring to work that are relevant to disability evaluation. It also needs to be using appropriate data collection, sampling, and validation methods. Now, in terms of the classification system, we believe that the numbering system for the occupational classification system needs to correspond to the standard occupational classification system what he saw, because of other data collection issues within the United States and information about the numbers of jobs within the United States. However, the classification needs to be in a more detailed level than sought because again, at that level, it is highly abstract. And we need to have a more real world understanding of what work habit exists.

The information needs to be occupationally specific, and that is the level of aggregation of occupations must be granular enough to capture information specific to an occupation where we can make that comparison between what the person has, the residual functional capacity to do, and what the occupation requires. We would like for the core tasks of an occupation to be described and for the measures of job demands to be based on the core tasks. So if there is occupational demands, for example, for optional tasks, that could certainly be described but we would like the demand to that occupation to be described in terms of the core tasks.

We need information about the minimal levels of requirements needed for work. And that is, again, to make that assessment of whether an individual can perform work given his or her residual functional capacity, we need to know what the minimum level required for that work is. We need observable measures. Those would be measures that would be capable of being objectively measured. Now, we do understand that there is any number of ways of collecting data, but ultimately the information needs to be objectively measurable.

In terms of deconstructed measures, I am going to come back to that a little bit later. Our users have told us repeatedly that some of the information contained in the DOT they would prefer to have something that is deconstructed, some existence of some work that is obscured using the existing measures in the DOT. So they are looking for some deconstruction, and I will come back to that a little bit later. The number of constructs needs to be manageable to adjudicate as many claims as we adjudicate each year. That means, it needs to be comprehensive to cover both, the person side and the work side, but it can't be so many constructs as to become owners to an adjudicator who is making the determination on a claim.

We are looking for sampling methodology that is going to be comprehensive enough and sufficient enough to cover work as it exists throughout the country. We are looking for inter-rater agreement levels on the elements of getting rated so that the data collection processes are sufficiently high to justify inference for high quality data. We are looking for data collection plans that rely on methods that ensure reliable, accurate, and comprehensive results. And the resulting data must be valid, accurate and reproducible.

The next bullet refers to work options, and I am going to explain that a little bit. In our paper, we had described this as accommodations and job restructuring, which led to some concerns about the direction we were going. So we thought it would be helpful to

clarify what we are talking about. Within the Social Security process and when we are evaluating an individual's case, we do not consider, for example, accommodations that may be available to him or her to make accommodations for that impairment, unless that accommodation was previously provided by the employer. So we are not looking to change that policy or that procedure in any way. What we are looking for, what we think might be interesting and helpful to both the Agency and to people with -- people with impairments as well as perhaps vocational rehabilitation specialists. We are looking for information about work options that might be able to be described on an occupational-wide basis that would provide an opportunity for the person themselves to accommodate an impairment.

So for example, one element that we commonly see is the question about sit-stand option. People with back impairments commonly need to be able to move around and change position in order to relieve back pain. So one example of a work option might be whether or not in an occupational-wide distribution whether or not people performing that occupation could generally move around at will or perhaps every 15 minutes. The way that that would be measured, I leave that to you. But that is the type of information that we would be interested in.

And lastly, we need terminology and operational definitions that can be directly related to medical records and that are understandable by medical practitioners. So for example, the DOT uses language that is very helpful to us. They use the language, sit, stand, walk; we know on the face of it what those things mean. And we can say, generally, throughout the practice of disability evaluation, people understand those terms. There are other occupational systems that have used more abstract terms which become very difficult to apply in a disability claim. So those are the, again, the type of information that we are looking for from the panel and from the system.

Now, one of the questions -- moving on to the next section. One of the questions we have been presented with several times is the question about, "Why not just update the DOT?" And I would like to go into that in a little bit more detail.

According to the Department of Labor, the use of the DOT has expanded from job matching applications, this is a quote, "To various uses for employment counseling, occupational career guidance, and labor marketing information services." That is the 1991 DOT, page 7, if anyone is interested.

The DOT was not intended for disability evaluation. For when the disability program within Social Security first began, it was the state of the art, and it met Social Security needs in terms of evaluating disability. Again, it had what we called face validity because it used all the terms that we commonly need to use and what we find in medical records in terms of -- for disability, stand, walk, sit and so on. So we have used that successfully for almost 50 years now. But the DOT hasn't been updated, and so something needs to be done. So the question is why not just update the DOT?

So I am going to go over a short history. The DOT was first developed in -- published in 1939. It has gone through various iterations since then. The current, the most recent complete revision was done in 1977. The design for that particular revision was first begun -- the research behind that design was first begun in the 1950's. So we can say that the DOT that we are using today was designed in the 1950's. Now, we could ignore 50 years of research and go back and use a product that was developed 50 years ago. I personally don't think that that would represent a responsible approach given that there has been an intermittent of 50 years of advances in technology, basically, computer technology, 50 years of advances in psychometrics in terms of how occupations are measured and described, years of advances in job analysis techniques and 50 years of advances in taxonomic theories.

So one example that I would like you to think about in these advances, again, remembering that the last complete update was completed in 1977, that is in the time period when I was in college and I recall doing a research project where I had a 25-item survey that I administered to 100 respondents. And there were no personal computers at the time, but my university had a computer. And I was allowed one minute of computer time to run some rudimentary statistics on that simple sample. It took the computer a minute to run that and that one minute cost the university about \$20,000.

I have a PDA, and it is a very simple PDA. My PDA has greater computing power and greater data storage capacity than my university's computer had in the 1970's. We could update the DOT, but the DOT was designed at a time when computer storage was -- data storage and computer capacity was very limited. So we could do that, but the question is, "Why would we, and would that be a responsible approach?"

Now, I do need to say that again, the DOT has a great deal of what we call face validity. It uses language that is very helpful to us, we read the words, and they make sense to us. And I am not suggesting that we should deviate from that. I am hoping that whatever you propose to be developed that in many ways the result may look and feel a lot like the DOT. But I am suggesting to you that perhaps behind the scenes, in terms of the technology that is used, the psychometrics, the job analysis, the taxonomic theory, that we take advantage of the intervening changes and knowledge that have come about in that time period, and take advantage of that in developing the new system.

So at this point in time, SSA now has an opportunity to develop information about the current U.S. Labor Market and to develop a product that is appropriate for disability evaluation, one that is specifically tailored to SSA's disability program needs. And again, that point is the DOT was not developed or intended for disability evaluation. This provides us an

opportunity to provide more detailed information that is specific and appropriate for people who have impairment and evaluation of their disability claims.

Now, for some elements we have talked to users, we've received a wealth of user feedback, both from internal SSA users of occupational information and from many external organizations who have gone through a great deal of time and effort to provide us with some very specific feedback about what they would like to see. The results of that, I believe we provided some input to the subcommittee report for the User Needs and Relation Subcommittee, and I think you will find a lot of that information contained within that subcommittee report.

So when that subcommittee report comes out, I do recommend as much as you can to look at the detailed information that has been provided by users. I am going to go through some examples of some information that users have told us that they would like.

The first element is Deconstructed DOT Occupational Information. And I promised an explanation of what that meant. The first example of that I would like to provide for you is the DOT definition for light work. Now, for someone who has -- or for an individual who has no impairments, no physical or mental impairments, the DOT's definition of light work might be very appropriate. It may, in fact, describe exertional requirements that are on a fairly even level or equivalent level. But for an individual with an impairment, for example, to an arm or to a leg or to the ability to stand and walk all day, it represents quite different requirements of work. And I am going to read from -- enter it into the record, what light work involves. "It might involve walking or standing to a significant degree. It might require sitting most of the time, but it might entail pushing or pulling of the arm or leg controls. Or it could require working at a production rate pace entailing the constant pushing or pulling of materials, even though the weight of those materials is manageable."

Again, quite different job demands all encompass within one range of what we call light work. "Within the Social Security Administration, in order to accommodate that wide range of job demands, we've had to institute a policy which says that in order to be found capable of performing the full range of light work, an individual must be found to be capable of performing all of those activities even though because of his or her impairment, perhaps, only one of those impairments would be restricted."

The next element that our users have been telling us that they would like is to have more detailed data for existing DOT occupational information. One example of that has to do with reaching. The DOT, or selected characteristics of occupation, companion publication talks about reaching, and it defines "reaching" as "reaching in all directions." Now, for a person with a rotator cup tear, they have great difficulty perhaps reaching at shoulder height, but commonly and almost always reaching overhead. But we have no information from the DOT on how to apply that and to discern what kinds of occupations they can and can't do. We are also being told by our users that they would like to have measures that are more appropriate for individuals with impairments. So for example, the DOT provides information about whether a movement or a motion needs to be done consistently, frequently, occasionally and provides those in terms of how often it is done throughout the day. For an individual with an impairment, commonly, knowing information about whether or not something needs to be done repetitively is quite -- can be quite different than those elements.

So for example, someone who needs to type constantly for an hour a day, in the DOT that would be rated occasionally, and yet, they are having to do that movement repetitively, and in fact, they may not be able to do it because of their impairment. We would like to have information about measures that are more appropriate for individuals with work

impairments; we just talked about the repetitive.

We would also like information about new types of occupation information that is not currently contained in the DOT, such as data about mental/cognitive demands of work. To a great extent, we need to -- when we are currently adjudicating claims at the present time, we look at tasks that a person performs and we use other information to bring in to discern what the mental/cognitive demands of work are. It would be a great help to us to have more detailed information about that and to quantifiable measures.

Now, at this point in time, I am going to be turning the presentation over to Dr. Harvey, to talk about the lessons learned from the DOT and O\*NET. But before I do that, I have to apologize to you, I need to excuse myself, I have a plane to catch. So I would like to ask if there is, before I leave, I would like to ask if there is any questions that you have for me.

Okay. Thank you very much.

DR. BARROS-BAILEY: Thank you, Shirleen.

DR. HARVEY: All right. Topic five. The end is in sight. Lessons learned. It certainly is the case that many researchers, including myself, have identified a number of limitations and less than desirable aspects of both, particularly the O\*NET as well as limitations of the DOT. But what we want to focus on at the moment are the things on which we can build that arguably they did take a very good approach to doing.

Moving to the O\*NET first, we can certainly take notice of the diligent review that was done when developing the job-side aspect of the O\*NET reflected in their GWA survey, which represents a very comprehensive summary of prior review similar to the reviews performed by our Work Taxonomy Subcommittee. They also, with respect, to job-side kinds of characteristics, the tools and technology taxonomy they developed is certainly something

that we can build upon when developing similar functionality for a new OIS for -- be optimal for SSA's purposes.

The SOC taxonomy, per se, is something that we -- even though it was noted before is not arguably specific enough to meet demands that we have when adjudicating claims, it is, nevertheless, something we have to deal with. So being able to cross walk back to it, and use it as a general organizing framework, it is certainly something that we would be looking to continue.

Finally, the linkage between operational job titles that O\*NET has made some effort to do, back to the SOC, is certainly something that is going to be extremely critical for our purposes, both in terms of linking SOCs to DOT style occupations, as well as linking DOT style occupations down to the functional titles that actually exist when somebody exceeds a want ad like we have in our little graphic at the top of the slide. In terms of the DOT, obviously, there are many things on which we would -- prefer to build and perpetuate and extend. The title "taxonomy," arguably, is much closer to the level of which we need to define work as it exists, these would be how the more abstract or other taxonomies would. The physical requirements, clearly, although questions can be raised about some of the more abstract holistic methods that are used by the DOT to rate, for example, worker temperaments, if you can complain about the fact that at least as far as they went, the DOT did a pretty good job in terms of describing a domain of physical demands that jobs put on workers. The fact that much of the DOT terminology can be easily linked to medical and functional evidence that is collective as part of the RFC process and is used when adjudicating claims is, again, clearly something that is adapted for our needs.

And finally, and I perhaps can't stress too strongly, the fact that the -- which may have led to its demise, of course, but the fact that the DOT relied on what we would call --

kind of a gold standard for collecting data -- trained occupational analyst that actually had firsthand information describing the occupations that they are rating is certainly something that, based on past research, is most likely to give us the highest quality information, and particularly information that can be much more amenable to successful defense, if challenged.

In summary, developing our new occupational information system will allow us -- or we will be well advised to draw on the things that we can find that are adaptive and working and existing approaches. Simply put, we know how to do this. In many respects, although there are certainly some challenging aspects to the work that is in front of Social Security as well as in front of your Panel, some aspects of this are things that are not rocket science that we do know how to do, we have known how to do for quite some time, and are quite straightforward to proceed with. Particularly, describing both the job-side characteristics of work, as well as, describing the person's side characteristics on which people differ, we know how to do those things. What is important for our purposes is articulating what SSA's needs are, and developing a system that is indeed optimized for achieving those goals. And I believe that is our last slide.

If you have questions, I'd be happy to entertain them.

No questions, all right.

DR. FRASER: I have one. The question is: Are any occupational analysts still existing within the Department of Labor -- existing?

DR. HARVEY: I would not be in a good position to give you a definitive answer on that. They certainly used to have -- as aware -- the OAFC network. As far as I know, per se, not with respect to the methods that are being used to collect and update O\*NET. They do have -- or rather contract out, I presume is more likely, a capacity for having what they refer to as "experts" on which they rely to collect the worker attribute requirements, the abilities

questionnaire from the O\*NET. The rest of it is collected by incumbents, but they do have what they refer to as “analysts” collecting that part. However, unlike the way the DOT did it, to my knowledge, anyway, they don't actually go out and perform this labor intensive process that used to happen with the occupational analysts.

Anything else?

Okay. Thank you very much.

DR. BARROS-BAILEY: Thank you, R.J.

We are ahead of time in terms of our break. There are a couple things that I would like to bring out before we break and then tell you what will happen after the break. This is the second time only that the Panel has been able to deliberate on the recommendation. The first time was on the 31st of August, it was the teleconference and that is just because of the way we are set up as a Panel. We cannot deliberate as a Panel if it is not before the public. And so part of what the audience will be experiencing will be our discussion on the record as we go through this process. So I just wanted to bring that up because I think it is important for people to understand that as a group of 11, at this point, we haven't been able to discuss what we will be discussing over the next day and a half.

And then what happens also after the next day and a half in terms of refining the recommendations for the delivery of the report, for the 30th, we will be having not only the overarching reports and changes there, but the subcommittees in terms of this appendices may also come back with some changes to kind of align with the overall recommendations. But there may be some things in those subcommittee reports that were due on the 1st of September that will not totally align in terms of the final recommendations just because the final recommendations are going to be three weeks into when those final reports were delivered. So I just want to be able to point that out.

It is 9:30 at this point, so we are about 15 minutes ahead of the process. Let's go ahead and take a break for 15 minutes.

What will happen when we come back is, I will be asking Debra Tidwell-Peters, our Designated Officer, to take my seat so that she can coordinate the vote through the next day and a half. I will be sitting as a Panel member, actually, part of the voting process.

So thank you, and let's go ahead and take a 15-minute break.

(A brief recess was taken.)

DR. BARROS-BAILEY: Good morning. I had mentioned at the beginning of the discussion this morning that there were three general recommendations the Panel was bringing up to talk about. When we started putting together the overarching reports that combined all the recommendations for the content model and classification, the information that we see in terms of General Recommendation No. 1 seemed to be threaded through a lot of the reports in terms of the subcommittees.

The terminology or the terms and the wording that comes into this recommendation come out of the paper that Shirleen talked about this morning during the presentation. And as we are putting together the general recommendations, I wanted to bring this before the Panel in terms of the general recommendation. I will go ahead and read it into the record.

So General Recommendation No. 1 states, "The Panel concurs with SSA that any new occupational resources it creates must reflect the following: Classification system that is aggregated to support individualized disability assessment and that can be cross-walked to the United States' Standard Occupational Classification (SOC).

“Occupationally-specific data that are precise (i.e., they capture homogenous ratings of work demands and worker traits), and they can be aggregated into clusters of

similar work activities such as occupational titles."

No. 3, "Core tasks or work activities of the occupation."

Four, "Minimum levels of requirements needed to perform the work."

Five, "Observable and deconstructed measures."

Six, "Manageable number of data elements or constructs that are critical to disability adjudication."

Next, "Sampling of methodology that captures the full range of work at all skill levels."

"Inter-rater agreement levels that justify data inference of high quality data."

Next is data method. "Collection methods that produce high quality data."

Next is, "Occupational data that is empirically established as valid, accurate and reproducible."

Next is, "Whether or how occupations allow workers to perform core work activities in alternative ways such as sit-stand option."

And lastly is, "Terminology that is consistent with standard medical practice and human function."

So at this point, I would like to move that the Panel accept the recommendation as stated in General Recommendation No. 1 as a recommendation to SSA.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Okay. That recommendation has been seconded. Is there any discussion?

MR. HARDY: Good morning. This is Tom Hardy.

I had a quick question, Mary, on the data elements. I like the language and all the other recommendations, but this one, it says "a manageable number of data elements," and

"manageable" to me seems to be kind of a soft concept right now. And I recognize that this is for the final product.

But can you kind of elaborate a little bit more on what you mean by "manageable"?

DR. BARROS-BAILEY: I think that is something that comes later in terms of the process, in terms of what "manageable" is. I mean, that is an application question. And so I think what we are dealing with is looking at -- we can't define that at this point until we start looking at where we end up. We are at the starting point, not at the finish line.

And so when we start going through the R&D and start looking at what gets included or not included and then start testing the user needs and user analysis, then we can come up with that definition. It is really premature to find it at this point. Besides knowing that a thousand is probably a manageable and two is probably impractical, you know, it is really hard to put a number to that right now.

MS. KARMAN: I just wanted to point out that Mary is correct about the fact that to some extent users needs are going to inform that as well as the Agency's ability to maintain an occupational information system that is not static because we really have spoken many times in our various subcommittees and also as a Panel about having something that is organic.

And so it is hard for us at this stage of the game to really put a number on that -- rather something that the Agency would like to have considered as we move along. We always keep that in the back of our minds. We can't -- we really don't want to have something that is just hundreds and hundreds of variables, that would be very difficult for adjudicators to apply and for the claimants to deal with as well, and then also for the Agency to manage.

DR. SCHRETLEN: I have a question or comment as well, a couple of them.

You know, until Shirleen Roth explained what deconstructive measures are, I

didn't know. And the way she explained it was to, you know, go to the DOT and sign an example. We never got a one-sentence explanation of what the word "deconstructive" means. She had to give an example. And I remember when I first read this, I made a comment about that this is ambiguous and it remains ambiguous in my mind. It occurs to me that the second bullet point is "Occupationally-specific data that are precise that capture homogeneous ratings of work demands and worker traits."

Now, if our OIS actually succeeds in doing that then all we need to say is that the measures match in degree of specificity. So I would submit that -- I would suggest a change to the fifth bullet point where we say "observable and deconstructive measures." That we say, observable measures that match in degree in specificity the occupational data points that they are intended to measure.

DR. BARROS-BAILEY: Dave, when we went through the executive subcommittee in terms of the review of the overall report, one of the comments was what did this mean, "deconstructive measures"?

So if you go to page 49 of the overall report in terms of the glossary, we made an attempt to define that so if other people also had a question of what "deconstructive measures" meant, then they could look at that definition to clarify it, to make sure that everybody is on the same page. See if that works for you.

MS. TIDWELL-PETERS: So Mary, we are in appendix --

DR. BARROS-BAILEY: We are in tab 3 and we are under the Overall Recommendations Report, page 49, under the glossary. It is the fourth term down. I will go ahead and read it.

It says, "Deconstructive Measures. The measurement strategy that seeks to obtain measures of abstract, latent and construct by virtue of statistically combining multiple

ratings of more specific observable elements and can be observed and rated also known as the decomposed judgment rating strategy."

MS. TIDWELL-PETERS: Okay. I am sorry. Because I think we are still -- has everyone found their place?

No, okay.

DR. BARROS-BAILEY: Tab 3 under -- behind the first red tab -- the fourth red tab in our --

MS. TIDWELL-PETERS: And it is page --

DR. BARROS-BAILEY: Page 49.

DR. SCHRETLEN: Okay. So now, the definition in the glossary is that it is a strategy that seeks to obtain measures of abstract, latent constructs by virtue of statistically combining multiple ratings of more specific elements.

And I thought that the example that Shirleen gave was that light work has multiple submeanings and that -- in essential, what we need to do is split those out, not combine them so the deconstructive measure is suggesting just the opposites. And so now, that is actually more confusing to me.

DR. BARROS-BAILEY: Yes, it seems backwards doesn't it?

DR. WILSON: Mary.

DR. BARROS-BAILEY: Yes.

DR. WILSON: I agree that "deconstructive" is a term that you don't see a lot in psychometrics. What I understood this to be is more like what is listed in the glossary on page 49. And I think what I thought they were trying to get at with this issue is that it is dangerous to try and directly measure abstract constructs. And so the notion of level of effort involved in work is something that you can't directly measure. It is more likely that a

composite of specific verifiable things will -- to do a better assessment than that in trying to sort of directly measure that.

DR. SCHRETLEN: Okay. I appreciate that, I do. And I think that is a smart thing, but it doesn't seem to fit with the example that Shirleen gave. I think you are talking about something else than the example that she gave, which was to tease a part, in a more fine grain fashion, the demands of what characterizes light work, for example.

DR. WILSON: Well, I think, though, that it is not really a specific issue in the sense that it may very well be the case that there is no such thing as the scale of light, medium, heavy that she was talking about. That has been -- people have been attempting to measure that as if that is a single thing and through this sort of deconstructed or disaggregated approach, you will find that that might really be three things. I mean, I think that the issue is that, how do you get to conclusions about the measurement of more abstract things? You do that through some sort of statistical factor.

So I don't think it was necessarily different. That may have been something that -- some constructs might not exist that we think exist when we do direct measurable observable sorts of things. Or they might exist, but what we have been treating as one thing turns out to be two or three things.

DR. SCHRETLEN: Okay. Listen, I am with you. I want this to work. But I am just saying maybe the problem is in the glossary, "The measurement strategy seeks to obtain measures of abstract, latent, constructs by virtue of statistically combining multiple ratings of more specific."

Maybe the idea is that it seeks to disaggregate more complex ratings into more discrete subcategories. Just the opposite of what the glossary definition is saying.

MS. KARMAN: Well, are we talking then about two separate things? Because

deconstructive as it is in the glossary is what I understood Mark just said by, maybe what Shirleen was getting at, was looking at it from the top down, does aggregating a category that was rated instead of the individual things within the category being rated. So there are two terms looking at the same thing from different vantage points, perhaps.

MR. HARDY: Can I interject something?

I also used the word "deconstruct" in one of my recommendations, and the way I have been using it and understand it is actually almost like a ladder. You deconstruct a rating down to its different pieces, but conversely, you take those pieces and put them back together to go back up the major concepts. So it kind of works both ways. It is a word that can be applied depending on which direction you are going with the information.

Does that make sense?

DR. GIBSON: Two things. First, I think I slightly understood Shirleen's example differently and that might impact on how this is viewed. I believe when she said -- at least in my interpretation today, this is light. Her point was that was not a deconstructed measure. So that, in itself, may impact how we approach this.

In terms of the glossary definition, I think the key aspect of this is, it is the multiple ratings which gives you the deconstruction with which you can then do, as Tom said, aggregate to go up. But the deconstructed is the multiple ratings of specific observable behaviors.

So I don't think that the definition is bad. I think where we are putting our emphasis is different there.

MS. KARMAN: Do we need to change the wording? Do we have to add something to it to have everyone feel like it is reflected?

DR. GIBSON: I would actually argue that the recommendation as stated is correct.

"Observable and deconstructed measures." As long as the Panel concurs that by "deconstructive," we mean multiple, smaller levels of observable behaviors which we can then aggregate later as needed.

DR. BARROS-BAILEY: So it sounds like we are saying the same thing coming out from two different directions. But those smaller ratings are then discreet is what it sounds like to me.

DR. SCHRETLEN: Right. Okay. I see this. I just didn't -- it is not a term I am familiar with. The concept I get, and I think that it makes sense.

DR. GIBSON: If I may, David, I agree with you. I am looking at the comments I sent to Mary two weeks ago. And here, I am seeing her going -- it says, "Not sure what this means. Will it be defined?"

So I think we all had the same concern in terms of this as the recommendation.

MS. TIDWELL-PETERS: Is there any more discussion?

I will entertain a motion for a vote on this recommendation.

DR. GIBSON: So moved.

DR. BARROS-BAILEY: Second.

MS. TIDWELL-PETERS: All in favor of approving this recommendation for inclusion in the Panel's -- okay. Seeing ten yay's, it has been approved for inclusion of the Panel's recommendation.

DR. BARROS-BAILEY: We are on to General Recommendation No. 2. That recommendation states, "The Panel concurs with SSA that it needs to create a new occupational information system to replace the Dictionary of Occupational Titles, in SSA's disability adjudication process." And it defines the DOT as being the '91 edition of the Department of Labor Publication.

And I move to accept General Recommendation No. 2 as stated.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Is there discussion?

Yes, Nancy.

MS. SHOR: I think it would be a good idea to clarify who "it" is.

DR. BARROS-BAILEY: So to modify that to say "the Agency"?

MS. SHOR: Yes.

DR. BARROS-BAILEY: I would amend my motion to indicate, "The Panel concurs with SSA, the Agency needs to create a new occupational information system to replace the Dictionary of Occupational Titles in SSA's disability adjudication process."

DR. ANDERSON: I second the amendment.

MS. TIDWELL-PETERS: No further discussion?

I would like to call a vote for this issue. All in favor that this motion be accepted as -- yes, David?

DR. SCHRETLEN: No.

MS. TIDWELL-PETERS: Oh, I am sorry.

All in favor that this motion be accepted as amended, please, raise your hand.

Okay. That is a confirmed ten yay votes. That has been approved.

Okay. As you know, that was the Panel's vote on recommendation one and two. Throughout the process, the subcommittees, over the last several months have been working to develop these recommendations in their various areas, and now, they are presenting to the Panel for acceptance the individual subcommittee recommendations.

The recommendations will be presented by the Panel Chair in three areas for the subcommittee recommendation. The three main areas will be Data Elements, Suggestive

Research and Measurement. The subcommittee recommendations will be presented and discussed and then voted on in the following order: Work Taxonomy and Classification, Mental/Cognitive Demands, Work -- we have a new name for this subcommittee. Work -- Chair, please.

Tom.

MR. HARDY: Work Experience Analysis.

MS. TIDWELL-PETERS: Work Experience Analysis, Physical Demand and User Needs and Relations. I will entertain a motion from the Chair of the Work Taxonomy and Classification System Subcommittee.

DR. BARROS-BAILEY: I think he is going to present first -- okay.

DR. WILSON: Yeah. I just wanted to make a few introductory statements here before I begin making some motions and make one addition to what Debra said in that we will be making five sets of motions in addition to the three that she had mentioned. We make specific recommendations to the Panel with regard to OIS development and made -- along with dated elements, research and measurement.

And before I get into that, I just wanted to thank my colleague, Dr. Shanan Gwaltney Gibson. She has been absolutely invaluable and a real pleasure to work with, but also, I would like to thank the SSA lead staff members who have been assigned to our subcommittee. Dr. Harvey has been very helpful in the work that we engaged in, and then more generally, the SSA staff and the many end users that we've dealt with as we went about creating the recommendations that are set before you today.

The second thing, I won't go into any great depth to describe our procedures and report -- you have that. You read it. For those who have not or who are interested in our recommendations and how we came to these conclusions, I would recommend that you read

it. We went to some effort to describe not only what we did, but what we saw as the constraints in the context in which we were operating and use that as a basis to justify our recommendations.

And then finally, I would just like to say that it is my professional opinion, and I think it is that of Shanan's as well, that the recommendations that we are making meet or exceed all professional standards and industrial organizational psychology, and we also feel that they meet or exceed the two general recommendations that have been made at this time and Social Security's statements with regard to what they mean in terms of work analysis.

And so with that, what I would like to do is move that the -- we are on page 3 of our handout here. And I would like to move that the data element recommendations for the content model be accepted by the Panel as submitted by the Work Taxonomy Classification Subcommittee.

MS. KARMAN: I second.

MS. TIDWELL-PETERS: Hearing a second. Is there any discussion?

Hearing no discussion, I would like to call for a vote on the Work Taxonomy and Classification Subcommittee recommendation A1. All in favor, please, by a show of hands for yay.

Seeing a majority, recommendation one has been approved.

DR. WILSON: Having completed that recommendation, I would like to move that the recommendations for suggestive research for the content model be accepted by the Panel as submitted by the Work Taxonomy and Classification Subcommittee.

DR. BARROS-BAILEY: I second that.

MS. TIDWELL-PETERS: Is there discussion?

Nancy.

MS. SHOR: Small editorial in A2, "Select the jobs most frequently recommended for those with specific residual functional capacities."

Social Security is in the business of recommending jobs. So I would suggest language and to take "recommended" out and replace it with "identified by SSA as alternate work for those with specific residual functional capacity."

I am concerned that might appendage it somehow to voc rehab arena where we don't want to be.

DR. GIBSON: Can we see that, please.

MS. TIDWELL-PETERS: Nancy, we will have to have you -- please.

MS. SHOR: At two, "recommended" comes out and is replaced by "Identified by SSA as alternate work."

And then it just picks up "for those with specific RFC."

MS. KARMAN: Actually, I am wondering if you may want to say, "Identified by SSA as examples of work;" would you be all right with that?

MS. SHOR: Sure.

MS. TIDWELL-PETERS: So B1(a) now reads, "Select the jobs most frequently, one, held by at least 95 percent of SSA disability claimants and, two, identified by SSA as examples of work."

DR. WILSON: I don't think we need to keep the specific residual -- I don't think Nancy meant to edit out -- yeah. At the other end, "sample of work."

MS. WISE: Say it all to me, please.

DR. GIBSON: "Identified by SSA as examples of work for those with specific residual functional capacity."

MS. WISE: Thank you.

DR. ANDERSON: But that is not necessarily the same as “recommended.”

“Identified” is a much, much broader term.

DR. WILSON: I think the point which I will defer to Nancy on is that the SSA doesn't recommend work. They simply cite examples of work that exist, and they are not necessarily making the suggestion that you should go do X. So I consider it a -- which doesn't modify --

DR. ANDERSON: I agree. Just looking at it, the word "most frequently" earlier actually does make the -- the word "most frequently" means that “identified” is narrowed in scope. So that is perfectly fine.

DR. BARROS-BAILEY: Mark, I do have a question in terms of the pilot study B1 in terms of any thoughts you have regarding the use of, "Train expert users as a source to provide job level data for the pilot study."

Maybe you can elaborate a little bit.

DR. WILSON: Is there a question in there?

DR. BARROS-BAILEY: Sorry. I understood in terms of the report, generally, the concept there, looking at an overall pilot study of about 18 months. I just wondered if you had, generally, a concept of what you envisioned there.

DR. WILSON: Well, I think the idea which -- as we talked about before is that there is a large group of people out there that are currently serving in the role of vocational experts. They might not be the only ones that could be trained to provide this kind of information, but that in many cases, they have other practices that put them in contact with work and workers, and that part of their job is to identify work that someone may be capable of doing and help them do that.

So it just seemed like that might be a group of people who could be approached to help with this process. Obviously, they would need to be trained in the system. There

would need to be protocols in terms of how this process would be carried out. But they just impress me that this is one area where I think Social Security is ahead of the game and that they have already identified or are making use of, and the testimony is being accepted as expert witness testimony for a large category of individuals.

Obviously, I can't speak for them, but in terms of recommendations, it would seem like they would be in an obvious place to start in terms of credible analysts who could be trained.

I don't know if that answers your question or not.

DR. BARROS-BAILEY: It does.

MS. TIDWELL-PETERS: Is there any more discussion on this issue?

Mark, I will need a motion from you to amend this, please.

DR. WILSON: Yes. I would like to move that the recommendations for suggestive research as amended for the content model be accepted by the Panel as submitted by the Work Taxonomy Classification Subcommittee.

DR. BARROS-BAILEY: And I second that.

MS. TIDWELL-PETERS: Thank you. It has been seconded.

I would like to call for a vote on this recommendation by the Work Taxonomy and Classification Subcommittee, B1.

All in favor, please, certify by raising --

DR. WILSON: Just B1 and B2, right?

MS. TIDWELL-PETERS: B1 and B2, correct.

Thomas, is that a yay or no?

MR. HARDY: Have we completed discussion of B1 or just this section that was amended? Is this about the amendment or the entire recommendation?

MS. TIDWELL-PETERS: I had called for if there was any more discussion on this recommendation, B1. And now we are calling for -- it also included B2.

Did you have a comment on B1?

MR. HARDY: I did. I am sorry I missed that.

DR. WILSON: I will withdraw my motion.

DR. BARROS-BAILEY: And I second that.

MS. TIDWELL-PETERS: Okay. So Mark has withdrawn his motion for the amendment.

Thomas.

MR. HARDY: I had a question regarding B1, B2, "Obtain job level data by interviewing job incumbents during the pilot study."

From what I had been gathering over the course of our deliberations, I thought I had heard someone speaking that job incumbent surveys were not necessarily as reliable as those that are observed. And I am wondering why this is remaining as an action item. If you can just expand on that a little bit.

DR. WILSON: If you read the wording of that particular statement, it is not necessarily implying that the incumbent is going to be surveyed. They are necessarily going to be providing this data. And I think you are accurate in saying that there is data that indicates that incumbents aren't necessarily good sources of descriptive survey data.

But what this indicates is that incumbents would be interviewed.

MR. HARDY: And the interview would be by the vocational expert?

DR. WILSON: Yes.

MR. HARDY: And then B1(c) would be a comparison of those two findings. And I guess, my general question is the overall goal of that comparison is for what purpose?

DR. WILSON: I think that if you look at the treatment of work information and a lot of legal settings, it has been my experience that there is great deference given to the incumbent. So while that statement didn't directly imply that we are going to survey incumbents, it might be helpful for Social Security Administration to demonstrate the relative quality of surveying incumbents versus having a trained analyst provide the information. Simply for the purpose of illustrating why there is extensive use of incumbent survey information because as B1(c) would indicate, it would be my professional opinion that incumbent would probably be a lower quality than analyst data.

But until we empirically demonstrate that on a large scale, I would be uncomfortable simply citing the current literature on the topic. So that was my -- our thinking.

DR. SCHRETLEN: Mark, as you know from previous conversations, I am a big fan of sampling the world of work for more careful and detailed analyses. But I am wondering, do we have any idea what number of occupations will be held by 95 percent of disability claimants, and is there any risks that by making a recommendation like this, we might wind up recommending a very large number of occupations?

DR. WILSON: I think it is a great question and the answer, to be honest, is that we don't know. But there are some studies of various kinds underway by SSA and the initial indications are that it might not be that large of a number at all. Exactly what it is, it was kind of like the issue of manageable earlier, you know, we know it is not two and it is probably not a million, you know, something like that. And what the exact number is isn't clear. But you know, if I had to guess at the level of job titles, it is probably less than a thousand, you know, but that is simply guessing. I think -- really I have no basis on which to say that.

DR. SCHRETLEN: And if it is a thousand, is that the recommendation that you want to

make, that SSA, you know, study in this level of detail, a thousand jobs?

DR. WILSON: Yes.

MS. SHOR: Is that underway? I mean, are you sort of close to knowing what that number is going to be?

MS. KARMAN: We have done an analytic look at our disability research file. And so we have already some beginning early results that tell us that there probably are not that many job titles among the population of initial claimants. We are doing a national claims study to follow up on that.

And so that is the instrument being developed as we speak. So we are not -- we haven't begun that yet, but we should have the results within the next four or five months.

DR. WILSON: And one of the issues is when we look at that data as it currently exists in the files, as it somewhat suspected itself, in some cases in terms of talking with claims examiners and things of that sort -- on further questioning that that information changes.

So there is a certain amount of -- in procession in terms of exactly what that number is. But our thinking was that in terms of an initial pilot study, if we could capture a vast majority of titles that they see and/or that they identify for purposes of prototyping and modeling, how the information would be used that that would deal with the vast majority of instances, and therefore, would be a good place to start.

DR. SCHRETLEN: If I remember, at one point, one of the very first meetings, I asked for a list of sort of 50 most common occupations. Now, those I recognize were, in many cases, highly aggregated groupings. This is not my area, but I remember putting that into an Excel spreadsheet and computing that. It was about 65 percent of the workforce were in those 50 occupations. So what if 95 percent of disability claimants are captured by 93 jobs -- 93 occupations, would that be okay? Would that be the recommendation?

DR. WILSON: Yeah. As far as I am concerned, the actual number studied is not the issue so much as is the information that SSA needs in their adjudication process. If 93 titles capture the vast majority of the work that they see and that they have to make decisions on, then I am perfectly okay with that.

MS. KARMAN: I mean, certainly, for a pilot study, I think that would be the place for Social Security to start. So you know, where Social Security goes from there will be dependent on the results of that. I feel that that is pretty safe. Since we are saying this will be a pilot. I don't know how the rest of you see that, but that is how I am taking it.

MS. SHOR: Could I just ask about two. Where the subject line "amendment" -- where we are on Social Security collecting the ultimate jobs most frequently cited -- it goes with what you want to study. Where are they?

MS. KARMAN: I am sorry. I don't -- are you asking me --

MS. SHOR: Well, I am wondering if Social Security has started, or how long it is projected to take if we want to identify the jobs that are the most frequently cited as these are jobs that claimant can do and therefore denied. I am just following up on dates, interest and numbers. I am wondering what kind of numbers you are looking for, where would the state of that data might be.

MS. KARMAN: That I guess I wasn't clear earlier. We have done an initial analysis, just a data analysis, of our disability research file looking at the structure data that comes from the claimant's initial application and the 3368. So we have some initial sense of what -- initial data about that. We are also developing the instrument for the claims study where we will actually look at the type of occupations that claimants present with their past development work and also capture where it is documented in the file, what work may have been cited as examples of what the claimant may have the residual functional capacity to do.

And that study is underway. We are developing the instrument, and we hope to get underway with the review very soon, and hope to have results in four or five months.

So is that answering the question?

MS. SHOR: It is helpful. Sure.

I was just going to suggest, I think, a quick survey of vocational experts who testify at administrative law judge hearings would be -- it would get you some information to start with. I suppose it wouldn't be quantifiable, but the same jobs are recited repeatedly. So it would be maybe a shortcut or quick start to look at what those jobs are.

MS. KARMAN: And we can take that under advisement. Nothing that would involve serving members of the public would be quick. Because we would have to go to the Office of Management --

MS. SHOR: You could use contractors but not members of the public.

MS. KARMAN: I agree with you, but I don't know that OMB would agree. But we can certainly look into that.

MS. TIDWELL-PETERS: All right. Is there any more discussion on this issue?

No more.

I am going to entertain a motion to accept the Research Recommendations B1 as amended and 2 as submitted by the Taxonomy Subcommittee.

Do you want to make that motion? I will accept that.

DR. WILSON: Yes, I would like to make that motion.

DR. BARROS-BAILEY: And I would like to second that.

MS. TIDWELL-PETERS: All right. We will move to a vote. All in favor of accepting Work Taxonomy, B1 as amended and 2 as submitted, please, by a show of hands.

Okay. The motion is carried, and that recommendation is approved.

DR. WILSON: Okay. Moving to page 4 of the handout.

I move that the Measurement recommendations for the content model be accepted by the Panel as submitted by the Work Taxonomy and Classification Subcommittee.

DR. GIBSON: I second.

MS. TIDWELL-PETERS: Thank you, Shanan.

Discussion?

MR. FRASER: Discussion. Bob Fraser.

In terms of the scaling, I am wondering whether we might consider C there, which would be “importance” or “criticality” dimension. For example, the last time I looked at "security system installer," probably 93 percent of the work, he or she is pulling wire. Okay. But then there is the five to seven percent that they have to program the computer system, and they are out there on their own, you know, and they can't do that.

So you know, frequency wouldn't necessarily pick it up nor necessarily the duration. Okay. But it is important because then you can't do the job.

DR. GIBSON: Just responding and Mark will obviously feel free to disagree with me on one way or the other.

First, what is listed under C2 in terms of items was not meant to be an exhaustive list of ratings which might be made. So we were not trying to imply that we should only rate items based on these two factors.

So that might very well be, another type of item which could be included there, if appropriate. So I wouldn't exclude it if it is not listed here.

The second factor is just in regards to criticality depending on which job analytical approach you took. Criticality is frequently computed as a mathematical computation combination of other ratings as opposed to making a holistic rating of, "Oh, this

is highly critical or less critical."

So it might be something like difficulty to learn, impact on -- bottom line, but usually, criticality and the mathematical computation in order to make it more observable based on -- or based upon observable ratings that were made as opposed to a holistic rating in and of itself. Or that is usually the preferred methodology for criticality.

But, again, I wouldn't rule it out just because it is not listed. These are just two of the equations which came out of actual user needs so we included them specifically.

DR. FRASER: Well, maybe we can use them as an example, because you know, there are some approaches like the critical instant technique that just goes for that in training former pilots in World War II or something. You have to get the very essence of what is most important.

So, you know, if we don't include it, then maybe we just say "scale as examples," or something like that. I think it is something that is very important. I just -- maybe use "scaling as examples," because I want to keep that open to the construct, the criticality being included and maybe other things. It just seems the way it is listed, looks like these are the two all encompassing scaling criteria.

MS. TIDWELL-PETERS: Mark, do we have an amendment or --

DR. WILSON: I think Shanan summarized the issue pretty well. I am in an uncomfortable position citing some of my own research here.

The issue of criticality is difficult in terms of measuring the characteristics, tends to be a rating -- at least the level at which we are trying to collect information. It is relatively unstable. And the issue of why occurrence, frequency and the duration came up is that in terms of adjudicated needs, those were the kinds of things, how often is this done and when it is done, how long do they have to do it, seemed to cut to the heart of the process,

whereas, other potential rating scales which again, as Shanan said, we didn't mean to exclude there.

So I can consider this, you know a potential friendly amendment and if there is some language we can put in there, "of other scales as needed," or something like that, I am fine with that. I think that would be up to the designers to get at some more specific issues.

But we felt that it was important to specifically identify frequency and duration because that seemed to cut to the very heart of what oftentimes -- the determination of what work demands, the person is often a function of how often they do it and when they do it, how frequently they do it.

The issue of criticality, as Bob was indicating, gets compounded with a couple of other things. For example, the critical incident technique is usually put in the context of performance issues, whether performance errors or high levels of performance, what did you do that led up to this, you know, exceeding performance standards, things of that sort. So the reason it wasn't mentioned here is not that we didn't think that that might not be important to try and operationalize, but it didn't seem to be as relevant to what we understood the need to be.

But I would certainly entertain any kind of suggestion, revisions to get at this issue that other scales maybe be needed as required by --

DR. FRASER: That would be fine with me of "other scales as needed or deemed appropriate" or something like that so we are not kind of boxing it.

DR. SCHRETLEN: I guess I wonder, though, if we leave it open like that, is it important for us to consider scales or dimensions that are mirrored in some way on the person side by impairments. In other words, I am not sure what sort of person-side characteristic would link the criticality of a job. And so -- I mean, it seems like these frequencies and

durations are very broad constructs. What other dimensions besides those two should we be thinking about?

I mean, I just don't know. This is not my area. I don't even know what other kinds of dimension you want to rate all these work activities according to -- besides frequency and duration.

MR. HARDY: I have to agree with Bob and I kind of look at the idea of criticality. I am not sure in doing it that it is going to be easy. I think it is a very important point. And if we are talking about these are work activities, and when we look at work activities as being the building blocks of the job, the position, the occupation, the criticality of one work activity versus another is important. I am just -- and I have to agree that I think we should leave it somewhat open and see if there is a way we can capture this because I think at some point, it does become important when we are looking at that work activity in the broader context.

This seems to me to be a way of looking at a discreet single work activity and isolation, but when you start to combine a higher level, they come into play. And I defer to you guys as the ones with the expertise on whether or not this is possible.

DR. GIBSON: Two things. One, adding to C of the scale as needed will probably allow for that.

But, two, I think it is important to look at how the C2 is actually written so that we are not compounding items with work dimension, because what this says is to -- we have dimension. For each dimension, items are written and then each of those items are scaled. So it is a third level down here is what we are talking about. And so that doesn't in any way, shape or form remove the potentiality of coming up with a criticality-type item or some other measure of criticality as an item for a dimension.

Does that make sense?

MS. KARMAN: That actually probably works better for me. Because I was having a little bit of difficulty with this -- this is something that we were rating an item along. I am actually concerned about legal ramifications of that. I don't know how SSA would defend, you know -- I don't know. So thank you.

DR. WILSON: Is everybody happy with the wording up there? Are we good on --

MS. TIDWELL-PETERS: So recommendation C2 now reads, "Use items scaled per a) frequency of job occurrence and b) duration of required performance for the job (other scales as needed)."

DR. GIBSON: I would put "or other scales as needed." I think that explains it better.

MS. RUTTLEDGE: This is Lynnae. Shanan, is it better as a C?

DR. GIBSON: I would prefer a C, yeah.

MS. RUTTLEDGE: I would like to recommend that rather than having it in parens, that we make it C.

DR. WILSON: I am okay with C, and I am concerned about the "or," because that -- I can't think of too many cases. In fact, I can't think of any case for any activity when you wouldn't want to know the duration or frequency given what I understand.

DR. BARROS-BAILEY: Yes, I agree.

MS. TIDWELL-PETERS: Okay. Mark, would you please.

DR. WILSON: All right. So I would propose that item C2 reads, "Use item scale per a) frequency of job occurrence," remove "and."

B, "Duration required performance for the job, and C, other scales as needed."

And remove the "or" too.

MS. TIDWELL-PETERS: Any more discussion on this issue?

MR. HARDY: I have a request for clarification. I don't have any objections to this. I

just want to make sure I understand, C3, "Use decomposed ratings."

I would also like to get a definition of "holistic" as it is used by the work taxonomy, please, so I am sure that I understanding. I looked in the glossary; I didn't see one back there.

Is it there?

DR. BARROS-BAILEY: It is in the glossary for the Work Taxonomy.

MR. HARDY: Okay. Then I will take a look at that.

And secondly, under No. 4, I understand, and I am with you on this, I just want to make sure I understand the approach. I think you are recommending, once we have got the information, you are going to take a look at job classification methods based on common metrics, which is the table 2 that is coming up and utilize that for exploration of various job classification systems; am I reading that properly?

DR. WILSON: Yes.

DR. HARDY: Okay. Thank you.

DR. SCHRETLEN: And back to C3, what is the difference between deconstructed and decompose?

DR. WILSON: Choice of words. I mean, I personally don't like the term "deconstructive." But I think "decomposed" is more descriptive and the idea -- you know, earlier, we were talking about the idea of multi item scales. And so to me, "decomposed" is more specific in terms of, the idea is that there might be some more abstract/construct that is measured through a series of items. And so to decompose that item is to look at the specific items that are used to operational -- deconstructed within academics certainly has a number of different meanings that I think would go beyond the situation that I just described.

DR. SCHRETLEN: Is it defined somewhere in the glossary? I didn't see it in the front

glossary. If we are using these different terms to mean the same thing, I don't know why we have two different terms.

MS. TIDWELL-PETERS: The Taxonomy Subcommittee report is Appendix E, and we are looking at the glossary for that report; is that correct?

MR. HARDY: Glossary is on page 15, it looks like in my report.

MS. TIDWELL-PETERS: That is page 15 of the report of toward -- at Taxonomy Classification Subcommittee, page 15.

DR. GIBSON: Once you identify where our glossary is located, to clarify "decomposed" it technically is not on there; however, "holistic rating" is. And "holistic rating" as part of its definition, "Contrast that with what would be, a) decomposed rating."

DR. WILSON: I suppose since we have the opportunity to make modifications to the subcommittee reports, we could -- as part of that definition ID decomposed ratings -- the second part that would make it clearer what we are doing.

Would that help you?

DR. SCHRETLEN: Sure. That would be fine.

MS. TIDWELL-PETERS: Okay. Mark, back to you. So this is updated correctly?

DR. WILSON: Yes.

Debra, are you going to tell me what my next motion is?

MS. TIDWELL-PETERS: I will. I will entertain a motion for you for the acceptance of those Measurement recommendations, 1 through 4(2) as amended.

DR. WILSON: That is exactly what I was thinking.

MS. TIDWELL-PETERS: Thank you. Second please.

DR. GIBSON: I will second it.

MS. TIDWELL-PETERS: Thank you.

Call for a vote. All in favor of accepting this recommendation, please, by a show of hands.

It is passed and approved.

DR. WILSON: Debra, I would like to move that the OSI development recommendations for the content model be accepted by the Panel as submitted by the Work Taxonomy and Classification Subcommittee.

MS. TIDWELL-PETERS: So moved.

Is there a second?

DR. BARROS-BAILEY: I will second.

MS. TIDWELL-PETERS: Any discussion?

MS. SHOR: Could I ask what is meant by B, "policy development"?

DR. WILSON: I think the idea of B is to alert SSA to the idea that they sort of serve and do overall here, and that anything that they can do to ensure the scientific credibility of any internal work that they do would be useful. I think that from -- there are any number of things that might involve. But the idea is that providing some basis to say that the work at this unit is based on scientific principles that would meet peer review processing, you know, in terms of it was -- external review. But that is what it is telling you.

MS. SHOR: My concern is just really drawn to the word "policy" which is, you know, a big ticket item for me. So I think you are referring to "policy" not in terms of policies in regard to the disability program. You are referring to "policy" with regard to how this --

DR. WILSON: Internal SSA management, procedure and structure I think that is exactly. There is a better phrase there.

MS. SHOR: I might suggest just taking out "policy development to" and just start with "establish."

DR. WILSON: I am fine with that.

MS. TIDWELL-PETERS: Any more discussion?

Thomas.

MR. HARDY: No.

MS. TIDWELL-PETERS: Then, Mark, I will entertain a motion to accept SSA/AOIS Development D1, A, B as amended and C as submitted.

DR. WILSON: So moved.

DR. BARROS-BAILEY: Second.

MS. TIDWELL-PETERS: All in favor of the acceptance of this recommendation, as noted, amended 1B, by a show of hands, please, raise.

Opposed.

Having the majority, it has been approved.

DR. WILSON: And finally, Debra, I would like to move that the OIS Maintenance Recommendations for the content model be accepted by the Panel as submitted by the Work Taxonomy and Classification Subcommittee.

DR. GIBSON: I second.

MS. TIDWELL-PETERS: Thank you, Shanan.

Discussion, please. Any discussion? This is E, OIS Maintenance.

DR. FRASER: Some examples of communities that we might -- inform us relative to the research, Mark.

DR. WILSON: The idea there is -- and this really goes to the discussion we just had about establishing independence and scientific credibility and things of that sort. But to our view that this data is public information, it should be shared with the scientific community, anything you can do to promote research with this data would be a good thing. In terms of --

we had some discussion today about Shirleen describing her undergraduate years and it cost, you know, \$20,000 for a minute of computer time. Computing time isn't an issue anymore. There are all kinds of computer mediated, social interaction systems out there that would promote scientific evidence.

This issue has come up in terms of other governmental occupational analysis systems in terms of a complaint that information was slow in getting out to the scientific community, information was not provided in a manner in which it could easily be evaluated and things of that sort.

So the idea is that, you know, within whatever privacy and other kinds of constraints that obviously have to exist, that the more the scientific community has access to that kind of information, it would be created during this process. The more that research and the peer reviewed academic journals were promoted, the better.

DR. FRASER: This might include, you know, kind of the user communities to vocational experts and kind of cycle it, you know, across researchers at one point and these in another and that can get kind of diverse --

DR. WILSON: Yes, exactly.

MS. TIDWELL-PETERS: Lynnae, please.

MS. RUTTLEDGE: Mark. Shanana. Just a clarification.

Under No. 1 where it says, "Regularly and randomly select jobs for audit to keep the database current, are we thinking in terms of jobs that exist in the economy, as well as the jobs that currently exist within the OIS system as we develop it?"

The reason I am asking the question is that what we understand is that the dynamic in the economy is changing the nature of work rapidly. And I think if we get to that somewhat in 2, about expired and emerging work content -- I just want to make sure that

when we look at select jobs for audit, it is not just what is internal in the system now but that we have a way of being able to look out and say, what do we see happening in the workplace of the jobs that people may be able to do?

And I just -- I didn't really get the understanding of what one was referring to when it says "select jobs." Can you please describe that?

DR. WILSON: One is referring to what is in the data base. I think, as I understand what you are saying, Lynnae, 2 is meant to address your concern.

There are a lot of people who write about the changing nature of work and the things -- no one really knows. We will know more as we begin this process of the rate, and one is meant to get at that issue. Is work changing? How rapidly is it changing? And through some sort of a sampling audit evaluation process, we will know a lot more than anyone who's speculating on the rate of change.

With regard to the second issue sort of emerging or work that we don't currently have available. And this also speaks to Bob's question in terms of posting online -- one of the hopes is that as the various experts use the new system and run into problems, you know, as we have all heard many times it -- you know, I run into work all the time, and I can't find the DOT and there are complaints about this. Well, you know, eventually, that would happen with any system. And so part of the online community's role will be to provide a venue where, hey, you know, a rocket nozzle adjustor isn't in there. We run into a lot of those down in Central Florida, you know. So this wording is our attempt to get at that issue.

MS. RUTTLEDGE: I am fine with that.

Thank you.

MS. TIDWELL-PETERS: Gunnar.

DR. ANDERSON: How different is the 3 from D1(c), and why are you using one

terminology of online communities and not in the other?

DR. WILSON: If you look at the subcommittee report, we propose in a little more detail various kinds of online communities. And the thinking there is simply that a community that was focused on scientific researchers would -- might be structured and run differently than a community that was focused on end users and vocational experts. The thinking would be that there might be some needs of indicating people for various groups of -- but to be honest, this isn't an area of particular expertise for me. The idea is just to differentiate. Online communities might be focused on research. Other online communities might be focused on use of the information and suggested changes, things of that sort.

DR. ANDERSON: But would the information really be that different?

DR. WILSON: Yes. In one case, it would be focused on identifying research questions. Some of these issues that we speculated on are, you know, how does one measure the more abstract constructs and those are the kinds of discussions that might be -- the scientific one whereas any users might be focused more on, you know, I can't find rocket nozzle adjustor, where the heck is that? How can I use the current system with this particular application? Things of that sort.

So one is sort of what does all this information mean. What are the implications for this information in terms of, you know, any number of issues that we can't even imagine yet, because it hasn't existed before as opposed to more practical end user. These -- as some people mentioned, all these things are going on now anyway. There are people blogging about what we are doing apparently and things of that sort.

So you can't stop this. I mean, this is something that is going to occur. Our views were just that it would be in the interests of Social Security to take advantage of this emerging technology to both, rapidly collect information and as -- you know, one of the issues

is depending upon how rapidly things are changing, this may be one of the best sources to identify that work is changing. It would be a quick and easy way to collect lots of information from lots of people relatively quickly over time, you know, in a longitudinal sense.

DR. ANDERSON: I agree completely with that. But it is not a very well-written sentence from a point -- more industrial and inform research.

Is that to inform about research or to inform -- I mean, I can understand. But what does "inform research" mean?

DR. WILSON: No. I think the issue to inform research is that -- the idea is, is that the end user community might raise various questions that research -- you know, what we really need to know is X. And then the scientific community would likely take notice of that and conduct studies in that area. What we are really interested in here is various methods of linking the world of work with the world of human attributes. And currently, we understand that there is technology A, and procedure B, and do these really work or are there alternate technologies that -- those are the sort of things that I think we intend to find this particular -- to determine.

DR. ANDERSON: I understand. I am just wondering why you don't say that.

DR. SCHRETLEN: Would it be better if it said -- in your mind, if it said something like to "inform, research, design or research questions" or something?

DR. ANDERSON: Absolutely.

DR. WILSON: I will entertain a motion for a particular word that people are happy with.

DR. GIBSON: Gunnar, would you please let us know if this will satisfy that clarification in need. Would it be appropriate to say, "Communities to indicate the need for research"?

Does that satisfy the intent of what you had there, Mark?

DR. WILSON: Yes, that is fine.

DR. GIBSON: Then I would move to amend E3 as stated.

MS. TIDWELL-PETERS: Is there a second?

MS. RUTTLEDGE: Second.

MS. TIDWELL-PETERS: Thank you, Lynnae.

Now, Mark --

DR. WILSON: I bet you know what I am thinking.

MS. TIDWELL-PETERS: I do.

I will entertain a motion to accept OIS Maintenance Recommendations as submitted in E1 and E2, and as amended in E3 to read, "Host online communities to indicate the need for research."

DR. WILSON: So moved.

MS. TIDWELL-PETERS: Thank you.

Is there a second?

MS. RUTTLEDGE: Second.

MS. TIDWELL-PETERS: Thank you.

I would like to call for a vote on this issue.

All in favor to approve this recommendation as amended and submitted.

Thank you. All in the affirmative, it is approved.

We are now at 11:21, and actually scheduled for a lunch break. I am going to turn to the Chair for guidance on how she would like to proceed.

DR. BARROS-BAILEY: I think we are early, again. This is unusual. So I think, let's go ahead and break for lunch and come back at 12:45.

(A noon recess was taken.)

DR. BARROS-BAILEY: Okay. I think we are going to go back on the record with the agenda for this afternoon going on with the subcommittee reports and recommendations to the Panels.

So Mr. Hardy, you are on the Work Experience Analysis Subcommittee.

MR. HARDY: Thank you, Mary.

I would like to remind everybody who is in the audience that it is important to remember that the results that we are presenting today are part of a fluid process and our recommendations were under review and were in fact revised as of yesterday. So we are now working on yet another iteration of the recommendations of the Panel. And in fact, not only have we revised the recommendations, but as you are now aware of, we revised our name.

The reason for the name change, briefly, is that we recognize that by focusing attention on the Transferable Skills Analysis, alone, we may have been placing emphasis so strongly on one area that other areas that are within our purview may be ignored. TSA is integral to the five step analysis, but the concept of skills is also relevant in step four, and in fact, permeates the OAS in the adjudicatory process. We have, therefore, reviewed our subcommittee and recognized that moving beyond the prior TSA acronym; we are now out of any danger of having the word to our subcommittee confused with the prior procedures done under the Dictionary of Occupational Title under Suppositions and Language.

Our recommendations in the latest iteration, which are found in the schematics, are broken down into two broad categories -- or three broad categories. The three, data element recommendations, the second is research recommendations, and actually we are in two -- okay.

I will give a brief summary now of the overarching view of our

recommendations. We felt this in skills or subjects of specific treatment, the following recommendations address the treatment as specific and logical manner. Recommendation one, in general, addresses the need to utilize work activity as a proxy to skill and work performing data collection and analysis of the data.

Recommendation B, primarily deals with skills itself. If we assume the proposition, the work activities are a proxy for skill, and then we have to analyze how an individual work activity may rise to the level of the skill. It is going to have to be differentiated in some way from the work activity that does not rise to the level of the skill.

Once the work activity is differentiated and becomes, in our opinion, a discreet skill, we must be able to assign some type of rating system which is required at this time by the administration to that skill. When skills are rated on a continuum, there must be a procedure to acquire the skill levels found within an occupation to result in a rating for the occupation itself.

Finally, we are also acutely aware that the world of work is consistently changing and skills that are valuable at one time may not be so in other, and may in fact be no longer in existence at all or what I started to call "distinguished."

The system for analyzing the length of the skill and to determine its liability in the workplace must be considered and has implications throughout the process. Transferability of the identified skill among jobs is also required because the administration requires transfer to the scene or a lesser degree of skill. That is the system for establishing level of skill complexity within an occupation and of an occupation must be addressed. Currently, the SVP is utilized with this information. Part of our recommendation is to deconstruct the SVP factor which is predicated on other ratings already, and provide a deeper understanding of possibly items that could constitute a new complexity level.

Time and proficiency is also addressed within our recommendations and complexity levels. With that said, as an overview, Debra, I would like to move that the data element recommendations for the content model be accepted by the Panel as submitted by the Work Experience Analysis Subcommittee.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Is there any discussion?

DR. GIBSON: Can I clarify. We are taking as a whole, the entire, so discussion can go --

MR. HARDY: Section A.

DR. GIBSON: Section A. Thank you.

MS. TIDWELL-PETERS: For the data elements, Section A. Thank you.

If there is no discussion, then I will ask for a vote on the --

DR. WILSON: Can you speak to the issue of work activities as an observable and measurable proxy or skill would imply that work activities themselves are not skilled?

MR. HARDY: I think the underlying concept is that not all work activities are skills. The vast majority of work activities may in fact be skills at a certain level, but some work activities may not rise to the level of skill.

DR. WILSON: So skill is some composite of one or more work activities?

MR. HARDY: It could be a work activity combined with another data element within.

DR. WILSON: Can you give me an example of other data elements that would -- other than work activities that would -- together to come and composite that you would refer to as a "skill"?

MR. HARDY: I am trying to think of a good answer that would be easy to understand.

Work activities are so broad right now. In my mind, work activity, as it has

been defined to me by other members of the Panel, give any type of learned activity that is used in performance of work, some of those such as answering the phone. If you are answering the phone, that is a work activity that is a measurable; observable data element that is a work activity.

How skilled is that? Is it a skill? Is answering the phone a skill as compared to performing surgery as a work activity? Is performing surgery as a work activity more skilled or less skilled as compared to a person who is working as a butcher? A person who works as a surgeon is using a knife to cut. A person who is working as a butcher is using a knife to cut.

There has to be something above and beyond the simple statement that a person is cutting, per se, that makes it more than just that work activity, it rises it up to a skill.

MS. KARMAN: One of the things that we talked about in our subcommittee was we had heard that -- some of the discussions among the Panel members the last time we had met in Chicago, came up that skills defined by some might include any of the activities that occur for the occupation. So it would include like walking or something like that.

So that was hard for us to parse out in terms of, well, aside from something that is a physical demand or, you know, a mental demand. I am not suggesting that the way that that is looked at in another field is incorrect. It is just that we had difficulty with it. So that -- I mean, I am not going to say what Tom was thinking, but that is what I was thinking is that perhaps we can just look at work activities as the skills and to get away from the word using skills for data collection purposes because they think it was too laden.

Am I reflecting that the way you guys understood it? I don't know if that helps.

DR. WILSON: It does, but in Tom's response, I still didn't get any -- what these other things are. I mean, in fact, your explanation was dealing with work activities and, you know, aggregating at various levels. But it is this other -- what else would there be that would

compose a skill other than one or more work activities?

MR. HARDY: I guess it would go back to the walking example, maybe the purpose of the walk. I walk. I sit. That is a work activity based on what has been explained in other meetings.

What takes walking and moves it from the work activity to a skill or maybe it doesn't? Maybe walking is not really a skill on the continuum that we are talking about.

DR. WILSON: Still not hearing the other. What are these other things? In other words, it is just -- what I think -- what I thought No. 1 was, is just you are trying to make a differentiation between the scriptures that are specific work activities. And these somehow aggregate up to some set of skills which may or may not be relevant to a particular job. But what is making me hesitant is this idea that there is something else. Maybe I am just confused.

You have a couple times said "work activities" and other stuff. I want to make sure I understand what the "other" is before --

DR. SCHRETLEN: I wonder if I can ask this: In manufacturing clothing, people use scissors to cut fabric. You could use scissors to do lots of things. But when you are using scissors in conjunction with patterns for dresses or something, it is a really different kind of use of scissors. And is that what you are getting at, that there is something above and beyond the mechanical use of scissors that inheres in that occupation?

MR. HARDY: That is correct. That is a nice way of putting it. Thank you.

DR. BARROS-BAILEY: I guess this is a question for Mark. I am going through the work taxonomy glossary, and I see the definition of "skill" in terms of the way, you know, the work analysis. But I don't see the definition of "work activities." And so for work analysis, would it be exactly the same definition, is that what you are intending to say with your

question? Because the definition of “skill” in the work taxonomy glossy says, "The learned capacity based on one's knowledge, prior practice, aptitude, training, education, et cetera, to perform a given psychomotor activity or function."

For example, someone may have typing skills, wood working skills or word processing skills.

DR. WILSON: What was the question again, Mary?

DR. BARROS-BAILEY: The question was, I see the definition of “skill” within the glossy for work -- the subcommittee. But I don't see the definition for “work activity.”

So by your question, are you intimating they are exactly the same thing because I didn't see the definition for “work activity” in the glossary? So I just wanted to clarify that.

DR. WILSON: They are not exactly the same thing, but I think what you can conclude from that is that work activity describes what is taking place. A skill is simply proficiency out of work activity. So if you engaged in one or more work activities over some period of time, than you can be said to have skill in that area. I cut fabric in -- while using patterns for a year or whatever. So by indicating the frequency and duration with which you have done something, you could infer that you now have a skill in that area.

DR. BARROS-BAILEY: And I apologize, that Shanan pointed out to me -- I was looking for work activities, it is under “generalized work activity.” So it is defined as a set of general work behaviors that apply to all jobs and that one can describe all jobs in terms of how much of each of these general work behaviors are involved, more behaviorally and technologically abstract and tasks.

DR. FRASER: I think one thing is missing, and Mark eluded to it, is proficiency. So if we say, use work activity proficiency demands as observable and measurable proxy for the skills required in data collecting and development. The idea of proficiency and work activity,

how you cut the pattern is not there, and if we can link the proficiency in cutting the pattern, that is then a skill that requires certain visual analytic capabilities.

MS. KARMAN: I am kind of concerned about confounding what we mean by "work activities," especially from a policy perspective in the end -- for Social Security. I don't know if we want to be presupposing or imposing on the data collection what the meaning of it is without getting the data. I don't know.

I perhaps need Mark and Shanan to --

DR. GIBSON: Actually, I was going to say, based on how the recommendation is currently written, it simply says to, "Use work activities as an observable proxy" because that is what we are going to collect, initially. So I am actually quite comfortable with that because there is no and/or other data elements for us to have to deal with yet. I think where he alludes to, based on the example that has been given, and please correct me if I am wrong, Tom or anybody, it is the context then the industry, et cetera, which you are saying eventually will be combined with the general activities and you said "developed work contacts factor."

And Tom had discussed this morning, many of the work factors are actually OIS we talked about. So I think that would be the combination of factors you were alluding to.

MR. HARDY: Until we actually have a work taxonomy to use, I can't specifically point to one because I haven't got the items yet to reference.

And proficiency is also addressed later on. These are general data collection here. And then if you move down for research, we address proficiency later on as an item to be explored. The thought behind this was, there is no way to gather skills, pre say, as a data element based upon the taxonomy and the job before us. We can only use data elements or work activities as an observable and measurable data element to gather information. Then at some point, they will have to be combined with the taxonomy to start doing the analysis of

what becomes a skill. And again, going back to the example of walking, walking is an observable, measurable data element we can gather. How that piece fits into something that actually becomes a skill is going to remain to be seen as we do further research and development of the OIS.

MS. TIDWELL-PETERS: Is that good, Mark?

DR. WILSON: No. I still think the issue is that -- I understand what I think is being presented, and the skill is somehow something above and beyond activities. But, you know, I can talk about skill at walking. I don't need to aggregate that up to say a skill is somehow -- a skill does not occur at the level of a work activity, which in fact I think it does. I don't think that precludes what Tom is talking about. But I don't want to give the impression that work activities themselves are not skills, because they are. There may be more aggregate composites of various work activities that are some sort of uber skill or something like that. But the work activities themselves can be conceptualized and thought of and used as skills themselves.

MR. HARDY: Yes. I do believe that some work activities are.

DR. WILSON: Right. As long as that is clear.

MR. HARDY: Oh, yeah. We have though, start with the premise that we are gathering all work activity. Not all work activity is necessarily a skill.

DR. WILSON: Yes, it is. Every work activity is a skill. The idea that some of those may in some way be aggregated to be one of your uber skills, but every work activity you could describe as skill at and then whatever it is. If it is observable and measurable, you could describe it by simply appending the skill at and --

MR. HARDY: Part of what we have to look at, though, is a skill transferable. Does it provide a vocational advantage? And this is another way of also examining that and keeping

that under consideration. Walking is a skill, may or may not provide vocational advantage.

MS. KARMAN: I am wondering if it is helpful to bring up -- I don't know. The fact that one of the things we struggled with in this subcommittee was the distinction between the language, at least from Social Security's point of view, that the language that Social Security uses from a policy perspective, that has nothing to do with data collection. So I am wondering if that is the disconnect here and that, you know -- I don't know if that can be addressed.

When we -- when Social Security talks about "skills," it is not the same thing as what this means and it is the same word. So I just don't know.

DR. BARROS-BAILEY: Especially if you look at something like what unskilled is called, it is called "unskilled." But when you look at how it is described, there is learning that has happened, but it is still called "unskilled," but learning has happened. So it almost counter -- it is a -- it doesn't make sense that it should be called "unskilled," but that is how it is for now.

MS. KARMAN: That is how it is described now. I mean, maybe, eventually, when we gather data, Social Security will take a look at it and say, "Well, maybe we need to talk about low skilled," or whatever.

You know, and that would be more in line with what you are thinking of anyway. So I don't know.

DR. WILSON: Yes. This discussion has been very helpful, and I think I understand.

DR. SCHRETLEN: So Tom, I wonder then, is the reason that you feel that some activities do not rise to the level of a skill because you need to or -- you want to preserve the construct of unskilled work? I mean is that -- is it that we want to hang on to that notion that there is such a thing as unskilled working? Or is it necessary to bifurcate work activities into

skilled and unskilled work activities or just as Mark suggested, have some that are very, very low skilled?

MR. HARDY: I think skill works on a continuum. If you assume or accept the basis that any work activity can be a proxy for a skill, I still believe that on that continuum, there is something so basic that it -- if you have to call it a skill, call it a skill, but there are levels of skill. And that we have to be very clear that some of those extremely low basic work activities, if you must call them a skill, call them a skill. But we are going to have to give them some sort of term on a continuum that indicates that they don't rise to a high enough level to really be considered in the transferability process at some point.

Does that make sense?

DR. WILSON: Yes. I mean, I think I understand what you are trying to say now in terms of -- in terms of a profile, work descriptors. Some of these would be used for transferability and others not. Presupposing that, I am not sure. Maybe some -- we talked about various examples, but the idea that some work descriptors would be used to create a profile which would be used for comparison purposes and others wouldn't. How would that process take place?

I mean, would it be -- I don't know. That might be interesting. It is sort of like, say, there is two aspects. You know, there is what actually gets done and then there is some subset of that that we are going to use to compare work.

I don't -- you know, I think I understand the point. But it is hard for me to imagine what those things would be that would not be parts of a work profile, other than things that people say they don't do.

DR. BARROS-BAILEY: I think the concept might be that they may be part of a work profile. But do they lend enough added value to the individual where you could say they

would have some sort of meaning within competitive work to the level of SGA's? So I think it is -- we are looking at a huge pot of skills and all skills -- what is called -- let's call it all work activity skills, but just -- let's say one in and of itself discrete skill, is that sufficient to make the person have enough of a profile to be considered to the level of SGA, independent of itself?

And so I think it is that concept, and what we have right now is a continuum. We have a continuum. And we have definitions within that continuum and we have terms within that continuum that really don't describe exactly what that continuum is, and they are used in industries. So how do you deal with that?

MS. KARMAN: I think one of the things I was aware of anyway, I don't know about any of my colleagues on this subcommittee, but I did not want us to end up with "work activities" and then "skills" like they are separate. The way I was understanding this was we would put forward, you know, a recommendation for a data element that we could then collect about the work, and then SSA to take a look at those data elements and then determine to what extent our policy works within that. Because the way SSA defines "skills" is one thing, but data collection is another. And we wanted that to be very clear.

And so perhaps that -- maybe we haven't done that -- but we didn't want to impose the policy presumptions on the data collection because I think that that was problematic in other classifications where they came up with, you know, you got generalized work activities, you got skill, you got this, you got that, and you -- I don't know. And they seem to be conflicting. So I don't know if we have helped that or hindered it.

DR. WILSON: No. I think the discussion has been very helpful in terms of kind of clarifying what people think about this and what it means. To me, I think that was worth going through.

DR. GIBSON: I was just going to say, and I may be incorrect in this, but it seems to me in terms of this data collection aspect as Sylvia mentioned, A is very clear. Where this is about to get very fussy we will be getting into in just a second.

MS. TIDWELL-PETERS: Any more discussion?

Hearing no further discussion, I would like to call for a vote on the acceptance of recommendation Data Element A1 and 2 in the Work Experience Analysis Subcommittee.

By a show of hands, all in favor of accepting this recommendation.

Opposed.

Okay. The recommendation is accepted.

MR. HARDY: Debra, I move that the data element recommendations for the content model be accepted by the Panel as submitted by the Work Experience Analysis Subcommittee for Section B1(a) through D.

DR. BARROS-BAILEY: Clarification. You said "data element." Did you mean "research" --

MR. HARDY: I am sorry. It is research. Thank you for the correction.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Discussion.

I am hearing no discussion.

DR. GIBSON: No, no. We just got there. We are comparing the old version and everything else. We are all on the same boat here on this.

I will start with something that seems most or fairly perplexing to me. B1(c), the concept of vocational advantage as it relates to this in measurement of advantage of the skill. Could you clarify for me exactly what is intended there? One of the things that is a bit perplexing to me, as we move forward, is that although we agree that for data collection

purposes, it is imperative that we measure something which is observable work activities, there is this dichotomy where historically, we think of work activities being a component of work, but skill is being something that a human or person possess.

So when we talk about “vocational advantage,” are we talking about vocational advantage because they engage the person or the work activities? You see where it is getting muddy very quickly?

MS. KARMAN: What I am hearing is that the aspect of skill is a person-side thing. The work activity is the work part.

MR. HARDY: Vocational advantage is actually a current part of SSA policy. Vocational advantage is something that is taken into account when transferability occurs. So in keeping that in mind, we have to have a way of looking at what in that skill provides that vocational advantage.

Now, as to the dichotomy between person and job, I recognize that that is why we are in connection between person and job area. And that is the actual point of what we are working at is trying to find a way to make that connection, and I recognize that you are not happy with this. And stepping back, for a second, I think you are asking a very broad fundamental, philosophical question, which I am not sure I am going to be able to answer to your satisfaction.

People possess skills that is correct. Jobs require skills. Connecting the two and then trying to find a way -- it almost reminds me of what we go through with the emotional cognitive mental pieces that there are things we never really tried to get our fingers on and measure and make statements about before. And this is really a proposition here that we research the topic and start looking into how that connection gives a vocational advantage, if it does. But according to the policy right now that is something we need to look at is

vocational advantage, because that does affect a person's ability to theoretically be eligible for other kinds of work and that comes from possession of skills.

DR. WILSON: I think as far as C is concerned, at least the problem I am having, is not so much the first part as the second measurement of disadvantage along the scale of work activity. The advantage seems to come from the marketplace, not from the work itself. I mean, having or not having a particular skill is not a function of that skill; it is whatever is valued out there.

MR. HARDY: In the roundtable, we addressed marketability as one aspect and that is something that is around within the subcommittee for a while. Marketability is a factor to be considered. And I think ultimately we decided that we were going to try to avoid utilizing that as a criteria.

MS. KARMAN: Yeah. Because it is not -- well, it is not SSA policy. Not that we are dealing with policy, per se, but it is certainly a point in confounding whatever we get with --

MR. HARDY: Marketability becomes a very, very -- if you are talking fuzzy, then we are getting even fuzzier.

DR. WILSON: What else would this mean other than that? I guess that would be the issue, the second part of this. What else does it mean other than -- what is it you are going to be measuring if you are measuring the market value of vocational advantage?

MR. HARDY: Vocational advantage is almost a term of art. Within Social Security, I think that has a specific meaning to them, and I will actually almost defer to something from SSA to address that. But my understanding of vocational advantage is something that comes out of the grid system. And when you are working through the grid system, the grids are based upon age, education, experience and functional capacity. As you move through the system, there is a determination of vocational advantage, which is a broadening of the

occupational base that a person can access in their pursuit of employment.

I believe I got that correct; do I?

MS. KARMAN: I just -- yes. I just -- yeah.

I felt like this is very policy latent, so this is the problem I was having with it. So maybe I am not the right person to ask.

DR. ANDERSON: I have a bigger problem with the first part of this sentence. I am not sure how to interpret this. You are saying the work activities have provided a worker with vocational advantage. But is it privy to work activities or is it the skill set? And in what way are you actually trying to position this?

MR. HARDY: Actually, I think you are right. I think work activities that have risen to the level of the skill, as we define it, would be a better word in there. I agree.

MS. KARMAN: Are we talking about C?

MS. SHOR: Yes.

MS. TIDWELL-PETERS: So how would you amend that, please, Tom?

DR. WILSON: Why don't we just say "skill" there, because we already went through this long discussion of that sort of thing? So I kind of like Gunnar's idea to say "the skills that provide."

MR. HARDY: Yes, I would agree. Can we just change that to "skills"?

DR. WILSON: And then do we really need the second part of that? I mean, given that it has been identified as an art. Is this something that --

DR. BARROS-BAILEY: Because that does sound like marketability, that second half of it, and the first half of it sounds --

DR. WILSON: I don't know what else it would be.

DR. BARROS-BAILEY: The first half of it seems like it would. So it would be the

skills that provide a work vocational advantage.

MR. HARDY: I am comfortable with that change.

DR. GIBSON: I don't think that gives away from the concern referring to marketability because we are talking vocational advantage. We are obviously talking marketability. I mean, the two go hand-in-hand here, I am afraid.

MS. KARMAN: I like what Gunnar and several of you over there had originally, which was, "The work activities that rise to the level of skill." Or maybe it is Mark, whoever recommended it.

DR. ANDERSON: But it is easier to just talk about skills. It becomes a clumsy -- you know, you may have acquired those skills not from your previous work activities, but just by the fact that you have a high school education or whatever else it might be.

DR. WILSON: Well, I guess now given what Sylvia said, are we straying into policy issues here? Is that what I am hearing, that this is really outside our mandate?

We are directing SSA to change how they go about doing things. And if so, that would seem to be out of the scope.

MS. KARMAN: I think if we are collecting data that you would enable SSA to study it, that is fine. I mean, I think the recommendation is saying SSA should consider conducting studies. I mean, I don't know.

Maybe it shouldn't be -- I don't know. I certainly don't want us straying into that because we just don't know until we gather data how these things will line up with what would be appropriate for the Agency's programs. And we certainly don't want to overlay a policy tone on the data because that makes an assumption about them. I mean, not the data on the constructs.

MR. HARDY: It has been very difficult wording this, trying to dance around policy

and avoid policy, trying to dance around prior DOT latent words and concepts, but yet leave room for us to actually move ahead and explore. So I recognize that there appeared to be policy implications here; that is why these are suggested studies.

And the studies are simply investigation of the data that is collective and how -- yes,

DR. GIBSON: I had a question. If this would mean similarly to what you were trying to get here, but we remove some of the more policy written language, would it be possible to recommend that they “do studies which examine the ability to engage in certain work activities, provide a worker with the ability to do other occupations” as well as opposed to calling it “vocational advantage”?

But if you can do the behaviors in this job, can you also do the behaviors in other jobs? Because isn't that what we are trying to find out here? If they can do it here, can they do it somewhere else?

And that would remove the skill language, technically, and the “vocational advantage” term that seems to be so difficult and would focus on something we can measure.

MS. KARMAN: I like that. Also because it just removes the qualifications around it and it allows Social Security to qualify where it deems necessary based on actual data.

DR. GIBSON: Or did I ruin your intent, Tom?

MR. HARDY: No, I am thrilled to have assistance in doing this. I got to tell you, it has been dancing trying to find a way of saying some of these things. So I appreciate the help.

Can you put that in?

MS. TIDWELL-PETERS: Yes. Shanan, can you, please, again.

You have, "That examine the ability to engage in work activities," you began.

Veronica, can you provide us with some assistance with that?

(The record was read by the reporter.)

MS. TIDWELL-PETERS: Thank you.

DR. GIBSON: I know, difficult. What I currently have -- what my intent to try and communicate, however ineffective I was, "the ability to engage in certain work activities, which would allow an individual to do other work."

"Other work" meaning work beyond a position which they currently hold and now claim they can no longer engage in.

DR. SCHRETLEN: How about to work in other occupations?

DR. GIBSON: The ability to engage in certain work activities which would allow an individual to work in other occupations.

MS. KARMAN: I mean, in other words, we just have to be able to do step four and step five. So it would be inability to engage in not only their past work, but any other work. Really, I mean, that is why we changed the name from "transferability" to "skill" to "work experience."

DR. ANDERSON: I think it is -- aren't you talking about the experience gained from one type of work activity that would allow you to perform other types of work activity?

DR. GIBSON: I can't argue that it is any ability, skill, knowledge, or the like that a person possesses from previous work, from education, from whatever. So if a person --

DR. ANDERSON: I like that.

DR. GIBSON: Good.

DR. ANDERSON: So why don't we make that the --

DR. GIBSON: The ability to engage in work activities that would allow an individual to -- might allow an individual to work in other occupations.

DR. SCHRETLEN: So going up to the stem for A, B, C, forth the, "For example, SSA

should consider conducting studies that would inform Agency policy regarding" -- if there is an issue about policy, should we just say something to the effect that SSA should consider conducting studies that would help define? And then those things, work activities which would -- I mean, I don't understand if there is a policy issue here.

DR. BARROS-BAILEY: I don't even know why really we need that wording there. For example, these studies could include -- I mean, I don't know if we need to have all that other wording there, for example, these studies could include in terms of the stem.

MS. TIDWELL-PETERS: And also, the other change was "For example, SSA should consider conduct studies that" --

DR. BARROS-BAILEY: No. Just saying, "For example, these studies could include."

MS. TIDWELL-PETERS: Okay. "These studies could include."

DR. WILSON: If we are talking about the stem now, whether data elements and occupational data, maybe we should be more specific in terms of what it is we are studying here.

MR. HARDY: I think we left that broad because we, again, did not have the full taxonomy in front of us yet. And we were not sure what would be collected in what way under the items in taxonomy as opposed to, say, collecting one thing and examining if we left it open to data elements and occupational data.

DR. WILSON: I mean, basically, it seems one is getting at and then what the other stems are trying to provide more detail on is a policy issue of we want to conduct studies on how Social Security is going to use occupational information; is that a fair statement?

MS. TIDWELL-PETERS: Could you repeat that, please.

DR. WILSON: As I am reading through this, what it seems to be saying -- you know, the issue we got that word "inform" in there and that could be an issue. But "inform the

applications” -- so it is not that we are conducting -- it seems to be that the heart of this rec -- one of A, B, C and D is, you should do studies on how you are going to use this information. Isn't that what it is really saying? And is that not essentially, you know, you should exam your policy? You should conduct research on how you go about applying this information.

And then my question is: Well, have we strayed -- its essence is what this is then, have we strayed into providing policy advice or are we simply saying, you should consider how you are going to use this information from a policy standpoint?

MR. HARDY: I don't think the intent is policy driven, per se, in the way that you are describing it. The information that is utilized for transferability and skills analysis, if we go back to the old language, transferability of skills is a requirement of Social Security at step five. We are having new data elements and new pieces of information coming into those pieces that inform transferability of skills analysis.

The point of this recommendation is to make sure that the new information conforms, fits, and still performs the function that is required under the policy at step five.

MS. KARMAN: I just want to point out, though, because I know my colleagues will point this out to me as well that when Social Security talks about transferability skills analysis to -- as you guys know, very limited situation. And people outside the Agency when they are looking at, can the individual do other work at step five? I think they more broadly call that “transferability.”

So I am just making that a point. I am just making that distinction that is all.

MR. HARDY: And that is why I am trying to get away from transferability skills. That is kind of why I have written this in the way it is starting to look to avoid having those latent terms in here.

DR. WILSON: Well, I guess the issue is that now we have some new terms that we are

not really sure what they mean. I mean, the old terms -- and I guess I haven't heard anything that seems to be contradicting the -- I mean, why can't we just say something like "conduct studies that would" -- the issue seems to be research about how occupational information is going to be applied to the decision making process, right?

I mean that --

DR. SCHRETLEN: It also seems to me that there is just a fundamental issue here about defining what skills have enabled someone to work at another job. I mean, I don't know. I wonder if it is sort of premature to even talk about the question of how the Agency is going to use it. I mean, it sounds to me, as a person, is someone naive about this that we just don't have a very clear handle on what defines "skills" and their transferability and maybe that is what pilot research should be doing, pilot studies, to better define skills that enable someone to work at another job and the degree of transferability, something simple.

MR. HARDY: I think the overall fit that we are going for is trying to get some sort of organization of these concepts as we change the data elements to ensure that we are going to be doing something that when we say a person now has the ability to perform this set of occupations, we have gotten there in a logical, defensible manner.

And these broad research topics, I think, move us along in the direction of being able to say when the administration suggests a person can perform these five other occupations, they've gotten their in an appropriate manner that we can defend.

DR. WILSON: I think maybe then some sort of more general statement. I mean, there are just a lot of issues I have with some of these terms, like 1A, "The work activities which, in combination with other elements," we already talked about. I don't know what "other elements" are, things of that sort.

I think I get the gist of what you are trying to do now, but I think by trying to

avoid existing terms that seem to be loaded or have policy implications and bring up new ones are just creating more problems. Is there not some simple statement here of, you know, we encourage them to conduct studies on how they are going to apply this information to the adjudication process, or something of that sort, without bringing up a new set of terms which people might misinterpret?

Would that convey the intent here without getting us into a big discussion over, you know, what various words mean and still convey what you are trying to get across?

MR. HARDY: I am not sure. I think what we have been doing, as a subcommittee, has been trying to actually, literally, pull ourselves away from some of those terms of those pieces of language because of the implications. And consequently, we have to use new words. Some of it is vague because we don't have the information to plug into it yet. So I can't point to an item that you collected because you haven't collected testimony.

Conversely, I can go back and use the DOT words, but they no longer fit what we are doing.

DR. GIBSON: I am going to focus on 1A again in a rewording which I am hoping will make everyone a little bit happier or it may not.

Could we consider striking the part between the two commas, so that it says, "The work activities which may define skill as applied in disability evaluation"?

That does not say that all work activities are skills. It removes the combination of other activities which people are uncertain about and simply says that SSA should figure out if some work activities constitute skills which are used in their current process for ability -- for disability adjudication.

So basically, I am saying, "The work activities which may define skill as applied in disability evaluation." And leaving it a little bit broader and removing some of the

contentious language.

Would that help people, perhaps?

MR. HARDY: Come join my committee.

DR. GIBSON: Mark, does that help at all?

DR. ANDERSON: It should either be the evaluations or the disability of evaluation.

MS. KARMAN: Perhaps disability adjudication, is that your point you are making as opposed to --

DR. ANDERSON: No. What I am making is just an English syntactic point.

DR. BARROS-BAILEY: You are making -- between singular and plural, whether it should be --

DR. ANDERSON: Yes. One of the two, but in this case we haven't picked any. This one is neither singular nor plural because it misses "the."

So it either has to be "the disability evaluation," or it has to be "disability evaluations."

DR. GIBSON: Add an S to "evaluation."

Mark, you didn't respond. Does that help at all by removing some of the language or your opinion to that also? Does that make more or less -- I am seeking some sort of --

DR. WILSON: Yeah, I think there -- two things on the table. One is I was sort of trying to get away from -- trying to make this a more general statement so we didn't get into this.

Because I am hearing from Tom, I am very sympathetic to this, we don't want to use the old language that is loaded. We are trying to convey something here. We don't know some of the specifics, so we can't use the quote "new language." So it is kind of like we got

our own version of Desperado now that nobody knows what this stuff means.

So in that case, I think rather than getting too specific, it would be better to make a more general statement like conduct research on the occupational information system and pilot studies that may inform the application of this data in SSA's work experience analysis and just leave it at something like that.

Rather than -- I mean, I like Shanan's wording a little better, it gets around the problem I had with 1A. Given that we are dealing with sort of fairly vague issues here, do we really need to go into A, B, C and D? Because essentially what you are saying is, you know, we want you to do -- conduct research on how you are going to use this occupational information for making decisions. And that sort of encompasses all the various facets of what that decision might involve.

I am just really uncomfortable with inventing a new language here that we are not really sure what some of this terminology would mean. I think the more we stray into that, the more we are getting into potential policy issues.

DR. BARROS-BAILEY: It seems like what we are getting stuck on is the "for examples," and not what is in the stem; is that accurate? If it is the "for examples" that are getting us in trouble and we are okay, why can't we just go with the recommendation B1, with the very first sentence and leave out the "for examples"?

MR. HARDY: I guess my concern with that is, for example, liability. We have talked about that and that has become something, as a subcommittee, I gathered is a very important topic. And removing these specific recommendations is fine. But when will we be getting back to that? And I think this is kind of a road mapping -- even if we don't do it now, it is going to have to be done at some point.

MS. KARMAN: We did study that. He had one of the issues that we had with that was

that it was both the person side and the work side ideal in terms of how long people retain a skill set and, you know, if they have been away from a job for a certain period of time, how long they might retain it, which I think is a little different than what -- some of what we were discussing in the group which had to do with the job changing, which I think gets what the Work Taxonomy Committee was recommending in terms of looking at a merging occupation.

In any case, we, Social Security, did look at that at one point and not that we shouldn't again. But there were things that were confounded, and one of them was a person's age, which turned out not to be much of a factor, but nonetheless, it is there. And to what extent does a person retain a skill set? How much are the work activities actually changed? So that has an impact.

So there is like this moving target, both on the person side and work side to get at it. So it was kind of hard. I guess the other thing too is that we had difficulty trying to figure out a way to generalize that through -- possibly disabled population or at least the population of people with impairments, which we are not sure, you know.

So, I mean, I guess what I am getting at is Social Security is aware that this is an issue that we need to take a look at. I don't think it is going to fall off the radar if it isn't point blank stated here, but that is just my observation.

MS. SHOR: My concern with eliminating all the examples is that the first sentence could be interpreted as meaning anything, and that is always a good possibility. I think it is just a question of whether we want to indicate the type of directions that we think ought to be explored or whether we should kind of back up and say, we are confident that Social Security would be smart enough to figure those out.

I am perfectly comfortable with the categories of looking at -- I will just say transferable skills analysis, to be looking at the phenomenon of vocational advantage, even

skills. I mean, these are all terms defined in the regs, so we can kind of cover our mouths when we say them, but they are there. So, I mean, I think it would lose a lot to remove the examples to give the reader an understanding of the kinds of places that we see this data fitting into the process.

On the other hand, I don't think there is anything startling here, and I think an informed reader would easily infer these four, maybe more, if it were reduced to the first sentence alone.

DR. SCHRETLEN: You know, one of the things that I notice is that although you changed the name of the committee to Work Experience Analysis, "work experience," the phrase, doesn't appear in a lot of these. And I am wondering if it would make sense to have this conduct studies on work experiences that provide workers with transferable skills and vocational advantage or whatever the other words are, something to that effect so that you aren't saying what you are suggesting that SSA look at, but that you emphasize that it is a study to look at work experiences in their implications for people to do other jobs.

MR. HARDY: Obviously, we have a big divide here. I am not quite sure how to go about rectifying it so that we have a recommendation that can be approved. It seems to me what I am hearing is that you would like -- there are several people here who would like to see the specifics removed. To move things along, I will go ahead and do that if the subcommittee is in agreement with that, with the understanding that these -- I still see these as valid based upon what we were trying to do.

I don't know if the subcommittee wants to talk for a second.

MS. RUTTLEDGE: I guess -- I am with Nancy Shor. I don't see that there is a harm in saying, "For example, these could include."

To me, that leaves a huge way out for folks to say, okay, that was the thinking of

the Panel at that time and things may change. And as we move down the road, these may be included, they may not.

I don't want to lose some of the focus that we tried to place on this particular issue by taking it out. I am also of the opinion that if it means that we don't get approval for this particular recommendation, I would rather take all of the examples than to not have something that talks about conducting studies. So I guess I would -- my preference would be to leave it in because we have indeed said these are, "For example, these could," and I would just like to leave it at that.

DR. WILSON: And I understand that, and I am not trying to be difficult. But the issue is that in several of the specifics -- it is not that I am necessarily opposed to the idea of doing some of these things. You know, Shanan has tried to help out here by trying to reword some. But, you know, coming up with new language that -- because existing language, for one reason or another, is not appropriate may cause more uncertainty than help direct the activity.

For example, I am thinking in terms of the law gets enacted and then there is guidelines of how the law is supposed to be implemented, and then there are questions and answers. And we consistently end up with, well, what was the real intent of this description, several years down the road.

So I think it would certainly be more efficient and faster, rather than arguing about some of the wording of the specifics, to just use the general thing and/or maybe pull out a few of the specific concepts rather than --

DR. GIBSON: As we continue to figure and think about which way to go with this, since we have not come to a conclusion -- I was kind of waiting to see where it was going to go. Can we address B1(d) for a moment? If we are going to scratch them all, it was the new point, but if we are not, I would like to have clarity regarding the length of viability of an

occupation, because to my way of thinking, an occupation is viable as long as there are people doing it.

So do we mean the length of viability of a knowledge set, a skill set, and if so, can we reword it to be more specific about --

MR. HARDY: This was another fun one to try and write.

Yes, viability of the skill set that comprises an occupation. And I like that language, actually. But again, I tried to avoid the use of the word, "skills." And the concept behind this is technology changes. As you have tried to address in taxonomy, who is going to be emerging, and extinguished or dying occupation and skills.

We are talking about transferability of skills. We wanted to address the fact that there will be a change. And skill sets over time with changing tools and technologies, we should track it because it affects transferability.

Language was very difficult.

DR. GIBSON: I am going to say that looking at the examples that are now included, I am actually not uncomfortable with the use of "skill" because when we say "skill set," we are not saying what defines a skill. So that is up to SSA to determine that they went forward.

And A and B, where we do use the word "skill," you put it in quotations, which implies that you are referring to Social Security's current definition of "skill" very specifically. So I don't see -- I guess I need clarity now on Mark's concern about where the new language is occurring here so that we can make it clear for everyone because that would help me.

DR. WILSON: It seems to me we are dancing. There is something about past words that we don't want to use for various reasons. And there is admission -- Tom saying, well, we are struggling with the terminology. We are not sure which words to use.

If you are having trouble expressing what it is you are trying to express, you know, what is that telling you? You know, in terms of -- either things aren't evolved or you really are trying to say X but you don't want to say X and then we ought to say whatever X is. That is the issue. But like I say, I think I have already proposed what I think would be the answer. But if there is some way to express some of these ideas down here in A, B, C, D, at least identify the key phrase in each one and say, you know, put that up with what has been proposed for B1, maybe we can do something like that.

I don't know if that is helping you or not, Shanana.

MR. HARDY: Looking at B1(d), "The length of viability of an occupation based upon its component skills." Would that be an appropriate recommendation for research? That is not utilizing any new language. It is just assessing new data elements in a current process and how they may be affected.

DR. GIBSON: Tom just changed that one for you. You may want to reconsider how you put it on there.

MS. KARMAN: You know, I really think, it may mean -- we may really resolve this by just going back to the original recommendation to just go with the first sentence. And the reason I say this is because I think part of what we struggled with in our subcommittee, at least that I was struggling with, was that we did not want to box ourselves in, nor close ourselves off from what the Agency needs to do with the OIS data once they are collected. This way, the Agency could continue to do what it does and yet have a platform to move forward. And that is what we really care about.

So if we are not at a state -- in a place yet where we can adequately define all of these things -- none of these things are going to get read by themselves. They are all going to be read in totality, you know. So I don't know. That is my vote or whatever -- my suggestion.

I don't know if it is a vote. It is out there for consideration.

MS. SHOR: Well, it just seems to me that the choices really boil down to leaving no direction at all or leaving a direction that just recites that it would be a pilot -- that the pilot studies could or would or we hope would provide data going to issues of -- or issues of transferability of skills, the vocational advantage and the length of liability of skills. I don't know how it matters -- I don't know if anything can be approved in the language of A, B, C, D that helps or if it is really a question of -- it is not officially working, it is a question of just dumping.

I would think to a reader having some places to tie this within the existing adjudication structure will be helpful. But I don't think -- it is not a make or break issue for me.

DR. BARROS-BAILEY: And, Nancy, what it sounded like you were saying was something that is a much shorter version than we have here. "For example, SSA should consider," and then there were three areas that you outlined.

MS. SHOR: Right. They have to -- the regulations book require agencies an appropriate case to look at transferability of skills to consider in appropriate cases, vocational advantage and -- what is the right way to say this?

How long a skill is considered viable?

MS. KARMAN: You mean relevance?

MS. SHOR: Relevant.

MS. KARMAN: Information needed to determine relevance. I mean, that is the language we use, but then again, this is -- that is policy.

DR. WILSON: Nancy, do you want to propose something? I mean, we were on the break there.

MS. TIDWELL-PETERS: Nancy, first, are you suggesting that your recommendation replaces B1?

MS. SHOR: No, I would keep -- I am suggesting keeping B1, the first sentence. And I think I am suggesting striking, "For examples" and in addition to A, B, C, D and replacing it by a single new sentence.

"The studies would inform Agency policy regarding such issues as transferability of skill, assessments, vocational advantage, and relevance of skills."

MS. KARMAN: Would it be "relevance of work"?

MS. SHOR: "Relevance of work."

DR. GIBSON: Would you have a problem going from "would" to "could" because we don't know --

MS. SHOR: I would not have a problem.

MR. HARDY: Elaina.

MS. WISE: Yes.

MR. HARDY: Do you want to try this?

MS. WISE: Okay.

MR. HARDY: We have the original stem sentence and then it says, "The ability to inform the application of OIS data in SSA's work experience analysis. These studies can inform Agency policy such as TSA" -- "these studies could."

MS. TIDWELL-PETERS: Yeah. Just let her get the typing in.

Please read that, "These studies," so keep going, please.

MR. HARDY: "Inform Agency policy such as Transferable Skills Analysis" or you can use TSA at this point, comma "vocational advantage and relevance of work."

MS. TIDWELL-PETERS: So now you want to go back. And we have captured that

sentence.

So could you please read that for us, Tom, from the beginning off the screen as it should be.

MR. HARDY: Off your screen?

MS. TIDWELL-PETERS: Yes.

MR. HARDY: "Research recommendations for Work Experience Analysis. One, conduct studies on data elements and occupational data collected in pilot studies that may inform the application of OIS data in SSA's work experience analysis. These studies can inform Agency policies such as transferable skills analysis, vocational advantage, and relevance of work."

DR. ANDERSON: Is that your new motion?

MS. TIDWELL-PETERS: It will be shortly. I just want to make sure you catch it.

And then A through D is deleted, correct?

MR. HARDY: Correct.

MS. TIDWELL-PETERS: Thomas -- is there any more discussion on this issue, first?

I would be pleased to entertain a motion on the acceptance of recommendation B, Research Recommendations, B1 as amended.

MR. HARDY: I make the motion.

MS. SHOR: I second.

MS. TIDWELL-PETERS: Any discussion? Okay.

By a show of hands, please, all in favor of this recommendation being accepted as amended.

Okay. The recommendation is accepted.

MR. HARDY: Debra, I move that the data element recommendation for research for

Work Experience Analysis be accepted by the Panel as submitted by the Work Experience Analysis group under No. 2. It is a little convoluted but -- B2.

DR. ANDERSON: Second.

DR. WILSON: And you said data elements again, you mean research recommendations?

MR. HARDY: Yes, research recommendation.

DR. WILSON: Don't we already have that covered by what we just did? Is there something new here?

MR. HARDY: We were going through trying to show the different areas that may require research at some point. And as in up above, we were trying to show another area that may, at some point, require research with the new data elements.

DR. WILSON: I understand. I am just saying with the way Nancy has reworded this, is it to know, subsume, to what we have already done? Do we really need to --

MR. HARDY: Theoretically, two and three are both research recommendations. So if we simply truncate research to "let's do some research than all the other recommendations," wouldn't some sense be subsumed?

DR. WILSON: No. I mean, as we have reworded one, it now specifically talks about transferability.

MR. HARDY: Would you propose then that two, and theoretically, looking forward, to three and four also just be subsumed in?

I would like to clear this up now before we go through all of these.

DR. WILSON: Yes.

MR. HARDY: Can I have a moment to talk to the other people in the committee?

(A discussion was held off the record.)

MS. TIDWELL-PETERS: I am going to bring us back on the record.

Tom.

MR. HARDY: Yes, Debra.

I would like to amend and I would like to -- I believe it is remove from consideration the prior recommendation and propose a new recommendation.

MS. TIDWELL-PETERS: Hold on one second, please.

You can go ahead. You would like to remove from consideration --

MR. HARDY: I would like to remove from consideration the prior recommendation, which was seconded by -- I forget whom.

MS. TIDWELL-PETERS: B2?

MR. HARDY: B2, yes.

MS. TIDWELL-PETERS: Thank you.

DR. ANDERSON: And I second it.

MR. HARDY: Thank you.

Debra, I move that the data -- that research recommendation from the Work Experience Analysis Subcommittee will be as follows and should be numbered as No. 2.

I think we may have a point of order problem. Because in essence, what we are doing is we are going to remove much of the recommendations that we have in the schematic and reduce it down to a few words that we are going to append to something that I think we have already approved, B1.

MS. TIDWELL-PETERS: Here is what I would like to suggest.

MR. HARDY: I would be happy to entertain your suggestion.

MS. TIDWELL-PETERS: I would like us to take a break for 15 minutes so that you will have the opportunity to mark up your recommendation. And we will come back on the

record. I would also like you now to -- you have withdrawn recommendation B2?

MR. HARDY: That is correct.

MS. TIDWELL-PETERS: So I believe we are straight until you come back to me with your next motion.

MR. HARDY: Thank you.

MS. TIDWELL-PETERS: The time now is 2:30. We will be back at 2:45.

(A brief recess was taken.)

DR. BARROS-BAILEY: Okay. I am going to bring us back on the record, please.

Ms. Tidwell-Peters.

MS. TIDWELL-PETERS: Hi. Tom, we are still working on Work Analysis -- Work Experience Analysis Subcommittee recommendation. And I will entertain a motion from you to reopen recommendation No. B1, previously approved.

MR. HARDY: So moved.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Thank you.

Okay. Now, we will move to discussion on recommendation B1 from the Work Experience Analysis Subcommittee.

MR. HARDY: We have tried to reconstruct the language of recommendation to reflect the conversation that we previously had. I have checked with the subcommittee and we have agreement on new proposed language, which I would like to have put up on the screen for everyone to review.

Is it up there?

I can read this into the record, if you would like. Under B, for research recommendations from the work experience analysis subcommittee, we would propose

changing B1 to the following: "Conduct studies on data elements and occupational data collected in pilot studies that may inform the application of OIS data in SSA's work experience analysis. These studies could inform the Agency policy such as TSA, vocational advantage, relevance of work, complexity level and timed proficiency."

I would like to move that we accept this language in place of the previously approved language and then we would have no further recommendations at this point.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Is there any discussion on this language? Are we --

DR. WILSON: Calling the question?

MS. TIDWELL-PETERS: Hearing no need for discussion, I would like to call a vote on this issue. The vote is to approve recommendation B1 as reopened and amended by the Work Experience Analysis Subcommittee. All in favor, please, by a show of hands.

Thank you. The motion has been approved.

Thank you, Tom.

Would you like to move to number C?

MR. HARDY: We have no further recommendations at this time. This concludes our presentation.

MS. KARMAN: Debra, do we have to withdraw something that is in the schematic or no?

MS. TIDWELL-PETERS: No, it wasn't moved.

Just a second. We are making sure that we have captured all of the changes in the file.

Our next subcommittee recommendations will be for mental/cognitive demand. I would like to introduce the Chair of that subcommittee, David Schretlen.

DR. SCHRETLEN: Thank you, Debra. And I would like to begin by thanking the other members of the Panel who were on the subcommittee, Dr. Bob Fraser and Sylvia Karman, and, of course, Dr. Mary Barros-Bailey, who withdrew and I mentioned that at the last June meeting. You people did a great deal of work on this.

And following Dr. Wilson's lead this morning, I will not be recapitulating all of the activities in which the subcommittee engaged to reach our conclusions. But just to note that our task, and we, this subcommittee, was assembled to advise this Panel about what psychological abilities of disability applicants should be included in the content model and classification recommendations that are made to the Social Security Administration.

And without reviewing all the things that we did to arrive at these recommendations, I want to mention a couple of things. I want to preface the motion that we will make with a couple of comments. One is that in our work, we were charged with reviewing person-side abilities and characteristics that can be important that can be impaired by disease and thereby preclude a person from doing work. We were not charged with developing instruments and very specific items. Rather, with the developing sort of broader constructs and sort of a conceptual model for thinking about person-side characteristics specifically, related to supplemental and cognitive and interpersonal abilities.

And we were guided by some overarching principles, and one of those principles was the idea that we wanted to base our recommendations on sound scientific evidence wherever possible. But recognizing that medically determinable impairments of human beings, especially if they pertain to psychological and emotional and interpersonal characteristics are not always easily -- they are not always tractable to scientific measurement and quantification. And, therefore, we want to preserve a place for sound clinical judgment that is that people who treat patients often know their patient's abilities and capacities in ways

that may not -- that may define measurement even with the best of instruments. So our goals were to base recommendations on scientific evidence where those kinds of evidence are available and on sound clinical judgment where they are not.

The second overarching principle is that we wanted to balance comprehensive assessment of mental and cognitive abilities with parsimony that is in the field of psychology. And within the field of psychology, within the subfield of neuropsychological or cognitive assessment, one could imagine many, many, many constructs. So just, for example, the world of attention, we use the term "attention" sometimes quite loosely. But psychologists and neuropsychologists don't use the term so loosely and even in the -- attention can be sort of fractionated, if you will, parsed into various aspects.

There is sustained attention or vigilance. There is divided attention. We talk about selective attention. There is -- we talk about attentional focus. There are all kinds of constructs, and the same applies for memory and executive functioning and problem solving abilities. In other words, one could easily come up with scores of dimensions of psychological function just within the domain of cognitive information processing. And we didn't feel that there would be of particular use to this Panel or SSA to recommend a kind of very, very detailed conceptual model. So we want to be comprehensive but parsimonious.

And a third overarching principle is that in conversations with end users and conversations with people in the Agency and within DDS, it is clear that many people find some aspects of the current mental residual functional capacity assessment very helpful and useful and there is probably reasonably good scientific data to support their continued application. And for that reason, we also wanted to preserve some degree of continuity where possible. That is, we didn't want our recommendations to turn everything upside down and start from scratch, but rather to maintain a degree of continuity with the current assessment of

mental residual functional capacity.

So with those comments, as a preface, our very first set of our data element recommendations include psychological, cognitive and interpersonal behavioral characteristics in four major subdomains, neurocognitive functioning, initiative, and persistence, interpersonal functioning and what we called "self-management." And in fact, those are mapped on fairly closely to the existing sort of underlying conceptual model in the current mental residual functional capacity assessment.

So those are the four major domains, and we have under each of those a number of examples and in the text of our report, we note that the subcommittee recognizes that the Social Security Administration might choose to discard or replace some of these 15 abilities or add others that are not listed below. In other words, our recommendation to this Panel, after a great deal of thought and discussion by a number of experts in the field, is that we recommend to the Panel that the Panel recommend these 15 examples or exemplars of psychological abilities. But we recognize that this is not a finished product.

And so with that introduction then, I move that the data element recommendations for the content model be accepted by the Panel as submitted by the Mental/Cognitive Demands Subcommittee, and they are listed under A1 through A4.

DR. WILSON: Second.

MS. TIDWELL-PETERS: Discussion.

DR. GIBSON: I am going to request some clarification, please. First, I guess my -- you did a wonderful job of putting this together. And I enjoyed being a part of the user Panels that came in -- expert Panels seeing where this came from.

What is not clear to me here is what exactly you are recommending SSA do with these 15 items. Are you recommending that SSA should include these 15 give or take on

every mental residual capacity that is done for every claimant, that they should be assessed in some way, shape or form? That is the first question.

DR. SCHRETLEN: What the subcommittee is recommending is that the mental residual functional capacity assessment includes an assessment of these 15 fundamental characteristics. So if someone is thought to have a medically determinable impairment that effects their psychological functioning, that these are the psychological factors that should be assessed. Now, how they will be assessed is a very different question and it is not a question that we are approaching at this point.

The instrument development, the item development, the scaling, all of those are for down the road, but these are fundamental dimensions.

DR. WILSON: So it would just be fair to say that as of right now, this is your best guess of taxonomy for the person side in terms of mental/cognitive demands. There might be things that might come along that would persuade you to add one or maybe subtract one, but this is your committee's best guess as to what the mental/cognitive taxonomy structural looks like right now?

DR. SCHRETLEN: Correct.

MS. SHOR: Dave, could you comment on the distance between these 15 and the existing mental RFC form that Social Security currently uses?

DR. SCHRETLEN: Yes, thank you. First of all, let me just say, in number, the current form has 20 items. And so we believe that this assessment is actually more comprehensive but contains fewer items. And one of the reasons is that the existing instrument has been roundly criticized by a lot of end users as being inefficient. They will have one item for your ability to follow simple directions and another item to say for your ability to follow complex directions rather than a single item saying, you know, what level of directions can a person

follow, simple, moderate, complex and so forth.

And so there is in -- I believe it is on page 115, there is the current MRFC form is included in an appendix to our report on page 115. And so you can go down one by one and compare items, but we have also, in our full report, described each one of these 15 items. And our reasoning behind it so that our goal was to make our reasoning as transparent as possible, recognizing that others might disagree with that and that is okay. But we just wanted to be clear about how we arrived at it, why we replaced items. And so I would be in a better position if you had questions on particular ones.

MS. SHOR: I would just like to offer an overall comment as a person who has heard of the MRFC form for many years where folks get stuck on moderately limited, markedly limited, it is a key distinction and nobody understands it. Many people don't seem to understand it. I think that the 15 that you have set up here are terrific, would really represent an improvement over how the MRFC is collecting information now.

DR. SCHRETLEN: Thank you.

DR. WILSON: I agree. I think you and your committee ought to be commended in terms of -- this is a very difficult area. There is a lot of research out there that I don't think is particularly definitive. And so -- I was very impressed when I saw this.

DR. SCHRETLEN: Thank you.

MS. RUTTLEDGE: This is Lynnae. As someone who is not connected to this on a day-to-day basis, I want to go back to Shanan's comment. I really think it needs some kind of introductory statement that says what this reflects and why it is that we are recommending this to Social Security. Because if an uninformed person went and looked at our recommendation and they just looked at data element recommendations for mental/cognitive demands of work and went right into cognitive functioning and initiative systems, they won't understand that it

relates to the MRFC or anything else.

So I just would ask that we have some kind of introductory sentence that connects the dots.

DR. GIBSON: I think that, for myself, I need that to be very specific because recommending these of constructs to be considered is -- MRFC is one thing. We are not saying that everyone who comes in, if they read this, should be given an IQ test, that is an entirely different functionality which could be very problematic. So we would like this assessed but before we can go down to how it should be assessed -- I mean, to take for IQ -- which is the first one there, but just the non-litigation regarding adverse impact and oh, my heavens, that could get ugly very quickly.

So saying this is areas for consideration for a revision of the MRFC, to me, is very different than saying, everyone should get all these tests.

DR. SCHRETLEN: So in our report, we begin with the sentence, "The subcommittee recommends that SSA adopt the psychological ability shown under each category in the outlined below entitle, 'Core Mental Residual Functional Capacities.'

Is that -- would that do it?

DR. GIBSON: For me, it is probably not. I would probably offer a friendly amendment that SSA considers these constructs for future MRFC revision.

I don't think I would say -- I would not say -- I, personally, would not be happy with "SSA should adopt," but that SSA should consider these as they move forth in revision MRFC consistent with current functioning or something to that effect.

MS. KARMAN: Can we blend the two? Because what I like about what I heard David read was that it wasn't so specific about MRFC, so it wasn't even telling the Agency that they have to change a form necessarily and I like what you are saying about not necessarily --

about considering -- because we were really charged with coming up with the constructs, and I think that is what you are --

DR. SCHRETLEN: Right. The way it -- it is funny, right now, the whole person-side assessment is sort of subsumed, if you will, under the MRFC. But the task of this Panel, as I understand it, is somewhat broader, and that is to try and identify what are the person-side characteristics that can be impaired by a disease and thereby preclude someone from working. We'd only assess them if we think they are impaired. We are not going to be giving IQ tests or any test to everybody.

Certainly, if somebody has a back injury, there is no need to assess those characteristics, unless it is also thought the person may be depressed or have some other psychological symptoms that require some assessment of residual mental abilities. A person, despite that depression or that physical condition, has these residual capacities that enable them to work.

So if we were to put them together, then perhaps we could say that the subcommittee recommends that SSA consider the psychological ability shown under each category in the outline below as essential elements of -- but it is also because it is the physical function, it is mental/or psychological, but it emphasizes the "psychological," is the point.

Okay. So Elaina, let's start with this because we can revise it, but let's start with this, the subcommittee recommends that SSA consider the psychological abilities shown under each category in the outline below as the essential psychological abilities to do work.

MS. KARMAN: Can I just make a suggestion that we not say "the subcommittee." We are recommending that, but we are recommending as a Panel -- Panel recommends to SSA.

DR. SCHRETLEN: "The Panel," right. Okay. Anything else?

What do you think?

DR. GIBSON: I am a little concerned about the utilization -- and I am a nitpicker here -- of the word "essential," simply because you indicated that you would be willing to consider substitutions and deletions. So the word "essential," to me, implies this is it. So important, critical -- well, "critical" is kind of essential. But there may be others, is the point, and these may not all pan out is another.

DR. SCHRETLEN: I am willing to change that, but I guess I also wonder by putting the word "consider," haven't we already made it conditional?

In other words, we are not saying we replaced "adopt" with "consider." And the issue being --

DR. GIBSON: To me "consider" there is not a -- it doesn't lessen the impact of "essential." We are telling them, please consider these to be essential. So to me it is, please consider these to be important worthy of consideration, certainly.

DR. SCHRETLEN: Instead of "essential," since we've used in our report throughout the word "core," would that be all right?

DR. GIBSON: To me, "core" means these are -- cannot be removed. To me "core" is a foundational opinion which other things are built on, and you said that it's possible that some of these might not remain on the list.

MS. KARMAN: You know, since we are saying psychological abilities is required to do work, is that enough -- I am asking the other subcommittee members. I mean, I don't know what Dave and Bob both think. But if we take out the word "essential," does it still convey what the subcommittee had in mind?

DR. FRASER: I am comfortable with -- I am comfortable with it as "important." I would like "very important."

MS. KARMAN: Okay.

DR. SCHRETLEN: Okay. So we take out "essential" and replace it with "important;" is that right?

DR. GIBSON: I think you can actually remove the "as important," not as amended. "As important psychological abilities required to do work."

DR. SCHRETLEN: Yes, just remove the article, "the."

DR. GIBSON: I can live with that.

DR. SCHRETLEN: So can I.

DR. FRASER: Any other -- just to add in the prior criteria. In the prior criteria, they were really missing -- in various studies we've done speed of information processing kind of is not there and is kind of an overworking of attention and memory issues versus abstractive abilities and problem solving, that kind of stuff. It is just kind of, you know, inadequate in those areas and they are very, very key. So I think, you know, it is real good that we have those in.

MS. TIDWELL-PETERS: Any more discussion?

Hearing no further discussion, then I would like to call a vote on acceptance of recommendation A1 through 4 of the Mental/Cognitive Demand Subcommittee as amended. By a show of hands, all in favor.

Thank you. There is majority and the recommendation is approved.

DR. SCHRETLEN: I next move that the recommendations for suggestive research for the content model be accepted by the Panel as submitted by the Mental/Cognitive Demand Subcommittee that refers to items B1 through B3.

DR. WILSON: Second.

MS. TIDWELL-PETERS: Discussion.

DR. GIBSON: I have a few questions regarding the studies that are recommended

here. I know it is very difficult, and we are all walking a very fine line in terms of how big of a study should we recommend and trying to be specific, but not overly specific, so that we don't constrain Social Security, but at the same time, we help them have direction with regard to what our intent was. What I read here seems to me almost to use job analytic terminology or like any job component validity, study half of one, actually.

And so without more specifics regarding the size of the study, the nature of the study, I see this just being a huge Tsunami waiting to happen in terms of the study because of how they are written at this point. I mean, how many incumbents, from how many jobs, in order to set a low scale point, for who can or cannot do work, can be tens of thousands of people, statistically.

DR. WILSON: Which study? All three or one?

DR. GIBSON: In general, he presented them as one. Well, the first one "conduct national studies among job incumbents using current and revised" -- we don't have a revised MRFC, yet. But "in most common occupations," you mean, in most common occupations seen by SSA, the most common occupations as seen in the U.S. economy? Just more specificity is really what I am asking for, because without the specificity this is very open, it could be huge in scope.

DR. SCHRETLEN: Yes, I appreciate that. So in our report, what we actually suggested was that the SSA conduct a study in which the -- the various revised physical and mental residual functional capacity measures are administered to a nationally represented sample of persons who have worked for at least six months in one of the 150 to 200 most common occupations in the U.S. economy. And we had suggested that if one were to study between 50 to 75 successful incumbents in each occupation and assess them that would require about 7500 to 15,000 study participants.

DR. GIBSON: So 15,000 participants for 15 tests at a minimal for 15 items across 100 occupations, and that is going to give you what, an average performance on each of these scales?

DR. SCHRETLEN: It would provide information about the distribution of these abilities among people who actually do work -- work in different occupations. And the whole idea of that, the idea of the study of incumbents is that unlike some of the physical demands of jobs, which can be measured by walking around behind someone who is doing a job and after they set it down what they picked up, weigh it. That is much harder to do for the psychological characteristics.

And so what we had talked about is the idea of studying incumbents to get a better idea of what are the -- what are the range of abilities required to do jobs. And this is a pilot study but -- and I know that it sounds like a large number, but I think that it would provide sufficient statistical power to really get a great deal of information about the distributions of these abilities in, as they are done, as these jobs are done in the economy.

MS. SHOR: I would say that I am extremely uncomfortable with the notation of testing job incumbents. I think the reason that you are interested in the data will be lost in the furrow over what Social Security Administration is trying to say about the workforce. I also think that we are sliding away from trying to identify jobs. We are sliding away from the inquiry as to whether there are jobs that a claimant can perform. And this is somehow sliding into an inquiry into, are there other people out there like this claimant? Almost irrespective of what job they are performing. And that is not a direction that we can go in. And I would, certainly, say any of us thinking about a person whom we know well, who is impaired, who is working, often one of the quickest things that come to mind is all of the social supports and family supports and reasons that enable that person to work.

So I would be very apprehensive to take data that simply scores about an incumbent and suddenly holds that up to some kind of gold standard to say, "Everybody ought to be doing what that person is doing," especially if I am not going to spend the time with that person to understand what is it -- despite of an IQ that reflects mental retardation or scores that reflect horrific anxiety. I am not -- I have no idea about the validity of the scores, and I have no idea why job incumbents would try to give you valid scores, but assuming that they would, I am very uneasy about how this data collection will be perceived, and I am very uneasy about how it would be used over here as part of the assessment of a claimant over here.

DR. SCHRETLEN: So there is nothing in our recommendation that is intended to undermine the individualized assessments of applicants. But the only way for us to determine whether an applicant has sufficient residual functional capacity to do a job is to understand what are the functional capacities required to do jobs. And unlike physical job analysis, I think the only way for us to get at that is to look at people who are out there working.

That doesn't mean, Nancy, that if this applicant can perform on this test as well as the lowest incumbent in a job, that that necessarily means the person can do that job. But it does mean that we need to know how this applicant's abilities compare to the distribution of people who do that job.

Where the cut point is that will define whether someone is able to do a job is something that would come out as empirical research. That is all we are suggesting is that we don't have the expertise to decide our priority, what is the minimum ability to do -- minimum psychological abilities to do a particular occupation. That will have to come out of an empirical study.

DR. FRASER: I think -- people might be getting hung up on the idea of a cutoff core

and we are not. You are representing a client and you go to court and say they are tested on some of the constructs and we find your client to be at the tenth percentile, although these people are working. And then there may be other factors that that expert psychologist may be taking into consideration.

So maybe on the playing field, there are marginal and then there are interpersonal factors, and maybe some physical, not all these things are taken as a VE or as a psychologist. When you go into these hearings, you want to look at the totality of factors here. It is not an in-house score, we are never thinking that way. And it is done in business, you know, all the time.

DR. GIBSON: If I may, in business, there were typically establishing a test for -- above which people should meet or go higher in order to perform the job. The fear here is that we are actually looking really for that lowest common denominator to see if they are all on the playing field. And when you start talking about distributions of data, one of my fears is you talk about having sufficient statistical power. Well, to have enough people at that one or two percent, actually, you are talking about tens of thousands in order to have the right sample size to get at that lower end that you are talking about with any credibility or confidence in your inference there.

DR. SCHRETLEN: Okay. And that is a great point, and I am glad that you brought that up because I don't think that the cut point would be anywhere near the one to two percentile, I really don't. I think that empirically, what will come out of this is that people need to be much further -- need to penetrate the distribution much further to be able to qualify to do a job. No one is going to want to hire someone who is at the second percentile. That person might be able to marginally perform on a job, but I think that what we would find empirically by looking at people who ultimately have been adjudicated disabled and people

who are doing jobs is that -- there is a fair amount of overlap that details of the distribution. So any kind of threshold would have to be set higher, I would think.

But you said that there is a fundamental difference between what Bob said and what we are talking about here. But in fact, what we are talking about is, does this person have sufficient residual functional capacity to do the job?

We are trying to find if the person is able to do the job.

DR. GIBSON: Which if we set your eye for a threshold better than cut offs, thank you, it is a much better word. If we were to set the threshold, let's just say, higher, which would make sense in this case, let's say at 30 percent, from a legal standpoint, I feel that leaves us, let's say, very open to the -- as to the response of. But 30 percent of people who hold this job don't meet this qualification; therefore, how can you say this person can't do the job? It is 30 percent below. It is a very difficult threshold studying issue here.

And as with Nancy, I am not sure that even it's appropriate to go out and measure true job incumbents, what that says about SSA is trying to establish here and how that can be perceived by the public at large, I have real concerns about that as well.

DR. SCHRETLEN: Let's see. Am I right in understanding that you don't think this information would be valuable to have? Or is it just that you think that the information is too difficult to give?

And Nancy, you think that the information would be misused?

But would the information be valuable to have? That is really what we should be concerned about.

DR. WILSON: I think -- sitting here and listening to this discussion, I think we are talking about B1, we want to make that clear, right? And as I heard various people make comments, I think there are a couple of issues going on. One is feasibility, and so I would

like to hear more about how you would estimate an entire distribution across these numbers attached with what I understand to be relatively small sample sizes. So I think that is one issue. And then I think the second issue is given in other domains what we know about some of these attributes, is this something that we want to recommend that SSA do, given concerns in some cases about adverse impact and, you know, potential litigation things of that point.

So I think those are the two issues that we have to sort of tease out and make sure that we understand. You know, is this study really in order to get accurate as self distribution considerably larger in order to be useful data?

And then secondly, you know, are we in some cases potentially suggesting research that would lead to potential litigation and can simply be unfeasible because of the case history as we know it to be the case right now?

DR. SCHRETLEN: Okay. So there are two issues. One, the issue of feasibility, sample size, and power, and so forth. Now, in our report we made a suggestion, but we just did -- just sort of phrased this for example. Now, I can definitely see altering how that pilot study is constructed. I was actually trying to think what would be, you know, a realistic study size that would provide sufficient statistical power. And, although you said that it actually could be a small study, I think that if we think of it in terms of regression models with occupations being terms in regressions we are using -- we would be using the entire sample. And so -- but I think that it is, in some ways, premature to get into a discussion of the details of what such a study might look like. I was thinking that we might approach that closer to December and just try and present this as the idea, the idea that we will try and do this research.

Now, how will it be used? And is it possible that we would set up targets for litigation?

If you think about the end game, if we are saying these are characteristics, human characteristics, psychological characteristics that we think are important to do work, your ability to pay attention, your ability to remember information and so forth, how do we decide whether or not a person lacks sufficient ability to do the job?

We are going to have to refer that applicant to some standard. What is that standard? Is it the standard -- I mean, this is not a rhetorical question; this is a real question. There is not much point in identifying these 15 or 18 or 20 or however many numbers of characteristics.

If we don't think ahead to the end game of how those things will be assessed and how we will decide whether a person lacks sufficient ability in that dimension to work, I can't think of any other way to do this than to look at people who work.

DR. WILSON: Again, I think the reason that specifics -- which is kind of how we got started on this is important here is, if I am understanding the description that occupations now, the data point, not the person, then you have to say, well, what is the validity of the estimate of the individual occupation?

I mean, that is back -- where do those numbers come from? How are we -- how certain are we that that estimate for the occupation is a good one? So then that gets back to the issue of estimating distributions at the level of each occupation is considerably more sizeable. I mean, the scale of what it would take to do this in a defensible way could be much larger than what we have been talking about. So that is what I was trying to get across. I don't know if that is true.

The second issue -- and again, if you are not -- I spent a lot of time designing selection systems for various kinds of people, and the history of litigation and employment hiring is that whether we like it or not, whether it is a good thing or not we can set aside. But

you are asking for lawsuits if you go out and on a large scale basis begin cognitive testing of workers. I can just predict that, you know, that is going to happen. Doesn't mean we can't recommend that, but I think at least in terms of biopsychology, you really reached out and I guess Social Security is supposed to be the third reel in American politics.

But, boy, I will tell you third reel in terms of biopsychology, it is the adverse impact of cognitive testing.

DR. SCHRETLEN: But epidemiologic studies assess cognitive, interpersonal, emotional aspects of people in studies that involve thousands of people all the time because it is not -- I don't think that this is actually very radical. I don't think it would encounter a great deal of resistance. I think that if people consent to participate in research, they are free to do that, we respect the autonomy of people to make that decision. No one is going to be coerced to participate in this study.

DR. FRASER: This is another point of what happens now? If there is a cognitive concern in relation to a claimant, that a person is mailed off to a psychologist who does whatever and this is the case, you know, and they may do a quick IQ test, they may throw in a trails B or this or that, which may not relate in many cases to the job itself in the terms of the constructs that maybe we -- to occupational analysis of what contributes to the job.

So, you know, these things are being done in just this kind of global wasteland, in a way.

DR. SCHRETLEN: Thank you. That is exactly right. These kinds of comparisons are being made every day already; they are just being made without the benefit of empirical guidance.

DR. FRASER: And then there is the big extrapolation so they go from -- in some case is two hours' worth of testing to the mild moderate market ratings which, you know -- which

there is no -- you know data in relation to the market or the occupation.

DR. WILSON: Well, again, I like the taxonomy. I understand what I think the point is, but the two issues remain. Social Security has not, on a massive scale, begun IQ testing, which is the issue, the fact that it occurs in professional practice and that professionals in the carrying out of their duties assess someone's cognitive function. That is fine.

What my concern is, and again, coming at this from the employment law is that this is a big deal. You know, I mean, widespread government sponsored IQ testing to determine what the intellectual demands of various kinds of jobs is not something that is going to be accepted with open arms by parts of the legal community.

DR. SCHRETLEN: Well, notice that we have not recommended IQ testing. We have recommended cognitive testing and these are the cognitive abilities that people, that end users, and experts at the roundtable and the literature have suggested are important, and they include general problem-solving abilities, but they also include attention and memory and processing, speed and so forth. I mean, these -- I think one can do the study without administering an IQ test. And I think it would just be fine. I don't think there would be any significant weakness in the study by not including an IQ test.

DR. GIBSON: I think you would have a difficult time convincing those in the psychological realm but giving a test for general cognitive ability about IQ test, I mean, just off the top that is the commonly accepted term for an IQ test, for one thing.

I agree these are -- I like the taxonomy. That is why I introduced it -- introduction early on about what this was for. I think it is one of the best taxonomies of overall mental functioning I've seen in ages because no one else has put one together like you have.

But the -- well, also, I guess, to piggyback on something then you could -- you

mentioned no one will be coerced into participating. We would have open research. Then we have to worry about whether or not the nature of the data collected is challengeable, to what degree do we have response by, based on those who chose to participate in the research before we even compare them later on to claimants who will probably try to fake as well, or could possibly try to fake. So we -- I just don't see an easy way to do this that is defensible, is my concern, or even a reasonable -- as defensible.

DR. SCHRETLEN: Well, I don't know of any research in this country that is mandatory where people are required -- Shanan, the entire history of medicine and psychology is built on research with people who volunteer to participate. So I don't know where that is coming from, but --

DR. GIBSON: I wouldn't question that. I am not saying -- we have RB boards and all that good stuff that we have to get through without a doubt. But my concern is that for SSA to undertake something such as this, which is completely different from anything they have ever done, the nature of the data they even utilized has to be defensible as well.

And the fact that this was made, as you say, consistent with traditional research paradigms, which people are not forced to do it, calls into question issues of the validity of the data itself.

DR. SCHRETLEN: So you are suggesting that unless we conduct research, in which people are required to participate, then it won't be representative?

And I just think that there are lots of ways that we can assess the representativeness of samples that are used in research all over the, you know, country and the world.

DR. GIBSON: Only with millions of responses can we look at responses, protocols the occupational unit that you are proposing here. If occupational unit or occupation becomes the

data point, as Mark said a moment ago, the sample size in order -- we need in order to do that is astronomical.

DR. SCHRETLEN: I don't think the occupation becomes the data point. I think the workers, the individuals are the data points, and the variables that we are evaluating can be the measures that we are proposing here. They can be other measures. They can be measures from the physical demands subcommittee and so forth.

And I think that if we use the individuals as the unit of measurement, which is what I think it is, a sample of 7500 people is plenty large to estimate the effects of occupational differences. There are terms in the equation which are the occupations.

MS. KARMAN: Do any of the Panel members have a suggestion for how it is that Social Security might be able to take the taxonomy that the subcommittee has recommended and find a way to determine to what extent work requires these?

And is there another way that we can go about doing that that is not fraught with -- I am not saying that this isn't difficult, because that is really where Social Security is going to be struggling is what, you know -- what will we do with the taxonomy? How will we tie that to what the requirements for work are in a way that is not just rational? We are not just saying, well, we think this.

I am not saying it is either or. I am really sincerely asking what else, what other ideas might we consider?

DR. SCHRETLEN: I think it is an excellent question; it is the one I asked earlier. I just don't know. I mean, you have to compare this individual's residual capacities against something. What will that be?

MS. SHOR: Bob, you had mentioned that these types of analysis are taking place all the time. I am most familiar with the hearing level where vocational experts are offering

opinions in response to an ALJ's posing hypotheticals. So if there is ways to do it -- and so the question is, are there alternate ways to do it? How they are doing it must be an alternate way.

DR. FRASER: From the person side, the psychologist has been giving an intelligence test and probably memory measures, typically, and one more thing because Social Security only pays for about two hours of testing. Is that right, Dave, two and a half?

So it is, you know -- and then they move to the mental residual functioning sheet and make their marks. So it is a big extrapolation point. Okay. Now, on the Department of Labor side, which was done in the past, okay, G, you know, general intelligence and other aptitudes, some of which are here were rated by -- well, two ways to do that. They had occupational analysis -- an analyst rate cognitive capacity. For example, on a bottom ten percentile to the top ten percentile, the middle third; upper third exclusive the top ten percent; lower third exclusive ten percent, so that was done by occupational and the analyst.

And the second thing, they had supervisors establish a cutoff, this is in the past, for performance. They might take, for example, of our 15 constructs they might take six and say, these are important in this job and here is the cutoff, it is a three. They have to be in the middle third of the population, you know. Now, those ratings were challenged and were thrown out years ago. In any study we have done, they never held up, you know.

But to make a long story short, these are the efforts that have gone on in the past, they are inadequate. They are not fair to anybody. And so in this kind of distribution perspective, at least we are trying to move forward and move forward with constructs that relate to the taxonomy that is developed, you know, so there is some coordination and linkages between the pieces of the pie.

DR. BARROS-BAILEY: I wanted to kind of put it into context a little bit. When we

started off the day, we talked about the scope of our recommendation at this point, which are data element recommendations for the content model and classification. And that some of the research, some of the measurement recommendations we have are not essential right now, although they are essential.

And so what I am wondering is because it looks like -- and we know, we know this. We know from the last six months that the Mental/Cognitive, the TSA, the Work Experience Analysis is difficult, is going to be some of the most difficult, the most creative aspects of what we do. Would it take away from our recommendations right now to take this back and look at it a lot more and come back with the research recommendations? It won't hurt our content model and our classification recommendations that we have as deliverable in terms of looking at it -- this aspect later as a smaller deliverable later on looking at this, bifurcating this from our sessions at this meeting.

So just a thought.

DR. WILSON: Would you consider adding -- which might be able to kind of split the difference between what Mary just said and what the committee is suggesting if it read, "In order to better understand the mental demands of occupations, consider the feasibility of conducting"?

And then I think that gets out this --

MS. KARMAN: Could we say, "Consider ways in which SSA" -- or "ways in which one could determine what these requirements would be for work"?

DR. SCHRETLEN: What about instead of proposing a specific pile of study that we encourage -- that we recommend that SSA pursue empirical research to determine the minimum -- the minimal requirement -- minimal ability required to work in various occupations? So that we are not suggesting necessarily a study, but that we are saying,

rather than base these things as -- Nancy was saying, you know, in these ALJ hearings, the judge poses hypotheticals in the VE response based on his hunches or her hunches, his suspicions, his thoughts. You know, there is -- his experience -- but very little empirical data.

And so I am wondering, if we could recommend that SSA pursue empirical research to quantify the minimum abilities required to perform work in various occupations in some fashion. I guess what I am wondering is, what is the objection to try and define an empirical answer to the question rather than the status quo, which is to base it on, you know, an individual's judgment?

DR. WILSON: I think the reason I suggest to consider the feasibility is it seems that there are two issues. One, how extensive of a study do you need in order to estimate distributions? I think there is -- and we probably aren't going to get that result here. That is one issue.

And then the second one is, what are the legal liabilities of going down this path? And, you know -- so those are I think the two primary issues. So I think we got a couple options here. One would be to do what Mary says, well, why don't we just set this one aside and have the Panel come back to it at some later date?

Or if we want to keep it in there as an issue, say, consider doing this examine, you know, is this really feasible? And then we left all the detail of describing exactly what your subcommittees' intent was, all of the changes that we are asking them to consider this. We are not telling them.

I don't know if that helps or hurts or if that --

MR. HARDY: I think you know my position on some of these because we have discussed it before. And I just want to say on the record, I think the taxonomy is brilliant. I think you have done a wonderful job. I again have to say I have deep reservations regarding

this research recommendation both based upon what Nancy has said and I have echoed in the past and on what Shanan is saying now regarding the research.

Now, my concern is that if you try and reword this, and I have some experience now, at this time, you may find yourself really trying to struggle with some very large issues that you are not going to be able to grapple with today. And I would recommend that you take under advice of what Mary said and maybe reconsider this and bring it back to us with another time with further thought and deliberation. That is my recommendation.

DR. BARROS-BAILEY: In putting the main report together over the last couple of weeks, one of the things that came to my attention was that the Department of Army just went through a nine-year process and operationalized in their OIS in June, you know, updated basically their OIS. I am wondering, because I saw a list of the different organizations that were involved with that process, SICOPS. So I wonder if there are any -- if there is anything valuable in terms of what they did that may help with this process. I know they also looked at skill. So I am wondering if there are other areas that we may be able to take a look at that might lend us information that might help resolve this.

I mean, this is important. We need to reduce the analytical leap in terms of what -- how this kind of information is considered in terms of the person-job link. And I am wondering if we need to look at this a little bit more and come back so that we could take the data elements that everybody was very excited about and do the link back to work.

DR. SCHRETLEN: So I appreciate the concerns. And my reservation about recommending that Social Security consider the feasibility is that that opens a door saying, no, not feasible. And that terminates the idea of doing empirical research to try and figure out, what are the minimum psychological abilities required to do work?

Now, I appreciate that this is a very different kind of approach to figuring out

minimum abilities required to do work. I do appreciate that. My fear is that -- my worry is that the taxonomy may be a terrific taxonomy. But if we are thrown back to just judgment, well, I don't think this person has the sufficient ability, problem solving ability or attention to do it.

And the basis for that?

Oh, just my experience.

That is not a move forward. That is not an advance over the status quo. And so I am very reluctant to just -- I am very reluctant to recommend that Social Security simply consider the feasibility or pump it down into the future.

Suppose we look at what the Army has done, and we discover that the Army has compared the test scores of recruits to those of people in different -- you know, in different MOS's and that is how they did it. Is that going to defuse the concerns of this Panel? I don't think so. I think people say, well, that is the military.

So I think this is a difficult bridge to cross, and we are at a moment in history where the question is, are we going to move forward and look at this empirically? Or are we going to stay with the status quo which is to use, you know, the judgment of thousands of VE's across the country?

DR. FRASER: And the problem is VE's aren't necessarily sophisticated in these areas. I have to talk Friday afternoon in Indianapolis and to the State of Indiana Vocational Counselors on how to use neuropsychological information effectively, because they steer away from the consideration of these constructs because they don't understand the testing stuff. So VE is typically rehab counselor -- is not in a good position to fight the enemy on these jobs given, I think, what are very good constructs here. So this is the state trying to get their rehab counselors to look at neuropsychological data when they are considering

feasibility of working.

DR. WILSON: I agree. I don't think that anyone is saying that it wouldn't be interesting and potentially useful if some of this data were available. I think the issues remain, just exactly how much effort are we talking about? And what are the potential legal challenges?

And I think by articulating -- by leaving it in there, but putting in the term "consider the feasibility." If we go along with some of the things we were talking about this morning, one of my hopes is that Social Security should not be the only player here in terms of research. I agree that -- I would like to know some of these things, the specifics, the mechanics of carrying out that research of estimating distributions. You know, we might have some disagreements or there might be some legitimate dispute of -- coming up with defensible estimates of various levels along and distribution for various jobs might be more involved.

But Social Security did certainly take administrative notice of research that other people did in this area. So I don't think it is an either or in -- we are not giving up or are we necessarily arguing for the status quo here. And again, my issue -- and I want to make sure this is very clear, I think that the taxonomy as proposed is a significant accomplishment. And I think it is very impressive.

And in terms of our recommendations, I would be, given my background, I think negligent to not point out the legal dangers here of going down -- it doesn't mean other people couldn't go down this road. But I think especially getting the government involved in some of these kinds of testings is an issue that has to be discussed here.

DR. SCHRETLEN: So if we make a recommendation to do this, that doesn't compel Social Security to do it. All we are doing is telling them that we think this is what needs to be

done. Now, Social Security may decide we don't. But I think that this is the right thing to recommend.

DR. WILSON: Well, then I think that is consistent with -- earlier, you said that well, if we put in there "consider the feasibility of," then that gives them the option to not do it. I think you just said the same thing. They don't have to do this. So it would make me feel a lot better to put that in there and it would effectively have the same impact, well, they don't have to pay attention to us but --

MS. KARMAN: Yeah, but in the end, at some point, we would want the guidance of what the experts would suggest might be the next appropriate empirical step to take. So if the issue before us with this language is how it is worded in its -- the national study, the issues of, well, will we be able to do something that is large enough and then legal ramifications.

Can we perhaps say that, you know, we would want to recommend that SSA examine either existing empirical research or conduct research to get that minimal requirements, work? I am wondering if perhaps if we expanded it --

DR. SCHRETLEN: In fact, I don't think that there is research to review that is going to give us the answer that is the problem. We focused on B1, but part of the whole idea is B2 and B3, which is, to study ways to improve methods and scales for measuring the psychological and interpersonal abilities of mental residual functional capacity.

Part of doing this study is to get at -- in other words, we are recommending domains. But ultimately, those domains are going to be -- will have to be translated into instruments and items and so forth, and part of the recommendation to do this pile of research is to do that, is to -- let's figure out how we are going to operationalize the elements of this taxonomy. And to No. 3, conduct the validation and reliability studies of the instruments related.

So that we develop the instruments we are going to have to validate them in some way. And I just don't know of any other way to do it. If what you are saying is all we can look at are people who have been adjudicated disabled, then we will have distribution of all the people who are disabled and nothing to compare it to.

DR. WILSON: No, that is not what -- that is not what I am saying at all.

You just convinced me that we can't really say a whole lot about one until -- you very articulately pointed out we know two and three. So why don't we just drop one for now and say focus on two and three? And then at some further point, we could get back to being much more specific about exactly what we want to do with one. Would that solve this? I mean, I am okay with two and three. I sort of --

DR. SCHRETLEN: But how would we do that apart from looking at incumbents; you only look at unemployed people? I mean, we are going to be looking at people who are -- if we are going to look at a representative sample of people to assess the instruments and their -- evaluate their reliability of validity, we are going to have to be looking at people who are working or disabled or something.

DR. ANDERSON: But if that is the only way you can do it, then you don't need one, and all you need is two and three because one has to happen anyway.

DR. BARROS-BAILEY: Dave, one of the ways that the data elements came together was by having a roundtable, and the honing process that went out of that. I am feeling that to look at the research that maybe we need to go ahead and consider bifurcating that a little bit and bringing more minds together to look at how to research this in terms of how do you take those data elements and study them in terms of the world of work? I don't know -- I don't feel comfortable enough that we've closed the loop on that.

DR. SCHRETLEN: Well, we certainly have not achieved consensus. But I wonder if

there is a majority of people on this Panel who would support a recommendation to do some pilot research. And I guess what I am wondering is, if we put this to a vote, and it is voted down, then I guess we can still do -- convene a roundtable, we can do these other things.

DR. BARROS-BAILEY: Then maybe we should go ahead and call the question at this point and vote on it. Maybe that is what we need to do. I mean, we have been at this now for, what, a good 45 minutes probably on this aspect of it, so maybe we should go ahead and call the question.

DR. WILSON: Second.

MS. TIDWELL-PETERS: One second.

DR. BARROS-BAILEY: It would be voting because we are in discussion right now in terms of the motion.

MS. TIDWELL-PETERS: Yeah. But we have not determined whether there has been any amendments to this.

DR. BARROS-BAILEY: Right.

MS. TIDWELL-PETERS: So we can't call a vote until we determine that.

DR. SCHRETLEN: I guess I am wondering if, would it be possible for me to work on this tonight and try and rework the language? Would the Panel be willing to consider an amended version for a vote tomorrow if I -- if we rework this in light of this conversation?

DR. ANDERSON: And we would vote on two and three today?

DR. SCHRETLEN: Well, one possibility is, as Gunnar says, we could vote on B2 and 3 today and I could rework B1.

MS. TIDWELL-PETERS: So you would like to amend your motion?

DR. SCHRETLEN: Yes.

MS. TIDWELL-PETERS: To withdraw B1?

DR. SCHRETLEN: Correct.

MS. TIDWELL-PETERS: And to move to a vote on B2 and 3 as submitted?

DR. SCHRETLEN: Correct.

MS. TIDWELL-PETERS: Is there a second on that?

DR. WILSON: Second.

MS. TIDWELL-PETERS: So the motion on the floor is to accept the recommendation of the Mental/Cognitive Demands Subcommittee of recommendation B2 and B3 as submitted and to table, withdraw recommendation one and to table it back to the subcommittee.

There is no discussion on that issue or everyone is with us?

Then I will call this for a vote. Those in favor by a show of hands.

In favor.

Opposed.

Okay. There is the majority in favor. So recommendations B2 and B3 have been approved. Recommendation one will go back to the subcommittee.

DR. SCHRETLEN: With the understanding that I can bring a reworded B1 tomorrow for consideration and motion.

MS. TIDWELL-PETERS: Right. Thank you.

DR. SCHRETLEN: Okay. Then, finally for today, I move that the measurement recommendations for the content model be accepted by the Panel as submitted by the Mental/Cognitive Demands Subcommittee that is -- they are items C1 and C2.

MS. KARMAN: I second.

MS. TIDWELL-PETERS: Discussion.

DR. GIBSON: Can I ask for a point of clarification on C2, please?

DR. SCHRETLEN: Yes.

DR. GIBSON: You said there is three categories for residual abilities, is that referring to the information which came out of the roundtable regarding the items and how they were scaled on the mental RFC?

DR. SCHRETLEN: Correct.

MS. TIDWELL-PETERS: Any discussion?

Okay. Then I will move this issue for a vote.

All those in favor of accepting recommendations C1 and C2 of the Mental/Cognitive Demands Subcommittee on measurement recommendations, by a show of hands, all who approve.

Thank you. Recommendations C1 and C2 have been approved.

DR. SCHRETLEN: I just remembered we actually developed a fourth recommendation.

So before moving on, making a motion about this, let me just mention that during the break today, the Mental/Cognitive Subcommittee met to discuss the idea of developing a parallel unit to the kind of unit that the work taxonomy group recommended given -- it just didn't occur to us as a subcommittee to make this recommendation, but having seen this recommendation made by the work taxonomy subcommittee, we thought it made a lot of sense to have a mirror kind of unit within SSA to look at these issues that we recognize we don't have definitive answers for.

And so as written, it is to develop an internal unit that is devoted to designing and testing methods and instruments to assess the mental/cognitive and interpersonal capacities required to meet the demands work. This unit will include individuals with experience -- it should have been expertise in psychology, psychiatry and psychometric methods. And so it doesn't have quite the level of detail as the word "taxonomies of unit," but

it is the same idea. So that is the background.

And I move that the person-side mental/cognitive assessment for the OIS recommendation of the Mental/Cognitive Demand Subcommittee, as amended, replacing the word "experience" with "expertise" be accepted by the Panel.

DR. BARROS-BAILEY: I second that.

MS. TIDWELL-PETERS: Discussion.

DR. ANDERSON: I have some concerns. Every time we create one of these additional administrative structures, we sort of get lost in further administrative structures.

You could conceivably create this for all of our different groups if you want to, and I don't see any big advantage. I do understand why it was done on the taxonomy side because jobs constantly change and there are new jobs being added and someone should watch out for that and make sure that when new jobs are created, or jobs change dramatically, the Agency acts on that.

In this particular case, I see no reason why it should have a special information inside the Social Security Administration. I think the administration can take care of this without having a special group.

MS. KARMAN: I don't know if they need a special group, but the fact that we just spent maybe an hour on a sentence that it was really important tells me that this is an issue that might require SSA to include this kind of expertise among its staff. And it may be, frankly, staff that SSA already has. It is just we are recognizing and acknowledging the difficulty of mental/cognitive aspects of the person side.

DR. ANDERSON: But we actually did not spend an hour on the mental/cognitive aspects. We actually approved that very quickly with all the elements. We spent an hour talking about whether or not we should do this type of research that was somewhat

superficially described in which by tomorrow probably will be better described. That is what you spent an hour on, not on the data elements.

MS. KARMAN: It is going to be really hard. I mean, I am not saying one way or the other. I just can see why it might be important for us to say -- to have some expertise in that area. There may be --

DR. ANDERSON: If you need to do that, can't you do that? Do you actually need us to make these recommendations?

DR. WILSON: Would it be helpful to -- to some extent, I think my decision on where I would come down on this will be effected by the additional recommendation that we are going to talk about tomorrow. So if I knew the specifics of that recommendation, that might help me decide whether or not this really needs to be a new -- I don't know if that is helpful or not, but --

DR. GIBSON: I was going to comment as a discussion point as well for David was -- kind of going the same thing -- two thoughts.

One, that perhaps this internal unit is actually subsumable within the occupational information study that we recommended they create because it is part of that, perhaps. And then that unit would be essentially part of the determining factor whether or not I'd like to consider the feasibility of. But to me, that would be the type of people that would be considering the feasibility of conducting this type of national study.

So I do think they go together. I am just wondering if maybe there is not actually something that is already there.

DR. WILSON: Well, I will just stick with what I said already. I think before -- I am not exactly sure what -- if Shanana was proposing. But what I propose was that I might better be able to judge this after seeing whatever additional rewording of the research

recommendation that the subcommittee is going to make tomorrow.

So I guess I would suggest that we just not decide this right now until we have seen that. I would feel more comfortable doing it that way.

DR. SCHRETLEN: You know, truthfully, I am not terribly committed to this recommendation. Here is my thought, as you guys presented that it made a lot of sense to me that we are making some recommendations. And then I am not sure how much follow-through there will be. And there will be follow-through with the unit that is looking at the work taxonomy and jobs analysis side. But these are very difficult issues, and we are not going to be there forever. And it might make a lot of sense for SSA to recognize the importance of having someone who is across the hall from the work taxonomy and job analysis unit. They can walk across the hallway and talk about it as instruments are developed, as items are developed and so forth.

DR. WILSON: And then it brought up another idea that this seems to be focused on mental/cognitive. It almost seems like what you are really saying is, there ought to be a person-side unit just like there -- which would include some of the physical. And again, it might be that we better be able to address this after we have seen the other work that you are going to propose and bring back to us but maybe not.

DR. SCHRETLEN: It also might not have to be a whole unit. But developing and sustaining internal expertise in this area -- a lot of liaison work with the Psychiatric Association, Psychological Association, there is new changes to the DSM manuals, et cetera, et cetera. So kind of keeping on top of this and these changes and then working with the taxonomy unit. So, you know, maybe not a whole unit but some expertise is going to be there.

MS. KARMAN: And we do have expertise that has been focused on our policy for

many, many years and looking at our medical policy, the introduction of looking at mental/cognitive demands of work and getting at how work reflects that, those elements are just different. It just feels different to me.

So I am not -- David, I don't have real strong feelings about it one way or the other. But I do think that if we were just recognizing that this is an area of expertise that -- I don't know -- that might need to be considered.

DR. SCHRETLEN: I am really not sure how to proceed. Maybe it is premature. Maybe it is not necessary. Maybe it is a good idea. I am just not sure.

DR. BARROS-BAILEY: It sounds like, at least listening to Mark, that maybe this is a good idea to bring up tomorrow after we go through the other recommendations that we will be looking at.

DR. SCHRETLEN: And I agree that it is sort of -- the idea is that, I was thinking of the person-side expertise, not just -- but we are the Mental/Cognitive Subcommittee. I could easily see -- and maybe "unit" is not even the right word, but some kind of centralized cluster of people, you know, who are devoted to this and have expertise to address the day-to-day issues.

DR. BARROS-BAILEY: Did you want to withdraw your motion at this point, maybe?

DR. SCHRETLEN: Yes.

DR. BARROS-BAILEY: Okay. And I will second that. I agree.

MS. TIDWELL-PETERS: That is the conclusion of our voting for this afternoon.

It is 4:00 o'clock, or approximately thereof, and we do have public comment scheduled. So if we can go right into that. I will turn the meeting back over to Mary Barros-Bailey.

DR. BARROS-BAILEY: Thank you.

Thank you all for your hard work this afternoon. We do have somebody in terms of public comment. Debra, where would that public comment --

MS. TIDWELL-PETERS: Behind tab 2, you have the individual statement from Janna Lowenstein. It should be just directly before the tab for --

DR. BARROS-BAILEY: Welcome, Janna. In terms of how we go about public comment, you will have 10 minutes to present and then the Panel would have kind of a question/answer period.

MS. LOWENSTEIN: Okay.

DR. BARROS-BAILEY: Okay. Thank you

MS. LÖWENSTEIN: I was expecting five so I probably won't be going ten. That is okay though.

Well, first I want to say thank you for allowing me to have the opportunity to speak to you today. This is incredible what you guys are doing right now, because I can't imagine how daunting it is for you just sitting here and listening to what is going on right now is -- my mind is reeling right now with all this information.

I provided my written comments to you, primarily they speak towards updating the DOT, which I think everybody has acknowledged what needs to be done in changing a lot of what is in there right now with the way that the jobs are and how they are included in there, if they are full-time work, it should be -- there should be notations whether or not they are full-time, part-time, seasonal, those kinds of -- that kind of data needs to be included in whatever replaces the DOT.

What I would like to speak more about today is a lot of what I just heard you guys talk about with the mental demands. And I haven't heard all of the comments on the physical demands, but I can imagine a lot of it is very similar in that way with discussing

different aspects of such things, like sit-stand options and whatnot in the workplace.

But just based on the mental demands of what we were talking about, the -- looking at the practical aspect of everything, once everything would be done, once we would have a new system -- or not a new system, but a new data to look at, a new DOT. What I am concerned with is that there shouldn't be a bright line rule of who is disabled and who is not disabled. Creating such a bright line rule would really -- it would do, I think, an injustice and actually create a lot more problems with the way that the system is working right now, a lot more appeals on that.

I think that, for instance, looking at -- for instance, talking about the empirical data that you were looking for and looking at incumbents, you have incumbents perform jobs, I think that that kind of gets into the -- steps on a little bit of the ADA issues that are involved in looking at accommodation. I think that empirical data would be better coming from the employer than the employer expectations of what should be done in the job to find out what is required of that job.

If you look at how incumbents are performing it, it gets into the point of, well, this person may not be performing to the demands that are required, but they are getting help from other people at their job, or they are allowed to take breaks a lot. And that really impacts -- it steps on the accommodation aspect with Social Security right now does not consider or is not considering special accommodations on the job. If you start including how incumbents are performing the job, I think that that is going to be such a difficult way to measure how each incumbent is performing it because they are getting -- they may be getting special accommodations in that way. And those accommodations may differ from employer -- or will differ from employer to employer.

I think that also looking at how the incumbents perform jobs -- I was reading

through the material and looking at what was described as the G score, I guess it is what it would be called, looking at that. If you look at what it -- it may be that the G score was in a certain range, and then if you look in -- let's, for example, take past relevant work, looking at that, whether or not a claimant would be able to perform the past relevant work. That person may have, at one time, been able to perform on that level of the G level of that job.

But based -- you know, due to maybe an accident where they have brain damage or just any kind of physical problem that they have, but now they have medications that effect their functional cognitive capacity, they have fatigue maybe from fibromyalgia, different -- there are many different things that can effect one's cognitive ability due to psychological abilities -- or psychological diagnoses or physical diagnoses and that fall -- interlaps on -- interlaps in that area.

So looking at the incumbents is really, I feel -- I just feel like that is a very slippery slope. It doesn't allow for the change in your cognitive ability, and it also doesn't consider change in age, for example. The regulations right now say that for transferability of skill the -- you must look at -- there must not be little -- or I am sorry. There should be little or no change in the industry for transferability of skills once you reach age 55.

If you look at certain things like incumbent and G score and what they are doing right now, it doesn't seem to account for that kind of factor of looking at age in there. Also, with having it as -- you know, with the bright line rule issue, although you may not recommend that this should be a bright line rule and this should not be applied as a bright line rule, I feel that looking at how things have been happening being in practical aspects and going to hearings and going through appeals and seeing how judges have applied the law, I think that a lot of them will look at that as a bright line rule. They are going to look at that as a directive and not necessarily as a framework. And it might not look at the -- you know, at

the evidence submitted maybe by a vocational expert who said that well, they may have this score, but these other factors would really not let them work.

For instance, in going through the MRFC, there is the moderate ability to function and -- ability to function. There are judges that will say that no matter what, no matter how many moderate impairments they have, there will be -- that that means that that person can work. Moderate means that they can work, and they will direct sometimes a vocational expert to say if you have moderate ability to do this job, it does not preclude work.

When you have almost every function in the job as being -- as having a moderate ability to do that job, a lot of vocational experts will say those combined moderates really equal a marked impairment. One moderate may be the person can do that job with a moderate ability, but if you have a moderate ability in multiple areas, that really equals a marked area, but that judge -- because it says won't consider the fact that the combined moderate may equal a marked impairment and that ability to function -- or in their ability to function that cognitively in a job.

So looking at some of the issues like with the G score and looking at the incumbent, how the incumbent performed the job, it really -- it really looks like it can be applied as a bright line rule by judges and people who are reviewing or other reviewers of determining the case. And that is something that I don't think should apply. It is something that steps on the accommodation factor and it also takes away the individuality aspect of each of these cases. And every case is different. Every person is different.

And that is the biggest concern is to make sure that this still is considered as an individual -- you know, that each person is considered individually. That is the intent right now of Social Security. That is they have gone past step three and look at different factors, and there is just not a bright cutoff.

That is really all I have prepared with what I have. And of course, I add to it my written comments that I have provided to you.

DR. BARROS-BAILEY: Thank you, Ms. Lowenstein.

I will open it up to the Panel to see if anybody has any questions. Okay.

Okay. Thank you, for your comment.

MS. LOWENSTEIN: Thank you.

DR. BARROS-BAILEY: And we are at the end of the day. We had on our agenda -- kind of a time -- if we had any other deliberations we wanted to bring at end of the day. I want to open it up to see if anybody has anything outstanding before we adjourn and go into tomorrow?

Okay. Then I will entertain a motion to adjourn.

DR. GIBSON: So moved. I second.

DR. BARROS-BAILEY: Then we are adjourned for the day. I will see everybody tomorrow morning at 8:30. Thank you.

(Whereupon, at 4:29 p.m., the proceedings were adjourned.)

CERTIFICATE OF REPORTER

I, VERONICA VELEZ, A Certified Shorthand

Reporter, do hereby certify that I was authorized to and did report in stenotype notes the foregoing proceedings, and that thereafter my stenotype notes were reduced to typewriting under my supervision.

I further certify that the transcript of the proceedings contains a true and correct transcript of my stenotype notes taken therein to the best of my ability and knowledge.

SIGNED this on the 1st day of October, 2009.

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VERONICA VELEZ