

## **Occupational Information Development Advisory Panel Quarterly Meeting Minutes**

Social Security Administration

January 20-22, 2010

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

### **Panel Members Present:**

Gunnar B. J. Anderson, Ph.D.  
Mary Barros-Bailey, Ph.D. (*Chair*)  
Robert T. Fraser, Ph.D.  
Shanan Gwaltney-Gibson, Ph.D.  
Thomas A. Hardy, J.D.  
H. Allen Hunt, Ph.D.  
Sylvia E. Karman  
Abigail T. Panter, Ph.D.  
David J. Schretlen, Ph.D.  
Nancy G. Shor, J.D.  
Mark A. Wilson, Ph.D.

### **Call to Order:**

Deborah Tidwell-Peters, the Designated Federal Officer, called the meeting to order and recognized the Panel's Chair, Dr. Mary Barros-Bailey.

## ***Review of Agenda***

### **Mary Barros-Bailey, Ph. D., *Panel Chair***

Dr. Barros-Bailey welcomed everyone to the first Panel meeting of the new year. Richard Balkus, Associate Commissioner of the Office of Program Development and Research, swore in two new Panel members, Drs. Abigail Panter and H. Allen Hunt. Drs. Hunt and Panter briefly introduced themselves. Dr. Barros-Bailey acknowledged all persons in attendance at the meeting and provided instructions for callers to obtain an agenda from website if needed. Dr. Barros-Bailey then read aloud the letter from the Commissioner in response to the Recommendation Report and acknowledged the recent passing of Gale Gibson.

Dr. Barros-Bailey summarized the agenda for the week and provided a recap of the past year's activities including a review of the Panel's charge, responsibilities and its role as the project transitions into the research and development phase.

### ***Stakeholder Presentations***

Ms. Susan Smith, the president of the National Association of Disability Examiners (NADE), thanked the Panel for the opportunity to present and began by describing the purpose and goals of NADE. Ms. Smith presented comments and concerns as they pertained to specific recommendations and raised a question regarding the absence of a subsection in recommendation number four section C. Ms. Smith stressed the importance that SSA write the final product in "layman's terms." Ms. Smith agreed to provide a copy of NADE's final project report.

Mr. Art Kaufman spoke as the representative for National Association of Disability Representatives (NADR). He stated the Panel should become familiar with NADR's conference list and that a conference would be taking place on April 25, 2010 in Chicago, Illinois. The information is available from at <http://www.nadr.org>. Mr. Kaufman stated that the major issue was the claimant's ability to hold and sustain a job in accordance to both person-side and job-side demands, but it appeared that there was not much concern addressing the sustainment of employment. Mr. Kaufman stated that the DOT offered a solid foundation and that it would be best to work within the present system in order to expedite the process. He expressed that there was the overall concern that the development of a new OIS system would be labor intensive, expensive, and untimely. Mr. Hardy questioned Mr. Kaufman's envision of how sustainment would be built into the new system. Mr. Kaufman stated it would be best to evaluate "job killers" particularly by inquiring the representatives and vocational experts.

Mr. Thomas Sutton spoke as the representative for National Organization of Social Security Claimants' Representatives. He stated that every claimant was entitled to full and fair individualized treatment and evaluation. He agreed that the Sixth Circuit questioning of the DOT listings was reliable and that the DOT was out-dated, but stated the O\*NET was efficient. He stated that it was reasonable to consider a modification of

O\*NET which would be faster and less expensive and would address the unnecessary expense of developing new instruments. Mr. Sutton stated that it would be difficult to reduce inferential leap as suggested by the Panel based upon SSA's regulations and the need for individualized assessments. Mr. Sutton stressed the importance to: (1) uphold the definition of "skill" as defined by SSA's regulations and SSR 82-41 and (2) recognize unskilled work in the revised occupational information system. Mr. Sutton found it problematic that the Panel did not have the input of psychologists, psychiatrists, and master-level social workers' even though it was overwhelmingly concerned with the presence of cognitive deficits in the current system. Mr. Sutton recommended that SSA make the comments received public. He also recommended that the Panel converse with psychologists, psychiatrists, and social workers in order to grapple effectively with concerns regarding the inclusion of a more detailed assessment of mental cognitive impairments or the continued use of the current MRFC. Mr. Sutton brought to the Panel's attention the idea that the implementation of the report and recommendations as proposed by the Panel would effectively change the definition of disability contained in the current law.

### ***Public Comment***

Mr. Mark Garza, the co-founder of Children and Adults with Attention Deficit/Hyperactivity Disorder (CHADD), described his personal experience with ADD. He brought to the Panel's attention that though ADD made it difficult to maintain a job or any semblance of production in the work place, it was not recognized as an impairment that ultimately affects a number of older adults.

Mr. Timothy Harlin, the representative for National Alliance of Mental Illness (NAMI) presented the organization's concerns including their concern regarding the cost of conducting research and determining who would actually administer the test. He stated that it would be problematic if non-medical professionals administered the tests and that a pool of applicants such as workers and college students was not very representative. Mr. Harlin proceeded by describing different clients' situations and then further expressed his concern with the administration of a new test and its ability to capture individualized cases. Mr. Harlin referred to the DI 25020.10, mental limitation, which was part of the POMS regulation as an adequate method. Mr. Harlin stated that the Wonderlic Test was too narrow of a test for the assessment of psychiatric illnesses.

Mr. Timothy Cuddigan spoke as a representative for NAMI Nebraska State Organization. He described the organization and its main goal and then offered recommendations. He stated that any recommendation that suggested the addition of general cognitive ability testing under the section of neurocognitive functioning in the Mental RFC should not evaluate general cognitive ability testing as the sole determining factor of disability. Mr. Cuddigan stated that SSA must examine the test sufficiently to determine if bias issues exist, particularly towards minorities, women, and aged populations. He also stated that there needed to be evaluation of the effects from not completing the tests. Mr. Cuddigan expressed concern about the Panel's recommendation to create a standard for successful job workers and use that as the comparison to measure claimant scores. Mr.

Cuddigan stated that was problematic for two reasons: (1) the standard as set by SSA is arbitrary; and, (2) the intent to include all workers would encompass those that are working with accommodations (problematic since SSA's policy which does not acknowledge accommodations by an employer as a vocational division).

Ms. Marty Ford, a representative of The ARC of the United States and United Cerebral Palsy, raised concern with the G factor. She stated that the Panel was moving in the direction of evaluating work traits rather than jobs in the national economy. Ms. Ford did not believe that a 12 minute cognitive exam could effectively evaluate a person's ability to work. Ms. Ford stated that such an examine might be outside the scope of the Panel's role because it would not look at the actually jobs that existed nor the individual's ability to successfully perform those jobs. Ms. Ford suggested that the Panel consider stress as a valid issue and urged them to be cautious of its acceptance regarding some of the recommendations for the mental cognitive RFC. She also suggested that there be roundtable discussions held with representatives of claimants.

### ***Stakeholders Panel***

Ron Smolarski spoke on the behalf of American Board of Vocational Experts. He stated that the scale measurements of the DOT remained relevant and could be validated by empirical studies. He further stated that if the DOT was updated frequently the scales could be used for collecting data for electronic submission. Mr. Smolarski stated it was necessary for the new system to fully consider the fundamental concept of transferability as defined by the Social Security regulation and to maintain the basic U.S. Department of Labor definitions for functional levels of work. He suggested that the Panel publish each step in the development of the person-side and work-side scales. Mr. Smolarski stated that the McCroskey system passed the Daubert challenges in terms of reliability. Mr. Hardy requested that Mr. Smolarski provide a reference or citation to where information could be found to support this point.

Ms. Samantha Bostrom represented CHADD. Dr. Bostrom stated that CHADD supported the recommendation to create a new OIS, the emphasis on neurocognitive functioning, and the evaluation of sustained employment. Dr. Bostrom discussed the frequency of ADHD among adults and the disabling affect of the disorder towards organizational and attentive job tasks. Mr. Hardy questioned the suggestion of implementing an additional layer on the person side between levels 3 and 4. Dr. Bostrom replied by stating that attention should be set apart from neurocognitive grouping and have primary importance on its own. Dr. Barros-Bailey questioned how CHADD found out about the Panel and Dr. Bostrom replied that there are people in the organization who search for organizations whose work would benefit people with ADHD.

Ms. Lynne Tracy represented the International Association of Rehabilitation Professionals (IARP). Ms. Tracy stated they were continuing to collect data regarding past relevant work from claimant's file until February 15, 2010. Ms. Tracy stated that IARP would share the results once all of the data had been collected but thus far, the most common occupations in their study were composed of service jobs (approximately the top

5 percent). Ms. Tracy suggested the Panel reach out to more stakeholder groups and other organizations, including occupational medicine doctors and develop better communication with the Department of Labor. Ms. Tracy also suggested that rehabilitationists in conjunction with I/O psychologists conduct the job analyses. Ms. Tracey approved of the 15 dimensions but found it important to add “judgment.”

### ***Administrative Business***

Mr. Balkus briefly discussed SSA’s interactions with the Department of Labor, the Employment and Testing Administration of the Department of Labor and SSA’s development of the working paper, *Lessons Learned from the DOT Lessons learned from O\*NET*.

### **Meeting Adjournment:**

The meeting adjourned at 5:22 p.m. (CST).

## **January 21, 2010**

### **Call to Order:**

Deborah Tidwell-Peters, the Designated Federal Officer, called the meeting to order and recognized the Panel’s Chair, Dr. Mary Barros-Bailey.

### ***Review of Agenda***

### ***Public Comment***

#### **Mary Barros-Bailey, *Panel Chair***

Ms. Kitty Warren spoke of the behalf of CHADD. Ms. Warren provided a testimony of her experience with ADHD and epilepsy. Ms. Warren further discussed the complications that ADHD created in regards to immediate and life decisions which ultimately influence one’s work experience. Ms. Warren stated that as a member of CHADD’s National Public Policy committee she would continue to advocate for the needs of CHADD members.

Mr. Rick Wickstrom represented the American Physical Therapy Association. He expressed concern about SSA’s current evaluation process, challenging its dependency on subjective reports from claimants or medically-oriented evaluators. Mr. Wickstrom referred to a study conducted by Brewer which found little agreement and correlation among the claimants’ self reports, clinical exams by physicians, and the actual functional testing. Mr. Wickstrom found the literature review conducted by the Physical Demand

Subcommittee to be limited and biased in regards to the physical demand factors. He agreed that the physical demands work traits would benefit from further refinement and expansion of the traits. He supported the need for more detail but stated the exams must be reviewed for manageability and time consumption in case too many factors become incorporated. Mr. Wickstrom suggested that the 32 factors recommended be redefined in order to improve comprehension and utility. Mr. Wickstrom stated specifically which factors were found to be relevant and should be included.

### ***User Needs and Analysis Presentation***

**Shirleen Roth, *Social Insurance Specialist, Office of Retirement and Disability Programs, Office of Program Development Research***

**Michael Dunn, *Social Insurance Specialist, Office of Retirement and Disability Programs, Office of Program Development Research***

Shirleen Roth and Michael Dunn presented an overview of the results and findings in the User Needs Analysis report. Ms. Roth discussed the basis of why the report was conducted and the procedures for collecting data. Ms. Shor questioned what information the respondents were drawing upon when providing their answers. Ms. Karman replied that the respondents were asked to think in terms of what the claimants' limitations might appear to be in the world of work. Dr. Schretlen inquired if the respondents were cued on any particular categories. Ms. Roth responded that they were not cued on any specific categories except during the focus group interviews.

### ***Stakeholder Panel***

**Mary Barros-Bailey, Ph.D., *Panel Chair***

Dr. Barros-Bailey reiterated the responsibilities of the Panel and the role it played and differentiated between the Panel's recommendations from the subcommittee recommendations. Ms. Karman discussed the difficulty of including particular data elements such as bending, twisting, or rotating the trunk or neck in terms of SSA 3369. Mr. Michael Glancy suggested that judges from ODAR be included in the research and used for feedback due to their distinct advantage (e.g. the interactions they share with claimants). This would lead to a necessary increase in the research pool due to the incorporation of a wider community of users. Dr. Schretlen and Ms. Tracey both warned against people misinterpreting the mental/cognitive subcommittee's recommendations and other recommendations with the Panel's final recommendations. Dr. Schretlen discussed the mental/cognitive subcommittee's interest in developing new psychologist tests but the Panel's decision to reject the recommendation.

### ***Integrated Project and Panel Work Plan Presentation***

**Sylvia Karman, *Panel Member and Director, Occupational Information Development Project***

Ms. Karman discussed the progress of SSA project activities since 2009 and the projected work plan for 2010 and 2011 which included: (1) the evaluation of the short-term project's data set; (2) the briefing of executives and monitoring authorities, OMB, Ways and Means, and the Senate Finance Committee; (3) the completion of the Occupational Medical Vocational Study; (4) the identification of key issues and options for developing OIS functional requirements; and, (5) the development of an early draft for the OIS Design Study. Ms. Karman discussed SSA's incorporation of recommendations provided by the Panel. She stated that SSA would continue to seek guidance from the Panel for its current work and future work activities.

### ***Panel Discussion and Deliberation***

#### **Mary Barros-Bailey, Panel Chair**

The Panel deliberated on questions and concerns regarding the panel roadmap draft. Drs. Hunt and Anderson reiterated the need of re-elaborating why it is necessary to develop a new OIS rather than updating or revising the DOT or O\*NET, especially to the public and stakeholders. Dr. Barros-Bailey explained that the Lesson Learn paper would address that issue. Drs. Wilson and Gibson suggested that there be a day-long workshop developed to display different types of analytical systems and explain why the use of O\*NET is inappropriate. Dr. Wilson also suggested that a different name for the new OIS be adopted such as Disability Functional Work Analysis in order to avoid its creation as a competitor with the other systems (DOT or O\*NET). Ms. Lechner questioned the role of the research subcommittee towards advising SSA. Ms. Karman addressed the question and Dr. Barros-Bailey suggested that Panel members continue to provide feedback regarding intercommunication as the process unfolds.

#### **Meeting Adjournment:**

The meeting adjourned at 3:55 p.m. (CST).

### **January 22, 2010**

#### **Call to Order:**

Deborah Tidwell-Peters, the Designated Federal Officer, called the meeting to order and recognized the Panel's Chair, Dr. Mary Barros-Bailey.

#### ***Review of Agenda***

#### **Mary Barros-Bailey, Panel Chair**

Dr. Barros-Bailey presented the changes for the agenda and discussed the remainder of the agenda. Dr. Barros-Bailey acknowledged that Dr. Panter was available to the Panel via telephonically and welcomed members of the audience.

## ***Occupational Information Systems Workgroup and Panel Deliberation***

**Dr. Barros-Bailey, Chair**

**Mr. John Owen, SSA OIS Workgroup**

Mr. John Owen presented the questions raised by workgroup members and Panel members responded. The workgroup stated it was interested in developing and maintaining communication during the Panel's progression in the development phase. The Panel was interested in knowing the general sentiment within DDS, in particular if there was reservation about the new OIS. The workgroup responded that reservation was common among new members, in addition to there being concern that the task was seen as very daunting and therefore there was fear that the effort would not move forward and no tool would be developed. The workgroup requested that a DOT versus O\*NET fact sheet be created and for each subcommittee to generate fact sheets. The workgroup stated the need for the Panel to develop a procedure for handling submitted comments.

### ***User Needs and Relations Subcommittee Report***

**Nancy Shor, Panel Member**

Ms. Shor clarified the role of the User Needs and Relations Subcommittee, in particular its role as communication facilitator both internally and externally. Ms. Shor elaborated on several issues of importance that would improve internal and external communication. That included the Federal registers notice, the development of procedures for receiving, responding and referencing comments, and evenly distributing the workload as members presented to organizations interested in the Panel's work. A topic of concern was the difficulty of reading the report, which was hindering the submission of comments along with the need to improve awareness of the comment period. Ms. Shor requested that all subcommittees create a fact sheet. Ms. Shor suggested that the letter for the Commissioner advise the extension of the comment period. The extension would allow for the inclusion of the fact sheet as a separate document and notify through the notice affirmative statement that all comments would be posted. Ms. Shor suggested that the people/groups who listen during the Panel meetings be provided with a fact sheet with either the federal notice or a letter of explanation for the extension of the comment period.

### ***Research Subcommittee Report***

**Sylvia Karman, Panel Member**

Ms. Karman presented topics that were currently being discussed amongst committee members. The topics included professional development among the Panel members, the circulation of the initial OIS Study Design draft in order to receive feedback, the request of subcommittee's review of NAS final report, and the investigation of NAS' interest in presenting to the Panel or being involved in roundtable with the Panel.



*Administrative Business*

**Mary Barros-Bailey, Panel Chair**

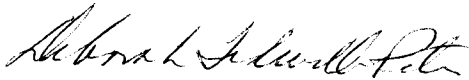
Dr. Barros-Bailey entertained a motion to have the minutes approved. The motion was approved. Mr. Hardy questioned the reference of the report as Ralph. Dr. Barros-Bailey moved that the minutes be amended. Dr. Gibson suggested the report be referred to as the Recommendation Report. The motion was approved. All were in favor of the minutes as amended. Dr. Barros-Bailey discussed the plans for the March 2010 quarterly agenda. Dr. Gibson requested that the Panel have the NAS report read and deliberated prior to the NAS presentation in addition to receiving input from the workgroup. Dr. Schretlen reiterated that the Panel reserve ample amount of time to discuss the proposed study.

**Meeting Adjournment:**

The meeting adjourned at 10:49 a.m. (CST).

**Certification:**

I, Deborah Tidwell-Peters, Designated Federal Officer for the Occupational Information Development Advisory Panel, hereby certify that the above minutes are accurately describing the Quarterly Meeting of the Panel held on January 22, 2010, at the Hilton Dallas Lincoln Center in Dallas, Texas 75240.



Deborah Tidwell-Peters  
Designated Federal Officer