

Occupational Data Use in Disability Determination and Rehabilitation in the United States

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About the *Dictionary of Occupational Titles* (DOT)

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- ▣ Standardized classification of occupations created by the U.S. Employment Service, Department of Labor (DOL) to match job seekers to jobs from 1939 to late 1990s
- ▣ DOL published revisions of the DOT periodically with the last major revision in 1977 and final lesser revisions in early 1990s.
- ▣ Starting in 1966, SSA - DOL interagency agreement to gather additional data to meet SSA needs: Selected Characteristics of Occupations

About the Social Security Administration

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- ▣ A federal agency of the U.S. government
- ▣ **Mission:** Deliver Social Security services that meet the changing needs of the public
- ▣ Delivers services through a nationwide network of over 1,400 offices, including regional offices, field offices, hearing offices, and our State and territorial partners, the Disability Determination Services. Also have a presence in U.S. embassies around the globe
- ▣ Programs include the Retirement Insurance Program, Survivors Insurance Program, Social Security Disability Insurance Program, and Supplemental Security Income Program

Definition of Disability: What changed in 1967

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We must consider whether the individual ...

- ▣ is not only unable to do previous work,
- ▣ but cannot considering age, education, and work experience, engage in any other kind of substantial gainful activity which exists in the national economy ...

Act specifies:

“Work which exists in the national economy” means work which exists in “significant numbers.”

What Compels Us to Use the DOT?

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SSA's vocational assessment process must:

- Reflect work requirements
- Reflect national existence of work
- Meet legal "burden of proof"

We take administrative notice of several occupational sources which may be used to meet our burden. The DOT comes closest to meeting all criteria.

Policy Built Around the DOT

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- Medical-Vocational Guidelines (grid rules), published 1978, based on DOT definitions
- Administrative notice of reliable information, including DOT
- Physical RFC based on DOT measures for physical job demands



DOT: The Bridge Between Residual Functional Capacity and the Demands of Work

Two sides of one equation:

Person's Function << ----- >> Demands of Work

Residual Functional Capacity (RFC): What an individual can do despite his/her impairments. SSA also considers mental RFC (MRFC).

- DOT: Description of job with ratings for skills and physical demands of work
- DOT: Bridge that allows SSA to compare an individual's RFC with the demands of work in the national economy

Disadvantages of the DOT

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- ❑ Outdated: The labor market and SSA's disability population have significantly changed
- ❑ Lacks definitions, ratings, and measures for mental or cognitive demands of work
- ❑ 1980 National Research Council ("Miller, Treiman Study") cited psychometric issues

Current US Reality: Absence of alternative occupational classification systems suitable for disability evaluation

Moving Forward

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- ❑ SSA is in the process of developing an OIS specifically tailored for the disability program and adjudicative purposes
- ❑ One of several projects, is the Content Model which will inform the Agency of appropriate occupational information needed for disability evaluations. Contains physical, mental/cognitive data elements and relevant measures and scales based on function and required for work

About the US Rehabilitation Services Administration Use of Occupational Data

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- State Vocational Rehabilitation (VR) Agencies utilize the Dictionary of Occupational Title (DOT)
- DOT codes are required for RSA-911 Case Service Reporting
- DOT codes are used when reporting Occupational data at VR Case Closure

About the US Rehabilitation Services Administration Use of Occupational Data

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- In Fiscal Year 2007, RSA required State VRAs to report RSA 911 occupational data using Standard Occupational Classification Codes (SOC)
- RSA developed a crosswalk of DOT to SOC codes

CA Department of Rehabilitation's Use of Occupational Data

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- DOT/SOC – RSA requirement
- California Occupational Guide (COG) - benefits, licensing, education, training, links to possible employers, how to find a job, related occupations. Includes County-specific labor market information
- Occupational Outlook Handbook (OOH) – Published by Dept. of Labor. National data, not state-specific
- Eureka – Career Assessment & Educational Information

Potential Benefits of OIS to CA DOR

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- Provides physical & mental job demand measures useful for counselor's evaluation of limitations resulting from disability
- Consideration of cognitive & psychological abilities
- “Person-side & Job-side” data elements: allow for comparison of human function with work requirements, useful for IPE development
- Useful for functional capacities & level of significance of disability determination

About the Private Sector Disability Use of Occupational Data

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Forensic: Private Sector

- FELA (Railroad Retirement Board)
- Jones Act
- Life Insurance
- Longshore Act
- No-fault Auto Insurance
- Pension Funds
- Short/Long Term Disability
- Workers' Compensation
- Family Law
- Tort
- Includes credit disability
- Includes second injury funds.
- Marital dissolution, child custody, etc.
- Discrimination (disability, age, employment, gender, racial), liability (e.g., malpractice, product, etc.), harassment, student loan default employability, bankruptcy, wrongful birth/life, wrongful death, wrongful termination, etc.

About the Private Sector Disability Use of Occupational Data

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Forensic: Public Sector

- ❑ Department of Veterans Affairs
- ❑ K-12 Individuals with Disabilities Education Act
- ❑ Social Security Administration
- ❑ State/Federal Vocational Rehabilitation
- ❑ Forensic application: rehabilitation plan/services and benefit denial appeals.
- ❑ Forensic application: IEP development and services appeals.
- ❑ Non-forensic application: Ticket to Work services by Employment Network providers.
- ❑ Forensic application: IPE development and services appeals

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- No-fault Auto Insurance
- Pension Funds
- Short/Long Term Disability
- Workers' Compensation
- Family Law
- Research
- Trust Fund Management
- Includes credit disability
- Includes second injury funds.
- Marital dissolution, child custody, etc.
- Discrimination (disability, age, employment, gender, racial), liability (e.g., malpractice, product, etc.), harassment, student loan default employability, bankruptcy, wrongful birth/life, wrongful death, wrongful termination, etc.
- Classification of study criteria.

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