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OCCUPATIONAL INFORMATION DEVELOPMENT
ADVISORY PANEL QUARTERLY MEETING

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SOCIAL SECURITY ADMINISTRATION
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C O N T E N T S

ITEM:

Welcome, Review of Agenda	4
Subcommittee Reports	
Mental/Cognitive - David A. Schretlen	5
Physical Demands - Mary Barros-Bailey	13

C O N T E N T S (CON'T.)

ITEM:

Public Comment	
Lawrence Rohlfing	48
Gerald McIntyre	50
Lynnae Tracy & Angela Heitzman	54
General Recommendation Three - Sylvia Karman	74
General Recommendation Four - Sylvia Karman	81
User Needs and Relations -Sylvia Karman	82
Commissioner Astrue	101
Administrative Business	108

PROCEEDINGS

MS. TIDWELL-PETERS: Good morning. My name is Debra Tidwell-Peters, and I am the Designated Federal Officer for the Occupational Information Development Advisory Panel. This is the quarterly meeting of the Panel for September 2009. And I will now turn over the proceedings to the Interim Panel Chair, Mary Barros-Bailey

Mary.

DR. BARROS-BAILEY: Good morning, everybody. Thank you for all the work that has happened until this point. And we are on to the rest of our recommendations today. I just want to go through the agenda with what will be happening today. We are going to start off where we left off in terms of our voting yesterday in terms of mental/cognitive recommendations.

We will go from there to the Physical Demands Subcommittee. Deb Lechner, who is the Chair to that subcommittee, could not attend our meeting so we will be presenting those recommendations. We will go into a break.

We have three people lined up for public comment, that will happen at 10:00 a.m., and we will go from the public comment to the presentation of general recommendation No. 3 that you have seen and there has been -- another one has been submitted, general recommendation No. 4.

And then we will be going into User Needs and Relations Subcommittee presentations. Depending on the timing there, that will either happen before lunch or after lunch. Because we had the general recommendation No. 3 set up for the 2:00 o'clock period, we are moving that before lunch because Gunnar has to leave, and so we want to make sure

we cover that discussion before he leaves.

And then we will go into the presentation of the core recommendations to our Designated Federal Officer. And then after the break this afternoon between 3:30 to 3:45, we will go into administrative business and have set to adjourn at 5:00 o'clock. So I would like to pass the meeting back over to our Federal Designated Officer to continue on with the recommendation voting process.

MS. TIDWELL-PETERS: Good morning, everyone. Yesterday, the Panel completed its vote on recommendations submitted by the Work Taxonomy and Classification Subcommittee and by the Work Experience Analysis Subcommittee. You also began voting on recommendations submitted by the Mental/Cognitive Subcommittee and that is where we will pick up this morning.

The following mental/cognitive data element recommendations were approved by a vote yesterday afternoon. Data element recommendations A1 through 4; B2, and 3; and C1 and 2. They were voted to be approved yesterday. New recommendation D was submitted yesterday afternoon and withdrawn.

So what we have outstanding now is mental/cognitive, and I would like to pick up with recommendation B1. Discussion of this recommendation was postponed, and it was referred back to the committee for some work.

So, David, I will entertain a motion to continue our discussion on data element recommendation B1 as submitted by the Mental/Cognitive Subcommittee.

DR. SCHRETLEN: Okay. Thank you, Debra.

As people I am sure can well imagine, we spent a great deal of time talking about this and thinking about this in light of the conversation -- discussion yesterday. And we, the Mental/Cognitive Subcommittee, clearly appreciate the minefield of potential

problems that inheres in the idea of doing a study of incumbents. And so we heard you loud and clear. We appreciate the concerns as well about the possibility of disport impact, about a bright line, all of the issues.

What we are left with is that this Panel has approved a list, a taxonomy, that is nothing more than a list of mental and cognitive and interpersonal abilities that we believe are important for a person to be able to work. But there is no empirical linkage of those abilities to the demands of work. And if we don't provide Social Security with some recommendations, some guidance, the concern of this subcommittee is that we will be tying the hands of Social Security and preventing them from figuring out some quantitative way to link these abilities to the demands of work.

Therefore, we have -- would like to suggest some new wording for B1. Now, instead of going into greater detail about the recommended research, we decided that it makes more sense to go the opposite direction and provide a less prescriptive recommendation, one that allows Social Security more freedom in the way that they go about trying to answer the question of how human mental and cognitive abilities link to the demands of work. And so here is the language that we have attentively come to and that I would make a motion about, the language is as follows:

"To explore or conduct empirical research that quantitatively links the cognitive and mental abilities that are required to meet the demands of work."

Now, by saying "explore or conduct," it will allow Social Security to look at what available databases might be out there, and there may be no need to do anything beyond that. My hunch is that is not the case, but at least what we are saying then, as a Panel, is that Social Security can look around at what databases are available that may link various and mental and cognitive abilities to the demands of work.

By saying "empirical research," what we are saying is that we think that it needs to be data-driven but we are not saying it needs to be a study of incumbents. We are not saying it needs to be a national study. What we are saying is that there needs to be some data-driven analysis of linkages that explores the linkages between mental abilities and the demands of work.

MS. TIDWELL-PETERS: David, thank you for that introduction. And now, if you would, please, I would like to entertain a motion to amend recommendation B1 with the insertion of the text.

DR. SCHRETLEN: Okay. I move that the recommendation for suggested research under B1 be amended as follows:

Quote, "Explore or conduct empirical research that quantitatively links the cognitive and mental abilities that are required to meet the demands of work."

MS. TIDWELL-PETERS: David, can you please start with "that quantitatively link."

DR. SCHRETLEN: "The cognitive and mental abilities that are required to meet the demands of work."

MS. TIDWELL-PETERS: So your motion is to amend B1 to read, "Conduct national study along job incumbents using current and revised mental residual functioning capacity" --

DR. SCHRETLEN: No, no. My motion is to amend B1 to exclude all of the previous text and substitute this text.

MS. TIDWELL-PETERS: Great. Okay. So recommendation B1 will read, "To explore or conduct empirical research that quantitatively links the cognitive and mental abilities that are required to meet the demands or work."

DR. SCHRETLEN: I don't think there is a "to."

MS. TIDWELL-PETERS: "That are required" --

DR. SCHRETLEN: No, it just says "explore."

MS. TIDWELL-PETERS: "Explore or conduct"?

DR. SCHRETLEN: Correct.

MS. TIDWELL-PETERS: Is there a second for the amendment?

DR. WILSON: Second.

MS. TIDWELL-PETERS: Thank you.

Now, David, we can go into discussion.

MS. KARMAN: "Quantitatively" is misspelled.

MS. TIDWELL-PETERS: Thank you, Sylvia.

DR. SCHRETLEN: I already have a point of discussion myself, and that is to consider in light of some feedback I just received, to consider the wording, "To explore and consider the feasibility of conducting empirical research."

MS. KARMAN: Does that make a difference to the members of the Panel?

DR. GIBSON: I think that gets back at some of the concerns that were expressed yesterday, and it allows Social Security to move forward in determining from both the social fiscal -- from multiple perspectives that this is the way they would like to go without tying their hands. So I like the verbiage better, "To explore and consider the feasibility of conducting," to me, is a much better compromise.

MS. RUTTLEDGE: Sylvia, I am interested in knowing, is there anything that precludes Social Security from doing this without a vote from the Panel?

MS. KARMAN: Technically, no. I mean, there is nothing that would prevent Social Security from doing anything, really. Nothing that the Panel says is prescriptive in that regard. But I do think that the reason that the Commissioner wanted to establish the Panel

was to provide for, you know, expert guidance that is not perceived as being present within Social Security. And so therefore, if the Panel has had enormous deliberation and would come out and say "no" to any kind of foray into an investigation of some kind, even if we wanted to go up and do that, it would be brought as, you know, you established a Panel and you asked the Panel to answer the question. They gave you the answer and you turned around and you did what you wanted anyway, especially with something that is this fraught with concerns that I have been hearing and that we have been discussing.

I think that without the Panel coming together as a group and in its best -- you know, to the best of our ability given what we know and what we have been able to discuss over the last six, seven months, this would enable us to at least be able to move forward and do more than just have a list.

An the end of the day, it would be more helpful to us if we were able to take that list that everyone told us yesterday they really liked and somehow we are able to connect that list with the world of work, because absent that, it is just a list. And that is what David said this morning.

So, honestly, the answer is technically, no. But the whole purpose of our being is that we, as a Panel, provide the Agency with guidance. And if the guidance has been, we really don't want anybody doing any kind of studies about blah, blah, blah, and that cuts it -- shuts us down.

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

DR. WILSON: Well, B2 and 3 get us somewhat down that road. And again, I think David was very accurate in saying that this issue is sort of a minefield. There are a lot of things that SSA needs to be aware of in terms of how you might go about exploring some of these things. I think it may be an area like -- it is not like there is no research here. I mean,

we do have literature and job component validity that is specifically directed at this issue of linking the two domains.

And I am eager -- in fact, I am advising a graduate student right now, trying to propose a research project in this area, and there is not a whole lot out there. So I am very supportive. But this may be an area where some sort of consortium or something that is not simply government sponsored -- research would be a better way to go at some of these issues so that you, alone, aren't carrying the burden of walking through this minefield.

But I like the language. I think it is a good compromise.

DR. SCHRETLEN: And, Mark, I want to thank you for bringing that up and reminding me that I think that there was part of some of it -- confusion yesterday was fundamental misunderstanding that I never intended to say that I thought Social Security should necessarily do this. But I think it needs to be done, and it could be under the auspices of a completely different Agency like National Institute of Disability Rehabilitation Research. You know, I think that if it comes from an academic center, that would be great.

MS. KARMAN: In fact, our subcommittee had discussed a number of times a connection between some works that NIH is doing. So absolutely, it was not our intent to put forward something and say, oh, you know, SSA should on its own only.

That was the only thing that was in our mind. But I am really glad we made that clear. I think that this language does that. It is saying to SSA, okay, you can explore what is existing or see if somebody is about to embark on something that might be of relevance or value, and then if not, consider the feasibility of ourselves conducting something, whatever that may be. And of course, that "what may be" will be discussed here. It is not, you are going to go off and you are never going to hear about it.

So as I am looking around the room, maybe I ought to make that clear.

MR. HARDY: That goes directly to a question I was about to ask. We moved several of the recommendations back to be very, very vague and very vague, purposely, and I understand that. My concern is, you take an item off that list -- and I am just thinking personal hygiene -- and you find the only way you can do the empirical study is maybe taking it back to incumbent studies. Will you be coming back to us and bringing that up again?

And I am hearing that you would. And that helps me, because we could still then have comment on where the research is going.

DR. FRASER: Then that whole research base from the armed services, you know, how do they come up with the primary search ability for occupation and I really have no idea. But that could be very helpful.

DR. SCHRETLEN: Yeah. I definitely plan to look into that, and we will be discussing that, obviously.

MS. RUTTLEDGE: This is Lynnae.

I would like to make sure that -- I am still uncomfortable with this. And I want to make sure that if this does get passed by the Panel, that there is language in Ralph that specifically says that in light of this recommendation, that whatever activity would happen next would come back to the Panel because -- my concern is that it might be possible for the perceptions with people that read the report that this now gives a green light to Social Security to move forward to explore and consider the feasibility of conducting this research.

And that without -- I feel like we have not had the intentional conversation in this group that would lead me to have a feeling of comfort that -- once it gets moved forward. And I don't see that. I don't hear that. I don't read that anywhere. And I just want to make sure that it is clearly -- if it is voted on by the Panel, there is language in the report that says that.

DR. BARROS-BAILEY: And I just want to clarify something. It sounds like what you are reading with this new wording is that the study that was proposed yesterday go forward. I think this broadens it out, that is not what this says.

This says looking at all potential research that -- it pulls it back to the research question in terms of what is the link between the mental/cognitive and work. I mean, somebody might propose a study such as that. They might propose a variety of other studies or a combination of things. And so it pulls it back a step and says, how can we link this? And so just to clarify that is not what this says.

MS. KARMAN: I mean, this is not language that is vague -- intentionally vague so that, you know, whatever was discussed yesterday that posed a significant problem could then go happen. That wouldn't necessarily make sense because we would have to come back and discuss that and SSA would have to deal with that. So what we needed -- what I think SSA needs, is to be able to hear from the Panel, we understand that you need to somehow explore the extent to which one would possibly link the mental/cognitive demands of work -- I mean person side to the work-side. And there may be a different number of ways to do that. And so let's go see what we can do about that.

DR. BARROS-BAILEY: Lynnae, because you read that -- because you thought it was still about the study and not a broader concept in terms of the research question that this proposes, is there something in terms of the wording that led you to that that could be modified or changed? Because I don't want people to leap into that because that is not what this says.

MS. RUTTLEDGE: I guess the -- it is not a matter of what is written or not written. It is that there is a purposeful statement that Sylvia said about what the next step would be and that is that if there is activity that results from this recommendation, that there will be the

opportunity for the Panel to have that further discussion about what that looks like. And I don't think it needs to be reflected in the wording of this recommendation. I just want it to be really clear that if this is approved by the Panel, that is the extent to which the approval or the direction is given and it doesn't go further than that and that there still is a very clear role for the Panel.

MS. KARMAN: This afternoon, in fact, we, as a Panel, will have an opportunity to talk about the next steps. And some of the next steps may involve some of the Panel members electing to come together over the next few months, maybe over the next fiscal year, to examine this particular issue or the larger issue around mental/cognitive demands and how we may link them to work. So absolutely, I think that is what we will be needing.

MS. TIDWELL-PETERS: Hearing no further discussion, I will call for a vote of the Panel to accept recommendation B1 as amended by the Mental/Cognitive Subcommittee.

By a show of hands, all in favor.

Opposed.

Thank you. Seeing the majority, the recommendation is accepted.

And next, we will move to the recommendations for the Physical Demands Subcommittee.

Subcommittee Chair, Debra Lechner, was unable to attend this meeting and she has turned this function over to Mary Barros-Bailey.

Mary.

DR. BARROS-BAILEY: Good morning. We have up on the screen there the recommendations from the subcommittee. Everybody got a copy of it.

First, I would also like to thank Gunnar and Sylvia, you were members of the subcommittee and I know Deb really wanted to be here. This is a very exciting point in time

for her of all the work she had done for this and was apologetic she couldn't be here. What I would like to do, we have the data element, we have the research and we have the measurement recommendation for the subcommittee. Because the list is long in terms of data elements, I am going to break those down into three categories.

So I would like to move that the data elements for the physical demands of work as in A1, in our voting schematic, be accepted as presented by the subcommittee.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: It has been moved and seconded that the Panel accept recommendations A1 of the Physical Demands Subcommittee on data element.

Discussion.

DR. GIBSON: I would like to offer a friendly amendment, which simply states that this one needs an intro lead-in as did the last one that is similar to it.

DR. BARROS-BAILEY: I thought about that in terms of when Dr. Schretlen was doing that as well.

Can we have the wording for the mental/cognitive lead-in?

So the lead-in says, "The Panel recommends that SSA consider in our purposes physical demands as important requirements" -- okay.

"The Panel recommends that SSA consider the physical demands as important requirements of work."

DR. SCHRETLEN: You know, when you look at the wording in the introduction, it sort of highlights the fact that on the mental/cognitive taxonomy, we are talking about these as characteristics of people. These are person-side variables and here they are job-side, but they are the demands of work. So we are saying that these are -- are we looking at these as --

DR. BARROS-BAILEY: Physical demands required to do work.

DR. ANDERSON: These are not jobs -- are we talking about on page 1 here -- or page 9 are all person-side?

DR. SCHRETLEN: So why aren't they referred to as "recommendations" regarding the physical abilities required to do work?

DR. ANDERSON: It could be.

DR. BARROS-BAILEY: Sure. So the Panel recommends that SSA consider the physical abilities as important requirements of work -- to do work.

DR. SCHRETLEN: Well, I mean, if we are looking at these as characteristics of claimants that need to be assessed in order to determine whether they could work -- that they have residual physical ability to work, it sounds like they are person-side characteristics.

DR. ANDERSON: They are.

DR. SCHRETLEN: But then what about cold temperatures and -- it gets very confusing.

DR. BARROS-BAILEY: We are only looking at A1 right now.

DR. ANDERSON: Actually, in our discussions, what we feel is that one is the person side and two is the job-side. And so we need to have different introductions for these two because they are slightly different. On the one hand, it is a requirement of the individual. On the other hand, it is each of the work environments.

DR. WILSON: And where would you put this sensory? I agree with you, I think there needs to be two separate introductions. And I would say the sensory is more on the person side.

DR. BARROS-BAILEY: Correct. That is why when I started off the motion, I only moved for A1. We are taking each of these separately.

DR. WILSON: So we are going to have a statement for each of the three sections?

DR. BARROS-BAILEY: Yes, there is more to come.

DR. WILSON: I am just saying if one and three are person-side, then maybe we ought to deal with them.

DR. BARROS-BAILEY: I can amend my motion to include A1 and A3 under this general introduction that says, "The Panel recommends that SSA consider the physical abilities" -- "these physical abilities as important requirements of work."

MS. TIDWELL-PETERS: And I need to hear that seconded by Gunnar.

DR. ANDERSON: Second it.

MS. TIDWELL-PETERS: Thank you. Are you proposing that we combine those items on 1 and 3, or would you just prefer for us to -- after Z of A1, we just add sensor motor and let's second this.

MS. TIDWELL-PETERS: I am proposing that A1 be a physical, A2 be the sensory and that we include both of them under the motion as amended.

DR. ANDERSON: Second.

DR. BARROS-BAILEY: Because they are both people-side elements.

MS. TIDWELL-PETERS: Then you are also proposing that the present A2 become A3?

DR. BARROS-BAILEY: Yes, and we haven't gotten to that motion yet.

Yes.

DR. SCHRETLEN: So I have a question for the work taxonomy group. Are all of these abilities mirrored in, you know, job analysis? Or do you expect that these would be mirrored in the job analysis that would be done as part of the development of an OIS?

DR. WILSON: The short answer is, yes. I don't -- and I am not the least bit surprised that people have an issue with regard to some of the physical stuff. Is this a job-side

component or is it a person-side in a sense that if you look at some of the job schedules, they have information very much like this. I think the reason that these kinds of things can be included in what would be described as "job analytic data" is because they tend to be behavioral, they tend to be highly observable. And so even though you can definitely conceptualize them as physical abilities, you can also recognize the presence or absence of use of these physical abilities and the work. So the distinction can easily be blurred.

And then I think to answer in your -- where I thought David was going with this, I like this list, I don't have any problems with the physical characteristics as outlined here. I think that the work taxonomy that we propose could easily be capitulated -- capture this kind of information. So I have no issues at all with regard to, I guess now, it is A1, A through Z and A2, A through F.

I did have one question, though, for the physical taxonomy committee. And it is a minor point, but I want -- A1, the physical and then you have parenthetically "uni" and "bilateral." The way this reads it implies to me that A through Z are all uni and bilateral, and I don't think that is true.

Would it be better to identify which of these you consider to be uni and bilateral rather than --

DR. BARROS-BAILEY: Yeah. I apologize for that in terms of the way it is organized. The report does articulate that. A lot of it is upper extremity visual, the lower extremity use of pedal, arms --

DR. WILSON: I just think given --

DR. BARROS-BAILEY: -- and leg control.

DR. WILSON: I don't want to -- it is a minor point, but it is important to point out that not all these things that you have, A through Z are relevant to uni bilateral.

DR. BARROS-BAILEY: Yes, that is accurate.

DR. ANDERSON: Would you want us to identify them or what is your --

DR. WILSON: Yeah. Or if you could have A through Z if they could be sorted by, you know, those that are unilateral and start, you know, and those that -- or I don't know.

My only concern is that I don't want to convey an impression that A through Z are all uni. And it sounds like you did do that in your actual report. So maybe it is just a modification.

DR. ANDERSON: Could we add a couple of words and say "where applicable"?

DR. WILSON: That would be great.

DR. BARROS-BAILEY: I would amend my motion, though, to include that language.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Thank you.

DR. WILSON: And the only other issue that I think we may need to address is sensory/motor is not completely physical and there are some cognitive elements to that.

So maybe in the intro statement. Can you put the intro statement up there?

"Consider these physical and sensory/motor abilities."

DR. BARROS-BAILEY: I amend my motion to include that additional writing.

DR. ANDERSON: Second.

DR. SCHRETLEN: Some of the sensory/motor -- or hearing, smelling, tasting and there is speech and vision, is there any reason they are not speaking or seeing? I don't know if that means something. Is there some meaning that -- reason they are not there?

DR. BARROS-BAILEY: Speech is more the quality of speech, somebody's ability to even articulate; not to communicate, but to articulate the quality of speech. I think you have it in your report and speech production as opposed to cognitive description of how speech

works. So it is more the physical articulation of speech. Vision is all kinds of vision, you know, QOD accommodation, going from close to -- the various levels of vision.

MS. TIDWELL-PETERS: Mary, before we continue, I just would like to review the amendments that were made to this recommendation.

There was an insertion of an introductory sentence that reads, "The Panel recommends that SSA consider the physical and sensory/motor abilities as important requirements of work."

The heading for A1 was updated to include the phrase, "where applicable."

DR. BARROS-BAILEY: Maybe a comma after "bilateral."

MS. TIDWELL-PETERS: Okay. The original section, A2, now becomes section A3. The original section A3 now becomes section A2.

Those are all of the amendments that were made?

DR. BARROS-BAILEY: Yes.

MS. TIDWELL-PETERS: Thank you. Is there any additional discussion?

MS. RUTTLEDGE: I would like to make one comment. It is not that I am opposed to anything on the list. I want to go back to a conversation that we had when we first got started, which is that for many of the elements that are now listed where we say that these are physical abilities that are important requirements of work, these are things that, in my instances with reasonable accommodation, can be addressed. And I respect that what we are doing is really different than the work that I do on a day-to-day basis. But I want to just make sure that people don't have an assumption that if we look at physical demands of work and the person due to the nature of their disabling condition cannot physically carry. But with accommodation, they can move an object from point A to point B, which was the desiring outcome for the carrying that I don't want people to think that they are not able to do work as

a result of that. And I know that we understand that, but I just wanted to put that into the record as we move forward because in the disability community, they look very strongly at, can you do the essential elements of the position with or without a reasonable accommodation? And if a task is required to -- if you are required in the job to carry, that may not necessarily be something with the -- that person's capacity, but with accommodation, they can still do that requirement of work.

DR. ANDERSON: I agree with everything you say, but if you have not identified the item, you don't know that you have to make an accommodation. So you still have to identify the item as part of your work.

MS. RUTTLEDGE: And I absolutely agree. I just want to make sure that as we talk about it, we clearly recognize that.

DR. ANDERSON: Sure.

DR. SCHRETLEN: Can we go back to the introductory statement? I think that there is still sort of a little conceptual confusion here.

And it says, "The Panel recommends that SSA consider these physical and sensory/motor abilities as important requirements of work."

And I just think that what -- I think what we mean to say is that these are important abilities required to meet the demands of work. You know, we are still blurring the distinction between the worker and the demands. You don't get paid for sitting and standing and walking and pulling and pushing. You get paid for assembling things, collating things, you know, making decisions, those kinds of things. Those are the demands of work.

If I am understanding, correctly, this is supposed to be a taxonomy of the abilities required to meet those demands.

MS. KARMAN: My understanding is these would be the worker abilities; is that --

DR. GIBSON: This is definitely worker side.

MS. KARMAN: So in other words, to say "work demands" or "requirements of work," is that the point that is confusing for people? Is that what I am hearing?

So we should be saying more along the lines of these are the worker abilities that are person abilities --

DR. SCHRETLEN: That are required to do work.

MS. KARMAN: -- to do work.

DR. BARROS-BAILEY: Required to do work after abilities then?

DR. SCHRETLEN: Yes.

DR. ANDERSON: The problem -- and I understand where you are coming from, but I am just trying to look at it from a different side. If you want to do a workplace analysis, your consideration is actually the demand of work, not the capabilities of the worker. That is how you -- that is a secondary issue where you are trying to match it.

MR. SCHRETLEN: I completely agree with you. And in fact, the physical abilities -- the physical and sensory abilities of workers are going to be mirrored in the demands of work. But I guess the question is really, if this is a person-side sort of taxonomy, I would just frame it in terms of person-side characteristics, that is all.

MS. KARMAN: That is actually a good point because, you know, I mean, the 12 -- the 11 of us understand that, and of course the number of the people in our group and our team, but a number of readers who will be picking up Ralph and the rest of the report, that may not be apparent to them.

So thank you, David.

DR. BARROS-BAILEY: I move to amend the motion as stated.

DR. ANDERSON: Second.

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

Hearing none, I will call a vote for the panel to accept recommendations A1, A2, and A3 as amended by the Physical Demands Subcommittee.

DR. SCHRETLEN: I am sorry. I thought we are just dealing with the physical and sensory/motor.

MS. TIDWELL-PETERS: Well, also during the course of that, we managed to reorder numbers 2 and 3. So I will call for a vote on the amended recommendation A1 heading, the renumbering of recommendations A2 and A3.

DR. BARROS-BAILEY: With the understanding that we are not voting on A3, we are just voting on --

MS. TIDWELL-PETERS: The fact that they were renumbered and we added the heading to recommendation A -- to the overall recommendation.

DR. BARROS-BAILEY: So A1, physical demands, and A2, sensory/motor as discussed, the people side; yes?

DR. ANDERSON: Yes, because I think we will have a different introduction.

DR. BARROS-BAILEY: What is now A3.

MS. TIDWELL-PETERS: Okay. I am going to clarify again my call for a vote, just to make sure I understand it.

I am calling for a vote for the panel to accept a nomination of recommendation -- of the data element recommendations with the following amendments: Insertion of the introductory sentence prior to the recommendation, updating of the heading for recommendation A1 to include where applicable, the renumbering of recommendations A2 and A3, respectively.

DR. WILSON: Just to point out where I think it sounds like the intent of where this is

going, the introductory sentence is in the wrong place. It needs to be -- in other words, it looks like it should be under A because there is going to be a second one.

MS. TIDWELL-PETERS: So it is with the amendment. By moving the introductory sentence behind the heading A1, "Data Element Recommendations for Physical Demands of Work."

All in favor, please, indicate by a show of hands.

Showing the majority of this recommendation is accepted, and we will now continue discussion of A2 and A3.

DR. BARROS-BAILEY: We are actually, by the last motion where we changed the numbering on it, we are now on A3, which is environmental. Because we have already approved A1 and the old A3, which now is A1 and A2. So we are on to what was A2 and is now A3.

And so I would like to move that the data element recommendations for the environmental demands of work as outlined in A3 be accepted by the panel.

DR. GIBSON: I second.

MS. TIDWELL-PETERS: It has been moved and seconded. Is there any discussion on recommendation, newly numbered A3, Environmental?

MS. SHOR: I just had a question.

Would a job requirement of working outdoors be represented here in a couple of categories already, or would it possibly deserve its own?

DR. BARROS-BAILEY: I would like to ask maybe Gunnar to comment on that.

DR. GUNNAR: I think we actually had it -- I am not sure where it got lost.

DR. GIBSON: Nancy, I could tell you that outdoor work is one of the things in the work taxonomy side that is specifically listed as a dimension right there.

DR. WILSON: And I think you are right. Several of these characteristics would probably be indicative of outside work. But we do have a dimension that is specifically devoted to outside.

DR. ANDERSON: So you are saying we don't need it?

DR. WILSON: I don't think so.

DR. ANDERSON: I think that may be why it was dropped. I am not sure exactly. We had it at one time, it is no longer.

MS. KARMAN: My memory is that is why we did it.

DR. BARROS-BAILEY: I think that the reason we moved this to -- it is on section -- was because we had the discussion in the last motion that we saw this as more work-side instead of person-side. So we might want to have an introductory statement here as well to identify this although, we came out of the physical demand subcommittee identifying it as -- let's see what the other introduction says.

It is going to be slightly different, but I would like to start it the same way. "The Panel recommends that SSA consider these environmental demands as" -- "important to do work" or "important to work"?

DR. GIBSON: As important attributes of work.

DR. BARROS-BAILEY: "As important attributes of work," yes. So I amend my motion to include that wording as an introductory statement. Under 3, "Environmental Demands."

MS. KARMAN: I would like to -- I am sorry.

MS. TIDWELL-PETERS: I am sorry. I didn't have a second on that.

DR. GIBSON: I second.

MS. KARMAN: I just wanted to mention that I know that at some point, I thought I

had conversation at the last August 31st meeting with regard to the extent of parsimony on this list. Our subcommittee did, in fact, discuss this on Sunday, not sure if it still covers that or that it is reflected in this list. What we came to was we discussed the prospect of conducting empirical work either through our instrument testing as well as looking from the applied side in terms of what do claims tend to inform us about, you know, to what extent do we tend to see some of these environmental aspects being implicated in some of the claims that we see, as well as with our instrument testing, to what degree are we claiming this to be -- a number of these to be relevant in many of the occupations that we are seeing, and that we would then pull stuff off the list as appropriate based on empirical evidence.

Now, I remember some of you had mentioned this at the August 31st panel discussion. So I am just laying this out there, that is what we had thought about and talked about, you know, if there is any other concerns, now might be a good time to raise them.

DR. GIBSON: I was just going to say, Sylvia, I think for me that that is the understanding of the pilot study in general, at least with regard to even the word "taxonomy," is it "you will try it and some things may come and some things may go"?

So I think that is consistent with everything.

DR. SCHRETLEN: Well, I certainly have concern about this, because I think there is nothing parsimonious about this list. I think that we just had a very lengthy discussion about mental/cognitive characteristics required to do work. I don't know that there is much evidence at all linking medically determinable impairments to an inability to work in environmental with some of these characteristics.

What medically determinable impairment makes it impossible for someone to work in an environment that has explosives? What is that? What medically determinable impairment makes it impossible for you to work in a place that, you know, that --

DR. GIBSON: I am going to say "attention span for explosive."

DR. SCHRETLEN: Thank you. I was expecting a response like that, and I will tell you that is, you know, it is easy to make a joke about it and to be flippant, but the truth is I don't know that there is any evidence whatsoever that having a short attention span or being impulsive, you know, would make it more risky for you to work around explosives. I don't know what disease or medically determined impairment --

DR. ANDERSON: Let me give you a couple. Let's assume you have Parkinson's with severe tremors, would you want this guy to work around the explosives where you are mixing one thing with the other? I mean, I can think of a variety of disease conditions where you don't want someone to work around explosives because there may be some safety requirements that you can't fulfill because you can't move fast enough or there are other issues, you can't wear protective equipment because you have neck pain or back pain or whatever else it is.

I can think of lots of conditions where this would be the case. So I don't see any issues here.

DR. SCHRETLEN: So we are going to base judgments off the idea that we can imagine situations where you wouldn't want someone with a particular impairment to work in that setting, okay. Is that really what we want to recommend?

DR. ANDERSON: No, not really. That is really what is happening today. That is really what is happening all the time today.

DR. SCHRETLEN: I think you are absolutely right. I think that is one of the problems today.

DR. GIBSON: David, I am going to steer the conversation just a little bit in a different direction. I think it actually goes to what you stated. I would concur with you

wholeheartedly; this is not a parsimonious list. I would also say, again, this is, in no way, meant to be disrespectful; it is actually very respectful of this Panel. The level of which things are written in this subcommittee report would be at the level that we would typically refer to as the "item level," which means it comes at a very different level than the way other recommendations have been put forth.

So looking back, for example, at the content model which we have already approved as an item generating framework from the work taxonomy, there is a category called hazardous/unpleasant work environment, which would be a very typical job analytic area which you would ask items. Many of these things would all be subsumed under that one as items.

So this is kind of over in the rough at a much more molecular level, and I think that is why it seems non-parsimonious, probably.

DR. WILSON: I agree. But I think the point which Dave is making, which we don't want to lose is, this is an area where it is largely clinical judgment. There are not lots of empirical data that says, you know, putting schizophrenics in explosive environments or having paranoids around firearms is probably not a good idea. But you know, it is not that big an inferential leap to suggest that but, you know -- there is not lots of data that we can point to that says, well, here is what happens when you do that. I think that is the issue.

But I think Shanan's point is the important one here, is that this particular group provided us with much more detail, and I think it is because of this sort of practice and clinical orientation of people in that community that this is the level in which they operate. So, you know, it is not surprising that they are going to give us more detail.

These are the kinds of things that would be nice to know about some of this based on our clinical practice, not on our extensive empirical research.

MS. KARMAN: And again, I think that -- that was certainly our intent when we had discussed the other day in our teleconference subcommittee that ultimately, we are going to take an empirical look at the value of including these, because every item that you include costs money. So some of these may not be worth including because frankly, we are not seeing a lot of connection with this as David has pointed out to actual impairments.

So, okay, it is nice to know if you have an occupational information system that is going to be used throughout the country for things other than disability adjudication, okay. But for disability adjudication, it might not be worth keeping all of these. But instead of our going through and making a rational decision about what to put on the list, to take off the list, is it all right, we will keep this and then we will just do some empirical work to see what things will remain. But I heard you, David, I did.

DR. SCHRETLEN: And thank you. I want to underscore what is, I think, at the heart of my concern, that these are things we can assess about jobs. Is it something we need to for the purposes of this?

Now, for a work taxonomy, it is probably a great idea. These are all the things that you could imagine about environments. There might be a few others, but I think you've pretty much covered the waterfront in terms of the way the descriptions of a "work environment," but I am concerned that by having such a huge list, there is a lot of room for mischief. Things like saying, well, this person has mild asthma that is well controlled, can't work in an environment in which there is mildew. Time-out. Maybe that is true, maybe that is not, that is an empirical question. It may be that there is absolutely no problem whatsoever for many patients with well-controlled asthma working in an environment in which there happens to be some mildew, but it may be that it is a problem, and I am not saying that I know. I am just saying that I don't think we know at this point, and I think that it is very easy

for a clinician to glibly say, well, this person has asthma, so no mold or mildew in his environment, this and this and this. And it just -- there are lots of -- there is room for mischief, that is my concern.

DR. ANDERSON: But in many cases, we actually do have asthma and mildew is one of those where there has been a lot of research over the years, and where there is actually data. So I think that the problem that we had, to some degree, was if we are not all inclusive, what we are going to exclude -- the priority. And some of these issues are issues that you need to measure. You know, cold, heat, whatever else you need to measure. Some of them are issues you actually don't need to measure, you know, are there explosives there; yes or no?

And so we said to ourselves, you know, why don't we include this and then we will see how it works out and we will be more refined as we go along.

DR. SCHRETLEN: Okay. You know, and I appreciate that, and I appreciate that there is an orientation toward doing the research to figure out whether they are important. But just to take that example, whether there are explosives in the environment or not is a binary issue. Well, so what if someone with Parkinson's disease works in a factory where there are explosives, but doesn't do a job that has anything to do with explosives? You know, and what is the -- you know, what is the medically determinable impairment that means that someone shouldn't work in an environment where there is flammable materials? I mean, unless your job involves walking around with a lighter or a blowtorch, take it as a none-issue.

So I am just noting that a lot of these things while they are undoubtedly real characteristics of the workplace environment, it is not clear to me that they will serve the purpose of this OIS for SSA's purpose as opposed to, you know, a well constructed and comprehensive work taxonomy for other purposes.

DR. GIBSON: I would have to agree with you, David. And I think I would remind the

Panel that we went through a very similar concern yesterday with regard to how we revised the introductory statement to the mental/cognitive. And we came to the conclusion that noting these were important but not essential was a very comfortable compromise, where we are encouraging them to be looked at in greater detail. But we are not saying this list is instilled. And so since they are proposing the same framework, these are important things to consider, we are doing the same thing here as we did with the other.

MS. TIDWELL-PETERS: Hearing no further decision then, I will call a vote for the Panel to accept recommendation A3, formally A2, of the Physical Demand Subcommittee as amended.

By a show of hands, all in favor.

There is majority, and the motion is passed, and the recommendation is accepted.

Excuse me, Mary, before we go on, just a bit of housekeeping.

My original call for a vote was only to vote on the changing of the numbering of A2 and A3. Now, we have just worked our way through what is the new A3. I would like you to go back, please. And I would entertain a motion to accept new category A3, Data Elements for the Physical Demand Subcommittee as submitted.

DR. BARROS-BAILEY: So moved.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Thank you, Gunnar.

Is there any discussion?

Then I will call for a vote that the Panel accept recommendation A2, formally A3, as --

DR. SCHRETLEN: I am sorry. The wording, "consider these as important

environmental attributes of work" or -- I am not sure I understand. Is that what we mean that we consider them as being important attributes? Okay.

DR. ANDERSON: We are actually on the next question.

MS. TIDWELL-PETERS: I am going to ask you to hold that issue until I conclude the vote. We were voting; in fact, Mary made the motion and Gunnar seconded it to accept A2, which are essentially motor listings for the physical demands.

I would like to --

DR. ANDERSON: We have voted that?

DR. BARROS-BAILEY: We have voted that in already. You did not vote it. You voted on changing the number of it. Okay. Is that clear?

We voted on changing the numbering on it. We did not vote on those items.

DR. BARROS-BAILEY: So I moved and there was a second.

MS. TIDWELL-PETERS: Right. Now, we are voting on the items in section A2.

Thank you. Seeing a majority, the items of section A2 have been approved.

Now, let's go back, and we will accept a motion from Mary to amend the introduction, section three, for the environment, please.

DR. BARROS-BAILEY: I move that the introduction, section 2A to 3, read, "The Panel recommends that SSA consider these as important environmental attributes of work."

Okay. I don't think we need "as." We don't have to take the second, "as important environmental attributes of work."

MS. TIDWELL-PETERS: "The Panel recommends that SSA consider these to be important environmental attributes of work"?

DR. BARROS-BAILEY: Yes.

MS. TIDWELL-PETERS: Thank you. That was a motion.

DR. BARROS-BAILEY: Yes.

MS. TIDWELL-PETERS: Gunnar has to second.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Thank you. All in favor, please.

DR. SCHRETLEN: Oh, I thought you said is there discussion now?

DR. BARROS-BAILEY: Yes.

DR. SCHRETLEN: Just a word. Would you be willing to consider saying that SSA consider these to be potentially important, recognizing that they may not be?

DR. BARROS-BAILEY: I will amend my motion as proposed.

DR. ANDERSON: I second.

I mean, "potentially" is such a strange word to introduce as --

DR. FRASER: Well, in the next section, it discusses

"Case and field study of occupations to determine the extent to which environmental restrictions are a factor."

So as we move on, we are recommending research -- to see if what holds up.

DR. SCHRETLEN: The study of implications that would be somewhat internally contradictory to say they are important. And we are going to do research to see what is important.

MS. TIDWELL-PETERS: Then hearing no further discussion, I will call a vote from the Panel to accept recommendation A3 as amended.

All in favor.

Thank you, seeing majority that is accepted.

DR. BARROS-BAILEY: The Physical Demand Subcommittee moves that the research recommendations for physical demands of work in section B, including 1, 2 and 3, be

accepted by the Panel as recommendations to SSA as stated.

DR. GIBSON: I will second.

MS. TIDWELL-PETERS: Hearing it is moved and seconded, is there any discussion?

DR. GIBSON: At least two issues, first looking at B3, it is written twice. So that needs to be amended so that it is not repeated. I would also like to understand why it is underlined versus the others being underlined, but that is just, again, a formatting issue. And then I would like the committee to please tell me what you mean by environmental restrictions are a factor in what? In human performance, in work study, I need some clarity there, please.

DR. BARROS-BAILEY: I will address the underlining that was a recommendation for research that came out of Sunday. And so it was a change to what the Panel had seen before so it was to kind of flag that for the Panel.

What was your second question?

DR. GIBSON: Could you address the concept of environmental restrictions? What are they? To what do they refer? To which environmental restrictions are a factor in human performance, in work, in -- I need a definition of what you mean by "environmental restrictions," and how you see them being applied. I am a little confused on that.

DR. ANDERSON: Well, I think it is a small expression of what we actually intended with this. I think the idea that we wanted to put forth is that there is little information about how many of these in light of other factors actually influence people's ability to work, and that we need to obtain some information about that. So that was sort of the intent, and I think it could be better worded.

DR. GIBSON: I might recommend then that we go back to the recommendation that was written for mental/cognitive and consider using a wording similar to that so that better conveys, "to explore and consider the feasibility of conducting studies which provide you the

linkages."

DR. ANDERSON: I like that. That is very good.

MS. TIDWELL-PETERS: How would you like to handle that, Mary?

DR. BARROS-BAILEY: Can we look at the wording that was put on the mental/cognitive research and maybe paste it on there and see if we can work with it in terms of this recommendation?

MS. TIDWELL-PETERS: Okay. I think we have on the screen B, research recommendations for mental/cognitive demands. Are you referring to the sentence "explore and consider"?

DR. BARROS-BAILEY: Yes.

MS. TIDWELL-PETERS: Would you like to copy and paste that and then edit it?

DR. BARROS-BAILEY: That would be great.

MS. TIDWELL-PETERS: Great. Thank you. So let's add it -- allow us to put it where it belongs.

DR. BARROS-BAILEY: I think after that "quantitatively links," if we put "the environmental" after "links."

MS. WISE: Thank you.

DR. BARROS-BAILEY: No, "The environmental" after "the," instead of the "of."

Would you put "restrictions" there, Gunnar?

DR. SCHRETLEN: "Attributes."

DR. BARROS-BAILEY: "Attributes," okay.

DR. ANDERSON: "Conditions."

DR. BARROS-BAILEY: "Conditions."

DR. ANDERSON: I wouldn't put "restrictions." I think it is --

DR. GIBSON: How about "attributes"?

DR. ANDERSON: "Attributes" will be fine, yeah.

DR. BARROS-BAILEY: "Attributes" will work that are required --

DR. SCHRETLEN: How about "that restrict the ability of some people to do work"?

MS. KARMAN: Or that "may."

DR. SCHRETLEN: That may restrict the ability of some people to do work.

DR. BARROS-BAILEY: That may restrict the ability to do work. "Link environmental attributes" -- let's go ahead and get rid of the --

DR. ANDERSON: I am thinking maybe we should say "Explore and consider the feasibility and need of conducting empirical research." Because in some of these areas, there actually is research, and I don't think you need to do new research, you can just go to the literature. But in other areas, there clearly isn't.

DR. BARROS-BAILEY: So feasibility and needs.

DR. WILSON: Right now, the link isn't linking to anything -- empirical research -- "quantitatively linking" doesn't make any sense in there. There isn't -- we aren't linking anything to anything.

MS. KARMAN: We are really just looking at the extent which these things are relevant to the ability to do work.

DR. WILSON: Well, in terms of David's stuff, it is medical condition to inability to do the work to what effect is -- does environment play a role -- concerning environmental attributes just -- empirical research concerning environmental attributes that may restrict --

MS. TIDWELL-PETERS: And Mark, can you say that again, please?

"Empirical research" --

DR. WILSON: Explore and consider the feasibility in need of conducting empirical

research concerning environmental attributes that may restrict the ability to do work.

DR. BARROS-BAILEY: I move to amend my motion as stated.

DR. ANDERSON: Second.

DR. WILSON: Someone from the subcommittee talked a little more about B1. I think I understand what research to establish a standard for repetition is --

DR. BARROS-BAILEY: Research in terms of repetitive work is all over the place. And so it was kind of really -- and it becomes pretty important in terms of looking at repetitive work. And so it was kind of research to hyper focus on the issue of repetition and how that gets represented.

DR. WILSON: I like the idea of saying "research to establish a standard for repetitive work." There are all kinds of repetitions in work. The term "repetitive work" is clear to me in terms of what that might involve.

DR. BARROS-BAILEY: And it isn't just repetitive work, it is repetitive -- I mean, repetitive work assumes that, to me, that all tasks being done are repetitive and it might not be the case that all tasks are representative. It might be that there are short episodic repetitions over time, it isn't over the whole workday. And so the literature in terms of repetition is all over the place, and it is a matter of hyper focusing on the concept of repetition, whether it may be --

DR. WILSON: Or maybe it is repetition of physical activities or -- I don't know, something.

DR. BARROS-BAILEY: I think that was the concept was repetition of physical activities.

DR. ANDERSON: I think that clarifies -- one of the problems that we have right now is -- first of all there is no good standard for what we mean by "repetition."

And secondly, some jobs are very different. You may have someone who is unloading trucks all day and then you may have a driver who drives for two days and then unloads the truck and he drives again for two days. So it is very highly variable.

DR. SCHRETLEN: Conspicuously absent from a recommendation is any recommendation about doing research to quantitatively examine the link between physical abilities and the demands of work? In other words, there is a recommendation about environmental restrictions but nothing about a person's ability to lift and stand and carry and push and pull, and all those things.

And is the implicit assumption here that we don't need to do this research because we know that if someone has trouble lifting 25 pounds, and their physician says they shouldn't lift more than 20 pounds, that they can't do the job. That is the -- is that the implicit assumption here?

DR. ANDERSON: Well, I think the problem, and I don't have a problem including another topic of research, it is hard to limit the areas.

A few years back, I was part of the OSHA effort to develop an occupational research agenda, and we listed hundreds of potential research projects in this particular arena and you could, of course, list hundreds here too. We didn't know that that was particularly helpful, but it is -- I don't have a problem having a fourth category that would -- similar to the third here, explore issues of the relationship between physical abilities and work.

MS. KARMAN: Is your question, David, perhaps -- let me see if I understand this -- that we, as a Panel, may want to reflect the need for the research that is necessary to link the person-side with the work-side, regardless of whether it is mental or cognitive or, you know, some of the items that might come up -- for example, later on, we talk about user needs and relation, we had some other data elements that we are suggesting; is that what you are --

DR. SCHRETLEN: Exactly.

MS. KARMAN: Okay.

DR. SCHRETLEN: I do not support making the assumption that we know, because I am certain we don't.

MS. KARMAN: Because, really, I guess what I am wondering then, if we look at physical, we are still looking at an incumbent, right? We are going to go to a job.

I mean, this is -- in my mind, what is happening is we will be sending, at some point, a field study. Do we not send job analyst out to do a job site? They observe what the incumbent is doing. They measure what the incumbent is lifting or carrying or whatever; they may interview the incumbent about the work. Can you -- maybe that will work.

DR. WILSON: I think the difference is on the physical side as we said earlier. These are not anywhere near the level of abstraction that most of the mental/cognitive or interpersonal construct domains are. So I agree, I think technically, the issue of linking the person-side, regardless of what it is, in terms of systematic research is a good idea. But I think on the other hand, with a lot of the physical stuff, direct observation is probably the best means of validation.

You could have a number of people go in and say that have to stoop, or you know, go down this list and, you know, that would be good enough evidence that -- the problem on the mental/cognitive person-side is that these are very important attributes and play a big role in work. But they are much more difficult -- in fact, impossible to sort of directly observe, if you look at various cognitive activities and things of that sort. So we have to move into, you know, psychometrics and, you know, instrument design and things of that sort, whereas there is a whole industry around measurement of various physical demands of work and physical therapists and things of that sort.

So I don't think it is as big an area of dispute and I think the validation of the, you know -- the argument is, well, there is this cognitive attribute that is required for this job. You may be able to generate some debate over that, that would be much harder to resolve empirically than you could this job involves stooping.

I think relatively it is straightforward when you could resolve that issue if there was a dispute. But it doesn't mean you shouldn't still collect data and show that -- you know.

DR. FRASER: I think it is picked up on C6, "Variation of physical demands," in terms of measurement. Maybe I am wrong.

DR. ANDERSON: Actually, if you think about -- our problem isn't really about measuring this.

As you say, you can do that observationally, or you can do it by weighing things or however you go about it. The problem is when you start looking at the individual who is going to do that job -- because our biggest problem is that we can't determine objectively whether someone can lift 50 pounds or not. We can determine whether someone is willing to lift 50 pounds or not, but we can't determine whether they can.

And so that is our biggest problem in this. We are trying to develop methods to address that side, functional capacity evaluation and what have you, but it is very difficult analyzing the job because it is the easier point.

DR. GIBSON: I would say -- and that very much underlines my feelings towards the recommendation. I tend to defer and to reassure -- research an empiricism in general when possible. But the two factors that stand out or, I guess three now that Gunnar spoke about is one, the inferential leap, which is what Mark was talking about is almost nonexistent on the physical side. I mean, if the person cannot lift packages and the package is required, because

the inferential leap is very negligible in the physical side, the likelihood of it being challenged or the legal defensibility issues on the physical side is a much easier thing to accomplish than it is on the mental/cognitive side, without a doubt.

The question is: Can we prove whether the person wants to do it or not is entirely a different area. And I don't personally believe that is the area that Social Security needs to go with this.

DR. ANDERSON: Absolutely.

DR. SCHRETLEN: And I hear that you think the inferential leap is much smaller on the physical side than on the cognitive mental side. I think we fundamentally differ about that. I think you guys see the inferential leap as being indefensibly small on the physical side and huge on the cognitive mental side and I see them as being much closer together. It is large on the cognitive side, but it is moderately large on the physical side. And that is where we fundamentally differ because at one point R.J. Harvey said that there is an isomorphic or one-to-one relationship between the physical demands of work and the physical abilities of the worker. And I think that is -- I think it is a convenient fiction. I think we believe this. But I think that if you do a job analysis of just one component, "lifting," at some job and you do a job analysis over the course of a week, you will find that an employee in that position will lift a variety of different ways. And so there are a lot of different ways of evaluating how much weight the person needs to be able to lift. Is it the average, is it the maximum? And I know we talk about the measurement issue under C6, but this is -- I am not talking about the measurement issue, I am talking about the actual -- linkage of the physical demands of a job and the physical abilities of a worker. That in fact, it might be that someone can lift 50 pounds, but it is really uncomfortable. But they could lift it once in a while -- they could lift 30 pounds frequently and 10 pounds or 20 pounds without any difficulty, whatsoever.

But linking that to the demands of work is not in my -- my hunch is that it is not going to be nearly as straightforward as I think many people think, and I -- that is why I am advocating the find of empirical research to connect these things. And if it is -- if it is as straightforward as you think, then, it will be very easy to do and you will have very clear answers if it is not so straightforward, it is important for SSA to know that.

DR. WILSON: Well, but you shifted the point away from -- you really didn't dispute that it is not that hard to identify what work involves lifting or not. You moved it into a scaling issue, which, you know, is separate. It is like, well, what is the estimate of the amount of lifting. And that was simply -- for some kinds of work, that may be an issue or our -- the point that I was making was just that it is much easier to validate the presence or absence of physical demands at work. The research that would be necessary to do that would be some sort of direct observation, you know, and I don't think -- I don't think it is an area where the legal community is going to come after us and dispute that we inaccurately estimated physical demands. Now, the scaling issue, you know, I am completely open to saying, you know, how would one go about estimating -- for us, it is not -- it is, you know -- we have to keep in mind that with employers we are usually looking at an average or something of that sort. But with Social Security, we are always looking at a minimum. What is the minimum of physical capabilities that someone must be able to do that, you know, can still do this job. And so it is --

DR. ANDERSON: And remember, we actually voted on that yesterday. I agreed with the minimum. And so I think we are stuck no matter how we look into this. But let me enter another issue relating to what you are saying because that may also be a need to build a safety margin, which we know very little about. But let's assume, for example, that I had a back injury in the past, and I am certainly capable of lifting 100 hundred pounds occasionally, but

if I keep doing that, am I going to have another back injury that potentially could be more severe than my first back injury?

So this safety margin we know very little about. In fact, I would say we know nothing about it. It is a wide open area for research, and it is an area where there is some research ongoing. But I thought that what we were trying to do was develop a system that would allow Social Security Administration to classify jobs, and I thought that what we were trying to do was to find items that we thought would have an influence on the people who did the job and would potentially be measurable.

There is certainly a lot of research that can be done in the disability area, that is the not the issue.

DR. SCHRETLEN: So I would like to respond to each of these in turn.

First, Mark, I did not mean to divert the conversation to a scaling issue. I was only bringing up the issue about variability of physical demands of work to illustrate that the reason why I think it might not be so straightforward to link the applicant's physical abilities to the demands of work is because demands of work vary over time. And -- but I think that something happened here. And what it was is that you said, but we are not going to face litigation because it is pretty straightforward to assess scaling issues of size, the physical demands of work, and I agree with you. I don't disagree with that. I think you are absolutely right. But you are coming at this from the job taxonomy's jobs analysis side. What I am talking about is the match between the person and the job demands.

And we had a conversation earlier that these -- we changed the wording that these are attributes of the person-side, and you turned the conversation back to the job demand side. And I think the real rub here, and the reason I think we need to do the research, is not because there is any difficulty assessing the physical demands of work, but rather

because I think it is not so easy to assess the physical abilities of workers. And that is exactly what Gunnar has said, and that is why it is not straightforward, and that is why I think the inferential leap is wider than you represented as being.

DR. WILSON: I think that clarifies the issue. You are absolutely right. In terms of what I was talking about is validation, the work data, and I defer the other experts on the Panel in terms of how different it might be to scale the person and what level of physical capacity they have that -- you are absolutely right.

DR. SCHRETLEN: Okay. So then responding to Gunnar.

Gunnar, you made a very important observation that is that, in fact, we really don't know very much about how to measure the physical abilities of people. And you said we know virtually nothing about the safety margin. That screams for the need for research, because otherwise, we are just saying, okay, these are the demands of work which we can measure really well, and we know nothing about this applicant except that his doc says he can't lift more than 20 pounds regularly.

DR. ANDERSON: Yeah. I don't disagree with that. I just don't know whether or not this Panel is the right forum for that research. We can certainly make suggestions but it doesn't influence how I would go about the -- characterize the job from a physical point of view.

I would still use the same method.

DR. SCHRETLEN: And I agree -- well, wait a minute maybe that -- what method is that?

I agree that these characteristics -- and I voted for them. I think that these are really -- you've done a great job and now it is my turn to say what people said to me yesterday. You did a great job identifying the characteristics.

My concern is, how do you link these abilities to the demands of work? And I think that you need to -- I am an equal opportunity research recommender here. You know, I think you need to do it as much as we do.

DR. ANDERSON: Well, right now, what has happened in this arena, of course, is that there are two levels of evaluation that occurs of the individual patient, or the claimant or however you call the person in SSA. And one is the physician who makes an estimate based on experience, based on knowledge of the disease or whatever it is and they say it is this, and the other is that you can try to do a more objective evaluation and say using a functional capacity evaluation system or something that would allow you more specifically -- define.

But in both cases, there is room for error because motivation plays such a big role in all of this. I will give you an example. I have a patient who was Mr. America several times and after three back surgeries, did not want to go back to his steal job, which was a very heavy physical job, but at the same time, didn't want to stop lifting in the gym. And so the question arises, is he capable? Absolutely, he is capable.

Should he do it?

No, he shouldn't do it.

So you get these conundrums from time to time where you really don't know how to deal with it. And it all has to do with, of course, the individual's motivation and reasons for what they want to do.

I don't know if we are going to get around that. I don't disagree that there ought to be more research on the topic, but it is very difficult to do that research.

MS. KARMAN: Actually, SSA does currently have a policy with regard to restrictions versus limitation. And so when we receive medical evidence or even functional evidence about the claimant that indicates, well, the claimant is capable of lifting 50 pounds

occasionally, they really shouldn't. And so we consider that to be a restriction as opposed to a limitation.

We have -- that concept already exists. So what I am hearing here is, how do we get from the medical evidence to the physical RFC to the world of work; is that what I am hearing?

DR. BARROS-BAILEY: Okay. Because we have a motion on the table, and we are way over time in terms of our break here and we have public comment, I am going to try to do something to three to see if it captures the conversation.

Where we have "explore and consider the feasibility and need for conducting empirical research concerning environmental attributes," if we add to that "and physical demands that may restrict the ability to do work," or change some sort of wording in there to capture the conversation.

DR. SCHRETLEN: Yes. That is what I would suggest is make an amendment about that but maybe using the language from the recommendation for the study on the mental/cognitive area.

DR. BARROS-BAILEY: I thought that is where we got --

DR. SCHRETLEN: But we changed it a lot because it had less to do with abilities and sort of a quantitative linkage and stuff like that.

DR. ANDERSON: I would prefer separating them out.

DR. BARROS-BAILEY: Okay.

DR. ANDERSON: Because I think the one has to do with the job and the other has to do more with the individual.

DR. BARROS-BAILEY: So let's go ahead and remove the wording there and we had copied from physical demands -- I mean from cognitive. Let's add a No. 4.

MS. TIDWELL-PETERS: Mary, I don't think that this is going to be something that we can resolve in the next few minutes. I am going to ask, please, that we hold this conversation until after the break and after the public comment and pick it up at this point.

DR. BARROS-BAILEY: Then I think I have to remove my -- I think we are in discussion so we either have to resolve the motion or I have to --

MS. TIDWELL-PETERS: I would like to refer this recommendation B1 through 3 to the committee.

DR. BARROS-BAILEY: Then I would have to rescind my motion at this point because we are in discussion.

DR. ANDERSON: I am not sure why we should break at this point because I think we are actually very close.

DR. BARROS-BAILEY: I think we are very close.

MS. TIDWELL-PETERS: I thought we were too about 20 minutes ago, but continue if you must.

DR. BARROS-BAILEY: Okay. So if we can take -- Elaina, if you can back all of that out and leave three as it was, copy in No. 4. So start in No. 4. Do a copy from what we had just copied from mental/cog -- right there, with "explore" all the way to "work."

So if we put there -- instead of "mental abilities," if we put "physical and sensory abilities," does that capture the conversation?

DR. SCHRETLEN: Works for me.

DR. BARROS-BAILEY: Okay. Then I would call for a vote at this point.

I am calling for a vote for the motion that was on the floor for the B1, 2, 3 and now, the addition of four as amended.

DR. ANDERSON: Second.

DR. WILSON: B1, I thought we had a standard for repetition of physical abilities; did we do that?

DR. BARROS-BAILEY: Yes, physical activities -- and Gunnar, you had seconded it?

DR. ANDERSON: Yes, I did.

MS. TIDWELL-PETERS: So there is a call for a vote for research recommendations B1 through 4, the physical demands as amended.

And to clarify the amendments, I am going to ask that they be read. No. 1 now reads, "Research to establish a standard for repetition for physical activities."

No. 2, "Study the specificity and measures of sensory demands."

No. 3, "Explore and consider the feasibility and need of conducting empirical research concerning environmental attributes that may restrict the ability to do work."

And No. 4, "Explore and consider the feasibility of conducting empirical research that quantitatively links the physical and sensory abilities that are required to meet the demands of work."

Is there any discussion?

MR. HARDY: I am not sure I feel comfortable coming to a vote at this point. I really would like a little more time to think about this. Can we take a break now and then reconvene? I would like to suggest that.

DR. GIBSON: I have to concur because I am not comfortable voting for them as a block as they are currently written.

DR. BARROS-BAILEY: Okay. Let's go ahead and take a break.

MS. TIDWELL-PETERS: So we take a break now. When we come back, we will go into the public comment. And when we pick up the voting, we will be back at this section.

Thank you.

(A brief recess was taken.)

DR. BARROS-BAILEY: Okay. We have three people who are going to be offering public comment this morning. And first, I would like to thank all the public comment presenters for your patience with us as this morning in our time crunch.

The first person that I would like to present before the Panel is Lawrence Rohlfing, who will have five minutes to present.

Mr. Rohlfing, you will have five minutes.

MR. ROHLFING: My written materials are in your pamphlets. I am not going to waste my time repeating what is already there. I did get a chance to attend yesterday and hear for a few minutes before I had to leave and I have been attending this morning. And as a disability practitioner for over 20 years, I have a little bit of experience doing this. 75 percent of claimants who file a claim for benefits that are ever going to get paid get paid at the initial level. The rest of the process is designed to find those other 25 percent. And there are a variety of ways that people get found disabled. They get found disabled on the listings, on the grids, or the grids are as a framework for decision making. And there is just a couple things that I was concerned about initially yesterday. One of the Panel members was talking about I think when Mr. Hardy was speaking about potato chips sort of being a skilled job. It is a reasoning level one, language one, potato chip sorter -- how brown do you have to be before you get out and thrown away?

And if that is a skill, then I am going to have to call Merriam Webster's dictionary because the DOT or the super DOT or the new DOT has to be usable. It has to have some practical applicability to the real work, real world, the disability hearing, since that is what we are talking about here. And "unskilled" is a term of art that has been around since the DOT came into existence. It is in the Merriam Webster's dictionary, it has a specific

meaning. And now we want to throw away that word as if "unskilled" is ceased to exist. "Semiskilled" is also defined in the dictionary, and "skilled" is defined in the dictionary. We know what those words mean and if I understand the presentation yesterday, the taxonomy is going to change so that words don't mean what they used to mean, they mean something completely different. And I think I am reading Alice and Wonderland through the looking glass at that point that the words mean what I see; they mean nothing more, nothing less. And I think that is dangerous. We have a foundation, and if we are going to build a new house, let's take down some walls, let's take off the roof, and let's build a new house. But if we are going to destroy the foundation, then let's just get rid of the Social Security Act disability provisions and start over. But since we are not talking about that, we are talking about, can a person engage in substantial gainful activity in light of the residual functional capacity for work, including consideration of their age, their education and their work experience, and functional capacity evaluations, and whether or not someone has sorted diamonds at some point in time, and now we are going to say, you have skill sorting, so we are going to assign you to the skilled work of potato chips sorter and you're 55 years old, you are limited to sedentary work.

I don't get it. It isn't what society in this day in age expects. Somebody that is of that advanced age, that has worked their whole life, they have a severe medically determinable impairment, Dr. Anderson had said they are limited to sedentary work. We are going to give them benefits, unless you are going to rip out the grids. And I haven't heard that said, and if that is the intent then just say it.

The other thing that I wanted to talk about is that one of the Panel members today was commenting about medically determinable impairments eliminating the ability to work around dynamite. And there is not a single medically determinable impairment in

existence that precludes work activity, none. What limits people's ability to work are limitations and restrictions on their abilities and aptitudes. I can suffer from a depressive disorder, I could suffer from major depression but that doesn't mean that I am dysfunctional. I may be highly functional. I may suffer from an impairment because I am a professional and I need to take a nap every day, I can take a nap every day, and my secretary is just going to close the door and let me take a nap and nobody cares because I am going to get my work done.

But if you are the potato chip sorter and you need to take a snooze in the afternoon every day because your energy level goes out, then that is a problem, because the potato chip sorter's job -- the next shift is coming on and you haven't finished your eight hours yet, you are probably going to get fired. And substantial gainful activity implies sustainability, full-time work activities under the Commissioner's current interpretation of that phrase of art means full-time work unless we are talking about past relevant work. I think it is dangerous to start redefining terms and mixing terms --

DR. BARROS-BAILEY: Mr. Rohlring, your five minutes is up. I am sorry.

MR. ROHLRING: Could I have 55 more?

DR. BARROS-BAILEY: I wish I could give those to you. We do have an opportunity now for about five minutes, any of the Panel, if they have any questions?

MR. ROHLRING: Seeing none.

DR. BARROS-BAILEY: I apologize. Thank you for your time.

MR. ROHLRING: Thank you.

DR. BARROS-BAILEY: We also have public comment from Mr. Gerald McIntyre, who is representing an organization and will have 10 minutes, so if you would.

MR. MCINTYRE: Good morning and thank you for the opportunity to comment here.

I am with the National Senior Citizens Law Center which perhaps you are not familiar with. But we have a particular interest in the issues effecting low-income seniors and also people who are approaching old age, maybe disabled. And in fact, disability is much more common when you look at low income seniors.

And what we do is we do litigation, we also provide technical assistance, we also engage in legislative and administrative advocacy. While I don't specialize in disability determinations like Mr. Rohlfing, I have had -- I certainly have been involved in the issue of going back to the earlier 1970's when I handled my first disability claim in federal court. So I am familiar with the issues in a more general way, not to the degree of specificity that Mr. Rohlfing is.

We see the disability programs as becoming of increasing importance now for vulnerable seniors. And one of the -- I mean, there are a number of reasons for this and I can go on for a long time, which I won't, I will spare you. Most of notably, I think the increase in full retirement age means that if people take earlier retirement, they end up getting a much bigger reduction in their Social Security benefit, and usually, we are talking about people whose benefit was not that high to begin with.

So we are -- we think that it is very important that the disability determination process be, you know -- be a good one so that those who are disabled are able to get those benefits. I just want to address two issues. The most important issue I want to talk about is the question of the relationship between disability determinations for SSDI and SSI disability and the ADA. And I guess what I would say to start is just they are really -- these are two very different issues. They are both -- it is disability, but they are two different definitions of disability, and we are talking about two entirely different functions, the ADA and Social Security disability.

The ADA is a civil rights statute and it applies -- what it deals with is it applies to specific employment situations and it is an individualized assessment not just of the individual but also of the particular employment situation. And the -- what the EEOC regulation states is that reasonable accommodations are individual changes in the way things are customarily done. Whereas when we are talking about evaluating particular jobs, the issue is how it is customarily done. So I think it is something that should not be confused. And this has been the complete position of the Social Security Administration certainly has been to recognize that distinction, and there is a memorandum which, probably -- some of you are familiar with from Associate Commissioner Skoler, which sets that forth and in particular, the question of whether or not the ADA has a role in steps 4 or 5 of the sequential evaluation process. And it is -- the memorandum is clear that you do not utilize the concept "reasonable accommodation." And the Supreme Court had the opportunity to review this issue in a case called -- in a Cleveland case in 1999, and in that case, the Supreme Court cited the Skoler memorandum and reached the same conclusion, and concluded that really, the ADA and the Social Security process can coexist and is no inconsistency between the two. And that ruling, by the way, that is from 10 years ago. But it was just two weeks ago that was reaffirmed by -- in a case in the First Circuit, in a case called Decaro versus Hasbro, basically citing the Cleveland case and citing it as good law.

So I think it is important that we recognize that it was adopted for a very different purpose and that when we look at the ADA, it defines a qualified individual to include a disabled person who can perform essential functions of a specific job with reasonable accommodations. And that is not a part of the Social Security Act definition of disability, so the two are perfectly consistent.

The other issue that I just want to mention very briefly is the importance of the

individualized assessment and that we not adopt a formulaic approach to disability to determining functional limitations. And I guess there was -- it sounded like there was some allusion to that earlier, but in particular, when we are looking at nonexertional limitations like pain, or if we are looking at mental or cognitive limitations, this is something which simply is not going to be feasible.

And I guess we would question whether or not the elimination of an individualized approach would be consistent with the disability definition in the Social Security Act, and while we understand the desire for what looks like an efficient system on the surface, we would question the wisdom of doing that question of lawfulness of it and would question whether it would be efficient in the long run if it becomes the subject of litigation that would drag on for several years, possibly resulting in a decision having to be reversed for several years before.

Those are basically my comments, and I submitted some written comments just this morning. So thank you.

DR. BARROS-BAILEY: Thank you, Mr. McIntyre.

I am going to open it up to the Panel to see if there are any questions.

MR. HARDY: Good morning. Hi, I have one quick question. My name is Tom Hardy, I just got your comments, and I am trying to read through as quickly as I can.

In section 3, you state, "The process also allows for individualized consideration of nonexertional limitations."

Have you been present for much of our deliberations?

MR. MCINTYRE: No, I have not. I just came in just shortly before the break.

MR. HARDY: Okay. Then I will withdraw my question. Thank you.

DR. BARROS-BAILEY: And I did have a question on the same section. It sounds like

you heard something or something was said that concerned you that we would be moving away from -- or recommending and moving away from individualized assessments and that concerns me because that is not the intent. So I don't know what it is you heard.

MR. MCINTYRE: Well, I had heard that that conceivably could be an issue. I didn't hear that there was a specific proposal to do so. But I had heard that that was something that possibly could be an issue. So that is something that would be a concern to us. I am glad to hear that it is not.

MS. KARMAN: I would also like to point out -- I am Sylvia Karman, and I thank you for your coming out today -- that we have an individualized assessment for all the claims regardless of the limitations. So they don't necessarily have to be nonexertional.

MR. MCINTYRE: Yeah. Right. No, I realize that. I realize that. I mean, I think it is just in a -- when you get into the nonexertional, that may be it becomes more -- becomes even more important.

DR. BARROS-BAILEY: Okay. Thank you for your time. I appreciate it this morning.

MR. MCINTYRE: Thank you.

DR. BARROS-BAILEY: We have one more person presenting public comment, Lynne Tracy -- two -- and Angie Heitzman from IARP. You will have 10 minutes.

MS. TRACY: Thank you. First we want to thank the Panel for allowing us to speak before you again. We are very happy to be here and continue to be happy at what we are seeing going on.

Since the last time I was before you in April, just so that all of you know, IARP established a specific committee called the OIDAP Liaison Committee, specifically so that our committee is charged with having a nice conduit for the Panel to communicate to IARP and IARP to communicate to the Panel, and for us to communicate to our members as well.

So we just wanted you to know that we are very happy to be involved, and we have specifically reached out to be very organized in our process with the Panel. On that Panel or on that committee is myself as the chair, Angela Heitzman, who's presented to you as well, Scott Stipe who presented with me in April, Pam Warren and Rick Wickstrom, those are the five people -- and Amy Verciello, who is the Chair of the Social Security VE section.

MS. HEITZMAN: So we would like to take this time to comment on the draft report and on the recommendations as we have listened over the last day and a few hours. And we had a chance to review the reports somewhat last night without staying up all night. So this is a cursory review considering the size of the report, and we will respond in greater detail at a later date. For each section, we would like to indicate what we support, what we are concerned about and any recommendations that we may have.

MS. TRACY: On the taxonomy, we think it is important to study and measure the variables and that this is done well. We do have a concern about studying things to death and that then you don't end up making forward progress. So just so you know, we do have some concern that that be kept in mind. We do support the use of vocational counselors, vocational experts in the pilot study to conduct job analysis and assist in collecting data. As we have said many times, and we will keep telling you, we are here to help in any way that you need us to be available to you. And there are many of us to be of assistance.

We do have some concern of gathering data as to how to get access to get that data to access to employers incumbents and how that access is going to be gained, what that process is going to look at. Yesterday when there was a lot of discussion about taxonomy and the research pieces of all of this, you know, again, what keeps coming to mind, okay, we understand, you know, that it is a good idea to talk about the incumbents, it is also good to talk to the supervisors, which is a typical way that job analyses are conducted. How are we

going to get access to get some of that data. And certain questions may raise some eyebrows with employers in certain questions that may be asked.

Yesterday, Sylvia was talking about the study that has been done by the data analytic research into the disability files, and IARP has a lot of Social Security VE's, we now have an independent section under IARP and what I would propose is that we put it out to all the SSVE's to start in every hearing they are doing for the next two months, to write down the job title that was listed in the file by the claimant, to write down the job title according to how the VE classified the job, to write down the physical demands as described by the claimant and the physical demands as the DOT puts it. And we could find a way to get this data put together, throughout the country, that is a lot of data. And find out what jobs you can look at this from the standpoint of what jobs are coming up most frequently in those files and also begin to look at where the discrepancies are. Because as VE's in Social Security hearings, we find a lot of times, the job title is listed in the file and what the job really is are very, very different.

And so we may be able to assist you in not only Social Security's data gathering, but also with some other data gathering but then you will have even other points of looking at those things. So we are more than willing to do that if that is something of interest. We can put that out to the list serve and get people to start doing that.

Regarding the glossy term of "holistic rating," we are asking for a clarification. In the glossy, it said that it speaks to level four or five and observable at level two or three. It was our understanding that part of the issue with going back to the DOT and just fixing it had to do with the dispirit information at different levels and that things didn't match up. And I am just -- we are a little confused as to whether that definition of holistic rating is not basically the same thing. So we are looking for a clarification. Regarding that point,

MS. HEITZMAN: Regarding the Work Experience Assessment Committee, if I am saying that correctly now, we have several comments. We believe that it is important to include the research and methods in the recommendations that are made, and those kind of fell to the side yesterday. We support the continued use and expansion of work fields. MTSMS and materials -- or machine, tools, equipment and work aids. We support the changing or eliminating of the idea of unskilled work and using a low skilled or similar type of identifier.

We appreciate the subcommittee's in-depth look at the definitions of skills and transferable skills and all the work that went into that. We have an issue or a concern with predicting the viability of an occupation. It -- we think that it is going to be problematic in predicting -- because you can't exactly tell when technology will become obsolete or in theory or process developed. There is mention in the draft of the word "accommodation," and that is something that has come up several times, and you will hear us say that more than once, about how that relates to the ADA and whether there is going to be any legal issues that result from that. So we wanted to point that out as a concern.

Additionally, one area of confusion that we had was about the concept of combining work activities with other elements that may rise to the level of a skill. If a skill is on a continuum, and all occupations require at least a low level of something, we are unclear as to what that means.

On to mental/cognitive. We agree with the mental/cognitive that the form that is now in use needs to be retooled and we support the 15 abilities recommended by the subcommittee. We wholeheartedly agree with the recommendation that clinical judgment be preserved. Some of the language in the recommendations when we read it in the draft appeared a little clearer in understanding than they did in the voting schematic so we would

just encourage that that be looked at a little bit as far as clarity.

One concern that we had an issue under the heading of "attendance" was the concept was mentioned of leaving the residence or home. There is many reasons why attendance and punctuality may be a problem and that may be one issue of leaving the home, but it almost makes us think more of going towards agoraphobia or something -- I mean, it Just kind of struck us kind of funny as to why that was the lead off sentence right after attendance.

There is concern that the current RFC is based too much on subjective information from the applicant and we hope that that doesn't continue in the new format. Self-management variables that are listed, we believe, are going to be very difficult to measure in a job analysis process. Another issue we have concern about is the issue of criticism and taking of criticism.

DR. BARROS-BAILEY: Angie, I apologize, but the 10 minutes is over. It goes by really fast, doesn't it?

MS. TRACY: Yes, it does.

Can we have one more closing statement.

DR. BARROS-BAILEY: Sure. Real quick.

MS. TRACY: Yes. We just want to point out that we really hope that you remember that we are talking about the end of one. We are talking about individuals and that we will continue to be available to you and we will give you input as we can.

DR. BARROS-BAILEY: Thank you. I would like to open it up to the Panel for questions.

DR. FRASER: Just a quick question. How many members are in your subgroup?

MS. TRACY: The SSVE subgroup, there are -- it is probably 380 -- three or something

like that. Not all are active, but definitely we have access to a number.

In the survey that was in the book, I think we had over 300 respondents throughout IARP.

MR. HARDY: I have one quick question. As you know, I am very concerned about TSA's -- as we are going to call them for the time being.

MS TRACY: That is fine. We are happy with that word.

MR. HARDY: You mentioned the work activity plus another element arising for the rating levels of skill as being unclear. What I am struggling with is if we use work activity alone as a proxy for skill, that becomes skill. How are we going to rate that under continuum and I would toss that out to IARP because I know you have a huge number of people that deal with this on a daily basis. And I would be very happy to hear your thoughts on how you attack that problem. So I am just putting a request out there to your organization. If you would like to respond to that, that is fine.

MS. HEITZMAN: One of the issues was the word "elements," in and of itself, is that something that is reflective of the person in experience that they bring in education? What exactly does that mean that was one of the basic concerns?

MS. TRACY: I think it was stating other elements. And I know that yesterday and today, sometimes you are becoming -- you are putting in a little bit of the general so that you have room to move. But we just did not know what exactly that was implying.

DR. BARROS-BAILEY: Tom, did you have any other?

MR. HARDY: Since this is kind of a fluid process, one of the things that I keep coming back to is if we end up accepting walking as a measurable data element and it is now considered a skill, I stand back and go, well, okay, it is a data element, but in different work situations, there may be a different level of skill involved, walk from my desk to your desk,

walking while carrying a tray over my shoulder, walking for -- you know, there could be a different purpose, different tools, different methods. There could be a different work situation that would apply to that. And that is kind of where I was going with that concept and if you guys would like to consider that and give me some more thoughts, I would be very open to it.

DR. BARROS-BAILEY: You also offered to do a study or a survey or a query of the vocational aspects over the next couple months. Your offer would be -- that would be great information for us to have, so thank you for that offer. And I also cut you off and it sounded like you had a lot more information to share, so if you would like to provide us with that information, we would be more than happy to accept it.

MS. TRACY: In writing or right now?

DR. BARROS-BAILEY: In writing just because we are running out of time. I apologize.

MS. HEITZMAN: Well, the plan was to provide something in writing. Obviously, we wanted to cover what was happening in the proceedings yesterday and today. So we didn't have time to write something formally up.

DR. BARROS-BAILEY: Okay. Thank you.

Okay. I think we are back to the voting schematic, and I am going to ask our Designated Federal Officer to resume her position and Elaina, who is already there. And I will turn the meeting over to Debra Tidwell-Peters.

MS. TIDWELL-PETERS: We were in the process of discussing the Physical Demands Subcommittees research recommendations and edits that were being made to item three and the additions of item four.

So I would like to go back to those paragraphs B, I believe.

DR. BARROS-BAILEY: I believe we were at the point of having read them all into the

record and going to discussion on these; is my memory correct?

MS. TIDWELL-PETERS: If we did read them, I would like for us to read them again since time has passed and then we will be back at the point of discussion.

So this is a rereading of the motion that was made to amend the data -- the research recommendations for the Physical Demand Subcommittee. It is shown as B1 on the schematic which reads, "Research to establish a standard for repetition for physical activities."

B2, "Study the specificity and measures of sensory demands."

No. 3, "Explore and consider the feasibility and need of conducting empirical research concerning environmental attributes that may restrict the ability to do work."

And No. 4, "Explore and consider the feasibility of conducting empirical research that quantitatively links the physical and sensory abilities that are required to meet the demands of work."

Is there discussion on this recommendation, please?

David.

DR. SCHRETLEN: Maybe I should just -- Tom had asked me on the side to clarify. So let me just restate very simply that I -- it occurred to me when we were considering the proposal to conduct some research looking at environmental factors and the likelihood that they can preclude a person's ability to do work. What was missing was that there was -- is that there was no suggestion to do a parallel kind of research to look at linking these physical abilities to the demands of work. These are person-side variables. And so I was just trying to suggest that the kind of thing that we had discussed and agreed to do for mental/cognitive would be very useful for the physical person-side characteristics as well.

DR. BARROS-BAILEY: And that is where No. 4 came about?

DR. SCHRETLEN: Correct.

DR. BARROS-BAILEY: Okay.

MS. SHORE: I would just like to comment that -- I mean, I am sure there is always a need for additional research. But I don't think the current situation is quite the Wild West. If you have somebody who is taking a medication because of chronic pain and one of the notations the doctor has pointed out about that medication is can't drive, you can't be around moving machinery, then I don't think there is a lot to study and I know a lot of things that already exist like that. So I will support this but I just want to point out that I think there is -- there is areas that the linkage is already there.

So I would not want to suggest that the current state of affairs is completely Wild West.

DR. SCHRETLEN: You know, Nancy, I actually agree with that. And I think that one of the way it is worded it is "to explore and consider the" -- and it may well, be that SSA would explore this and say, we don't need to study, this, this and this and that is fine.

DR. ANDERSON: Well, we could add "and need" after "feasibility."

MS. SHORE: That is a good idea.

DR. BARROS-BAILEY: So after "feasibility" on four, put and need -- "feasibility of and need for."

MS. RUTTLEDGE: Not to belabor the point. I just want to be on the record to say that over the course of the last day and a half, we have identified a significant number of areas around which we might pursue recent. I don't want anyone to assume that this now gives a blank check and blanket approval that we want to enter into a huge amount of research to conduct a work of the Panel and to come to what I think in the end is going to be a good occupational information system for disability and determination services.

So I just think that we are compounding as we add in with each one of the

recommendations areas around which we may want to do research. And I just would ask that we, at some point, be able to step back -- and maybe that is in the next step, to step back and see in totally, what is it that we have now laid out and does that get us in the direction that we wanted to go.

DR. BARROS-BAILEY: Okay. Any other changes?

DR. GIBSON: Just a clarification. I would suggest that we change No. 3 to mimic the language in four so that it is "need for," instead of "need of" just for clarity.

DR. BARROS-BAILEY: So "feasibility of and need for."

DR. BARROS-BAILEY: Any other comments before I move to amend the motion?

DR. ANDERSON: Second.

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

We are going to need to hear what that is before --

DR. BARROS-BAILEY: I would like to amend the motion with the wording in No. 3 and No. 4 as stated.

MS. TIDWELL-PETERS: Okay. And we would also like to add No. 4 because it was not originally in your motion. It wasn't originally there when you made the motion.

DR. BARROS-BAILEY: Okay. I thought I had amended that. So I would like to amend the motion to include No. 4 in totality and the change of wording in No. 3.

DR. ANDERSON: Second.

MS. TIDWELL-PETERS: Thank you, Gunnar.

Okay. Discussion on this issue.

Hearing no further discussion, I will call for a vote for the Panel to accept the Physical Demands Subcommittee Recommendation B1 through 3 as amended and four as added.

All in favor by a show of hands, please.

Opposed.

The motion is approved.

DR. BARROS-BAILEY: The Physical Demand Subcommittee is on to C numbers 1 through 6, the measurement recommendations.

I would like to move that the measurement recommendations as set forth by the Physical Demand Subcommittee be accepted by the Panel.

DR. GIBSON: I will second.

MS. TIDWELL-PETERS: Thank you, Shanan.

It has been moved and seconded.

Discussion.

DR. GIBSON: Referring to C5, "Refinement of duration of physical activity scale," could the Panel please tell me, or the subcommittee, please tell me what physical activity or scale are we seeking to refine?

DR. BARROS-BAILEY: I think that is a reference to the exertional scale, sedentary like, medium heavy, very heavy. There was a considerable amount of feedback from users that the ranges there were too wide. Initially, I think the subcommittee had proposed maybe a different scale. But we are not at the point yet of even getting there to see what the scale is until we see what the data shows.

So just kind of a refinement of what exists right now or looking at the way that exertion is demonstrated right now and is classified or categorized.

DR. ANDERSON: In addition there is -- there was some concern about the fact that some people work more than eight hours a day, and that that was not considered in the guides, evaluations, and that the scale that tells you about how long you were actually doing this

certain type of activity which is seldom occasionally -- frequently was too broad.

DR. GIBSON: Can we consider rewording this then so that it is more specific so that "refinement and/or development of a scale, which assess physical activity and its duration in a method that is appropriate to SSA's needs," or something to that effect, please.

DR. BARROS-BAILEY: That sounds good.

MS. TIDWELL-PETERS: Could you please slow that down and repeat it for us.

Where is the insert, Shanan, please.

DR. GIBSON: We are replacing No. 5.

MS. TIDWELL-PETERS: Okay.

DR. GIBSON: And I think I began with "refinement or creation of a scale which reflects the nature of physical activity and/or its duration which is appropriate for SSA's adjudication needs of a scale which reflects physical activity and/or its duration, which is appropriate for SSA's agency's adjudication needs."

And I'll certainly be okay if anyone else wants to revise that.

MR. HARDY: I don't have a refinement of the language. I have more of a clarification question: Sedentary light, medium, heavy, very heavy is our DOT scales that we use all the time. I recognize they need to be either deconstructed, decomposed or whatever language you would like to use. I guess I am trying to take a step back and I know that those categories, those aggregations are very useful in disability determination and a lot of different pieces of the adjudicatory process are based on those. When you talk about -- I believe the language is "refining," would you be -- I just want to make sure I am clear on this.

Are you talking about maybe keeping the four, five broad scales and doing subscales within or coming up with a new terminology or what is kind of the thrust of this.

DR. BARROS-BAILEY: We don't know until we look at data and so that was a real

concern when we looked at, you know, coming up with a new scale, do we do it at five-pound increments? Do we do it at 15 pounds? I mean, you don't know how this is going to cluster. And so if you put a scale out there just based on whatever we know and people start developing instruments, they start developing whatever based on what we put out there and data comes back and says something different and ultimately, we recommend something, I think it irresponsible for us to put something out there until we have really seen how the data clusters. So we know we need to take a look at it. This acknowledges we need to take a look at it, how it is going to end up. It is -- we can't say right now. We don't know. We just know that users are not happy with --

DR. ANDERSON: I think we also have a fear that change will not be only beneficial but also make it more complicated; however, there are a number of terminologies which are creeping in. So not infrequently do I see that the patient is capable of working at the medium to heavy range, at the light to medium range, you know, these kinds of terminologies which are creeping in would be nice to sort them out and more definitively aggregate.

DR. BARROS-BAILEY: I think that is just indicative of the ranges being too broad and what people have applied -- have tried to deal with what is out there, intermittent, you know, all the terminology we see. And so that is just reflective of the issue in No. 5, the need to refine that.

DR. GIBSON: Would it be more appropriate, then, to say "refinement" or "creation of scales"? Is it not a singular scale that we are concerned with?

DR. BARROS-BAILEY: Yes. Then we have to take the S off of "reflects."

Any other questions on any of the measurement requirements?

DR. WILSON: Yes. Can someone speak to -- from the subcommittee speak to what the intent of No. 6 is?

DR. ANDERSON: It seems every time there is something, it takes time. I didn't raise the issue, but I am concerned about No. 6, the way it is worded, and has been from the very beginning.

I think the idea here is that identifying jobs only based on the highest demand is not the only way in which you could identify a job. So if you are looking at someone who occasionally has to lift 100 pounds but it actually only happens twice or three times during the day, but otherwise, they don't lift much at all, that is different. And obviously, if someone who keeps lifting 100 pounds every five minutes every day or whatever the requirement might be -- right now, this is not defined within the system and somehow, we need to try to figure out a way of doing it.

I am not in favor of "mean" because "mean" for someone who lifts 100 pounds twice a day and then the rest of the day, doesn't lift anything heavier than five pounds would end up being 5.5 pounds and that doesn't really help me. But I am not sure which measure to use, and I think that is the uncertainty that is in this formulation. I -- it is not -- it is not clearly expressed what it is we want to do here. And I am not sure how to best do it.

DR. WILSON: I completely agree and I agree with the comments about the meaning not being what we are after here. It sounds to me what you are trying to express is you want to identify the variance in duration and occurrences, not the means of -- and the idea of being at that band for sometimes of work could be substantial, and for others, it might be that the "mean" would be a good indication because there is not a whole lot of variance around it so...

DR. FRASER: Second point, which may relate and it is picked up on in the next section, "user needs." But it is ultimate postures, it is the sit-stand option, which seems kind of out of place in the next section versus being here because it relates to maximum continuance, duration of activity, and it could also go with the variation of physical demands

and postural status.

I am just wondering why it is not here versus the next section.

DR. GIBSON: It actually was something within the physical demands report and the overarching report does have it as a footnote indicating that we thought it was best put in the user needs and relations in terms of the schematic, the voting within that as something that we needed to study. But it was something that was at least in the physical demands report as support.

DR. BARROS-BAILEY: So getting back to No. 6, if we put there -- and I am going to say this, don't start typing yet.

Identify the variance of physical demands within occupations; does that do it?

DR. SCHRETLEN: Well, I think that -- I mean, variance it is an interesting term. I mean, it is a statistical term. I don't think we really want the, you know, standard of deviation. I don't think -- that is not what we want. We want to have some sense of how much physical exertion is required typically, and also what is the maximum? What is the most a person has to lift or stretch or pull or what do they typically have to lift or stretch and pull; right? I mean, we want to sort of know what -- both the limit and what they typically do.

DR. WILSON: Yeah. I think that is a good point is the variance in the range that David is pointing out both duration and frequency. So I mean, there is -- there are a couple things going on here. How long do they have to maintain some level and with what frequency do they have to do that? And so David is absolutely right, the variance will tell you that whether or not the "mean" is a very good indicator or essential tendency here, but I think by saying the variance -- identify the variance in range of the duration and frequency of physical demands; would that work?

DR. ANDERSON: Yes. I think that would capture it.

DR. SCHRETLEN: What about "the usual and maximum" and leave it -- the usual could be evaluated in a variety of ways, but we are trying to --

DR. WILSON: That is why I would rather be more precise here than --

DR. ANDERSON: I think if you put in "range" and "duration." I don't know. I think your suggestion is the right one. I think that would capture what the intent was at this point.

DR. SCHRETLEN: Okay. So then if you say "range" and "maximum," what we are saying is on this job, a person lifts anywhere from five pounds to 75 pounds. What is the duration?

DR. WILSON: How many times -- I don't know what the scale is. But the duration is how many times -- how long this process -- you know, are they -- it gets back to the issue of repetition and all that.

Do they have to do this for two hours? And the range is from five pounds to 75? Or is it three minutes?

I am just trying to sort of capture what I thought the intent was, which I didn't think this wording --

DR. ANDERSON: Right now what sales say is, for example, in the medium category, would say that occasional lifting of 50 pounds is repetitive, lifting of 25 pounds. And so that is really what we are trying to capture here in some degree.

DR. SCHRETLEN: Yeah, so obviously, just make the language capture that. I am not sure that it does as it is now.

DR. ANDERSON: No, I agree.

DR. WILSON: Okay. So I will take a shot at this again. Identify the variance and range of the duration and frequency of physical demands.

DR. SCHRETLEN: I think my concern, Mark, is just that variance and range are both

characterizations of dispersion and I think what we are trying to get at is something about dispersion and central tendency are maximum.

DR. WILSON: I think the issue of variance will give you this -- the minimum, the maximum, but you seem to be concerned by saying, there are some cases when we want to know what the maximum is that this person has to do and the range will get us that. But it might be what the variance gives us that that doesn't is well, how much variation is there, yeah, they have to lift 100 pounds, but that is only once every three years, or whatever the case is.

DR. SCHRETLEN: So then I guess it is just a matter of how is range represented? Maybe that is it. I might just not be --

DR. WILSON: Okay. Identify the variance and range and after range open paren -- after range and then a minimum, maximum.

Is that it?

DR. SCHRETLEN: Yes. But then -- so then my question is then what is the variance? What does "variance" refer to, what are you trying to capture with that?

DR. WILSON: Variance would be an indication of -- from job to job, how much variation there is in that minimum and maximum score. Is it a big difference between those, small?

MS. KARMAN: So are we talking about variation between the jobs that are assessed for and occupations; is that what --

DR. WILSON: I don't know. You tell me.

MS. KARMAN: Well, I mean, that would have been my understanding of that -- what that sentence means.

Variation of the physical demands that are rated within the job assessed for an

occupation.

MR. FRASER: Within the text.

MS. KARMAN: If we are out and doing jobs -- the way I understood this problem, originally, and I am going to differ to Gunnar, but the way I understand the question originally when we were discussing it last is that when we do the job analysis, we want to be able to capture the variance between and among the job analyses done for the jobs for an occupation. So let's say we are looking at, I don't know, ambulance driver, we do several job analyses and we are going to have a variety -- there is going to be variance in some of the measures, the physical demands, the same physical demands within each of those jobs. We have to come to some conclusion about what the occupation requires. And it may even be if there is too much variance, then maybe we are not looking at what occupation now, maybe there is something else going on and that needs to get addressed which is, of course, a work -- you know, a work taxonomy issue.

DR. ANDERSON: Going back to the truck driver who drives long distances and may never have to load or unload and the UPS truck driver who keeps loading and unloading all the time. So there is big variation, you know, in what potentially could be seen as the same occupation.

DR. SCHRETLEN: Gunnar, it just seemed so clear what you said earlier that this job requires a person to lift 25 pounds, you know, frequently and 50 pounds, occasionally. All we are trying to do is find a language that will capture that.

DR. ANDERSON: Maybe we should just do variation of physical demands between occupation -- within occupations, I mean.

DR. BARROS-BAILEY: So identify the --

DR. ANDERSON: And then we can figure out exactly what it is we are trying to

measure.

DR. BARROS-BAILEY: Well, there was a term you used to identify the --

DR. ANDERSON: Variations of physical demands within occupation.

DR. BARROS-BAILEY: Okay.

DR. FRASER: You said "occupations" or "within an occupation"?

DR. BARROS-BAILEY: "Within an occupation."

MR. HARDY: I am not a statistician, so I get confused easily. In the application of this information, we are going to -- I believe I understand we are gathering information on numerous jobs, and we will just take lifting as an example. We gather information on lifting on 10 jobs that are clustered in "occupation." We now have information on lifting -- that runs across range of 10 different jobs.

The question here is, we are going to gather that and look at the range high and low, and then in application, increase the definition of that occupation. What information that we have gathered are we going to be utilizing? That is my question, and maybe I missed the answer.

DR. ANDERSON: Well, I think that is for SSA to determine at a later stage or for somebody else to determine. But it could, for example, be that the description of the occupation would be that this occupation occasionally requires lifting capability of 100 pounds, but more typically requires lifting of 25 pounds if that is the way that jobs are distributed.

And then you have more information than you have now because now, you know that there may be a very special type of job that has that requirement or special subsection and maybe then you want to look at that subsection and say, well, gee, they shouldn't be considered the same occupation because they are so different.

DR. WILSON: It is interesting. We really are getting into an issue of what is legitimate within "title" or within "occupation variation," where at what point it becomes for SSA's purposes separate classification.

So I like the -- if we just keep it at "identify the variation of physical demands within an occupation," and strike everything else about, you know, "specific metrics" and all that.

So it is just, "identify the variation of physical demands within an occupation." And then delete everything else.

Yeah. Delete all of that there, got it.

DR. BARROS-BAILEY: Okay. Any other questions about 1, 2, 3, 4, 5 or 6?

Tom.

MR. HARDY: I am just curious on No. 2, because the prior things we voted on were a little bit confusing for a while. Did we address environmental exposure in our prior voting already or does this need to be here?

DR. BARROS-BAILEY: Those were the data elements that -- we are under our measurement recommendation at this point.

I would like to move to amend the motion to read as stated.

MS. TIDWELL-PETERS: And this is a motion from the Physical Demand Subcommittee, measurement recommendation C1 through 6?

DR. BARROS-BAILEY: Correct. The motion that is on the floor.

MS. TIDWELL-PETERS: Shanan, do we have a second, please?

DR. GIBSON: Second.

MS. TIDWELL-PETERS: Thank you. If there is no additional discussion, I will call a vote for the Panel to accept the Physical Demands Subcommittee's measurement

recommendations C1 through 6 as amended.

All in favor by a show of hands.

Thank you. Seeing the majority, the motion is passed and the recommendation is accepted.

We are going to take care of another piece of business before we break for lunch. The Panel is going to consider general recommendation No. 3.

It is on page 2 of the voting schematic; however, I believe we are going to have a new motion.

MS. KARMAN: And I sent it to Elaina, so I don't know if you have it in your e-mail.

MS. WISE: No.

MS. KARMAN: Okay. All right.

Thank you for your patience.

All right. I move to withdraw the general recommendation No. 3 that is before us and to amend the language -- I don't know how you want me to do that.

MS. TIDWELL-PETERS: Yes. Okay. I will entertain a motion for general recommendation No. 3 as you will now read it into the record.

MS. KARMAN: Okay. I move to amend general recommendation No. 3 as follows: "The Panel recommends that SSA request that the Panel conduct research on quantitative, qualitative, and mixed research methods to provide guidance for how these methodologies may assist SSA in conducting individual claims analysis in light of the new OIS data, and the evidence SSA can obtain about the individual's impairment and its effect on his or her medical/vocational profile."

MS. TIDWELL-PETERS: I would like a second on that, please.

DR. BARROS-BAILEY: Second.

MS. TIDWELL-PETERS: Thank you.

Discussion.

DR. GIBSON: So in short, we are asking -- the Panel is asking SSA to do something?

MS. KARMAN: Yes.

MS. SHOR: And what is it that we are asking them to tell us to do? I can't follow this.

MS. KARMAN: We are proposing that the Panel ask SSA to request to us to formally conduct a literature search of some kind of investigation of a variety of suitable quantitative, qualitative and mixed research methods that might inform any guidance should we so chose or find them to be relevant with regard to SSA's assessment of an individual claim, which we keep referring to N=1 in light of the OIS data that we will be developing so that we are able to really give SSA an understanding, some guidance about what the OIS data do, what they do not do, how they are intended to be used. Not that that should be a policy call but rather that we talk about what the data, you know, means. And also methodologies that may assist SSA in pulling together the clinical judgment, the adjudicative judgment to bring the person's residual functional capacity assessment to the new OIS - so in other words, bridging those two things. Because we will continue to have, as we should, individualized assessment claims, adjudicated judgment. And we would like to take advantage, if possible, of any quantitative and qualitative or mixed research methods that might inform that. But we don't know what they really are at this stage of the game and how well they might do that.

So we want to look into it before we decide we have any guidance to give, and we didn't think that we could just go off and do that. We felt that maybe we needed, A, to speak with the -- have the whole panel deliberate about it. And, B, if we all agree then we should express this to SSA, see what they think.

DR. SCHRETLEN: And there is nothing in this that compels us to do anything but

rather it puts us in a position of saying to SSA, yes, we can or we will if we choose.

MR. HARDY: I guess a comment I have is, I go back at something Lynnae said earlier, we are back to saying, in essence, give us -- to research something, we will let you know. And I understand what you are saying about the need to have flexibility in order when we note something to say, okay, well, here is something we need to look at and get back to the administration. I am kind of hesitant because I would rather, as the need arose, we would say, oh, here is something we need to do more research on, let's do it this way or that way -- and I see your head shaking real fast, so go ahead.

DR. BARROS-BAILEY: I think we are getting stuck on the word "research." We are looking at mental logical issues here, we are taking data and we are applying it not to a population, we are applying it to one person and how do you do that effectively? How do you do that in the applied sense?

I mean, essentially, you are talking about one person. How do you define that? You define that as a research question to that one person. You are using case study research that you are applying both quantitative and qualitative research within one person. And so how do you best look at all the information that comes at you and make the best decision you can? I mean, there are methods out there in terms of embedded case study design that look at qualitative and quantitative. So we are looking at -- I mean, neuropsychologist do it every day. Physicians do it every day, voc rehab counselors do it every day. But what are those elements that we need to take a look at in light of the OIS that help us to minimize that subjective assessment so we can make the best decision we can because we are making an N=1 decision. We are not generalizing it to the population. We are generalizing it to one single individual. So how can we best do that?

And so it is taking the understanding of what happens every day. I mean, what

is happening every day in taking -- in looking at it in terms of the word "research," which is looking at the methods that people are using to apply in terms of clinical judgment, in terms of adjudicative judgment to best apply the OIS data in the long run.

And so the research is more like she is saying literature review, what are the methods out there and is there anything we can lend in context of the OIS that would help make better decisions in the long run.

So I think what you think research is, is that we are going to go out there and study a bunch of people doing this. I don't think that is the concept. So if we are getting stuck on the word "research," I think we need to clarify that.

DR. SCHRETLEN: Given that, I wonder would this be the spirit of the recommendation to suggest that SSA request the Panel to consult on the quantitative and qualitative and mixed methodologies.

DR. BARROS-BAILEY: Because we are talking about methodological issues here. We are not talking about applied research. We are talking about how you conceptualize -- case conceptualization here.

DR. WILSON: It is almost like you are talking about what in medicine or protocols, you know, for various kinds of conditions, there is a standard check list, did you do X, did you do Y in help to assist the clinician in making a decision about, yeah, this is really, you know, X, Y, Z cancer as opposed to --

DR. BARROS-BAILEY: Right. I mean when you are looking at case study research, there are validity measures that you look at, both qualitative and quantitative, in terms of the design. So, you know, helping to kind of look at that in terms of the application of the OIS within that case conceptualization at the N=1 level.

DR. SCHRETLEN: I think one of the advantages of changing the wording to "consult"

is that it may allow us to simply provide information to SSA without doing research. We may not need to.

DR. BARROS-BAILEY: Correct.

MS. KARMAN: I would also like to just mention that I am hearing from several of you that there is a sense that this amendment is open, set up, doing a lot of research. I think -- my understanding, anyway, was a lot of the research that we have been recommending throughout today and yesterday was directed to SSA to conduct, not for the Panel to conduct.

Am I understanding you correctly, Lynnae?

MS. RUTTLEDGE: Absolutely. I just was trying to look at in total when we get to the end of the day today and we reflect on all that we have now identified as a need, whether we as a Panel do it, SSA does it, some other way, we get it done. There is a lot. And I just don't -- I get back to my initial comments early on in this whole process, which is, let's not make this larger than what it is. And I think we are biting off and asking SSA to bite off a huge amount of work that may or may not be necessary for the development of an occupational information system, and I just want us to be mindful of that.

MS. TIDWELL-PETERS: I believe David suggested exchange in the wording. We would like to capture that, please.

DR. SCHRETLEN: I suggested substituting for the word -- the single word "consult" for the words "conduct research."

MS. TIDWELL-PETERS: "The Panel recommends that SSA request that the Panel consult on research"? Is that --

DR. WILSON: And "be consulted."

MS. KARMAN: I guess one of the other things I was thinking about is that it would be really -- and I mean, this may not, again -- this may not rise to the level of requiring months

and months of sludging through a lot of reading material. But that it would be -- I think it would be just a great -- it felt like a great idea to me that since Social Security will be developing this new OIS and the Panel is involved in that development that -- you know what we have this opportunity now it's possibly really great data and I would like to be able to take advantage of helping SSA use it, as best is possible, understanding that they still have adjudicative judgment that they need to apply. And how do those two things fit together, that is all. That is really where I am. I can't speak for Mary, because it is Mary. And we talked about it together but that is my thinking on it.

DR. GIBSON: I have a question on wording that might simplify a little bit or at least make it slightly less awkward, and you can tell me if this is appropriate or not.

Could we simply say, "The Panel recommends that it be consulted by SSA" instead of requesting that they request?

DR. SCHRETLEN: I like that or also instead of putting it in passive voice, we can put it in active voice, "We recommend that the Panel provides consultation to the SSA."

MS. KARMAN: Now we are making a recommendation to ourselves. I don't know if we can do that. Is that a point of order that --

DR. BARROS-BAILEY: I think we need to go back to "the Panel recommends that SSA consult us."

MS. KARMAN: You know, I don't know how formal we need to be about this. I mean, someone could inform me about this. The only reason it is up here is because we thought perhaps since none of us have had a chance to talk about it, and we wanted to talk and deliberate openly with all of you about it, maybe this isn't something you have to recommend. I don't know.

I mean, is this something that perhaps we take on as a Panel and go look at the

Panel has to ask anybody -- I don't know. I just want to know what you think.

MR. HARDY: That is actually one of my thoughts is that I don't know why we are doing this because I believe as we move along, we will do this. And so my next question to you two is going to be timing on this. I am not opposed to what you are suggesting we do, is this the right time because you keep tying it back to data. We don't have any data. We are not going to have any data for 18 months. And as things come in, maybe we will find a need and deal with it -- be part of the natural flow of our work. I am not sure we need a full recommendation.

DR. BARROS-BAILEY: Again, we are not looking at data. We are looking at methodology. So this is a methodological recommendation in terms of the method of the application of the data. So maybe it would be a good thing for us to maybe not do a formal recommendation to SSA and take on as a task within the Panel -- we are going to be talking this afternoon about future activities.

DR. WILSON: I agree.

DR. BARROS-BAILEY: So that might be the best way to come at it.

MS. RUTTLEDGE: I think we all appreciate the intent.

DR. BARROS-BAILEY: We just wanted to be open and have an opportunity -- and we just thought if we put it on the agenda this way, then we discuss it and if it arises to the level of something that the Panel feels it needs to bring to SSA's attention and the activity that it intends to do, fine, and if not -- I just wasn't sure.

So I move to withdraw recommendation No. 3.

DR. BARROS-BAILEY: And I second that.

MS. TIDWELL-PETERS: Thank you, everyone.

MS. KARMAN: Madam DFO, would you like for me to proceed with general

recommendation No. 4 or shall we break for lunch or how would you like it? It is pretty quick, but I am not going to --

MS. TIDWELL-PETERS: Please proceed with the last one.

MS. KARMAN: Okay. I move to, I guess --

MS. TIDWELL-PETERS: I will entertain a motion for the submission of a new general recommendation No. 4 to the panel.

MS. KARMAN: All right. Which is No. 3, and it reads as follows: "The Panel recommends that SSA identify and retain internal expertise for developing and conducting research for both the person- and work-side taxonomies of the OIS."

Oh, yes, "the person- and work-side." Thank you.

MS. TIDWELL-PETERS: Before discussion, please, David, I would like a second.

DR. BARROS-BAILEY: Second.

MS. TIDWELL-PETERS: Thank you. Now discussion.

DR. SCHRETLEN: And just that "person" should have a dash after it because it is person-side and work-side.

MS. TIDWELL-PETERS: We are open for discussion.

MS. KARMAN: This is so we could not have great amounts of bureaucracy development. This is what this was about.

MS. TIDWELL-PETERS: Hearing no discussion, then I will call a vote for the Panel to accept new recommendation No. 3 as submitted and amended to include a dash after the person-side and work.

All in favor of this recommendation, please, by a show of hands.

MS. TIDWELL-PETERS: Not in favor?

Thank you.

Seeing a majority, this recommendation has been accepted and the motion has been moved.

DR. BARROS-BAILEY: Okay. We are at a little after 12:00. This seems like a very natural breaking point at this point to go to lunch and come back at 2:00 o'clock. And at that time, we will take up the User Needs and Relations Subcommittee presentation and discussion.

So we will see you at 2:00. Thank you.

(A noon recess was taken.)

DR. BARROS-BAILEY: Welcome back, everybody. We are on the last stretch here. So I would like to bring us back to the next set of recommendations, the last subcommittee, and turn it over to -- okay. Sorry about that.

So I would like to turn the meeting over to Ms. Tidwell-Peters for us to start the last set of recommendations for User Needs and Relations Subcommittee.

MS. TIDWELL-PETERS: Thank you, Mary.

I am going to call on the Chair of the User Needs and Relation Subcommittee to begin our process.

Sylvia Karma.

MS. KARMAN: Thank you, Debra.

First of all, I would like to thank the members of my subcommittee that really helped us a lot in organizing our thoughts and our activities. First of all, I would like to thank Nancy Shor and Rene Redwood and Mary Barros-Bailey for their help in User Needs and Relations Subcommittee.

We had -- several things I think that we are going to focus on and you will see this in our recommendations. First of all, we dealt with the information going from the Panel

to members of the public, to organizations that -- external organizations that have stake in the work that we are doing, individuals throughout Social Security. So there was this concern about information going out of the Panel and about the project of the Panel to others, and then also how do we deal with information that is coming to the Panel and also to Social Security with regard to the project and any Panel activities.

And then also, there was some concern that we took up with regard to how do we capture user needs and also capture their concerns? So we have looked at that in a thematic way that as the project rolls forward we, Social Security, would want to be looking at a number of user concerns with respect to whatever portions of the project we are involved with. And then finally, we also took a look at sort of the data elements, the extra data elements that sort of didn't feel like they fit into -- or we didn't think that they fit into any particular subject area, so we have included them in our recommendations. Some of them -- a couple of them -- I think somebody -- I think Bob had already noted them and perhaps may have already been brought up by other subcommittees, that is fine.

We just wanted to make sure that we captured some of these things. They were certainly brought up by a number of users that we had spoken with and the Social Security project staff had encountered during their user needs analysis. And then finally, finally, we also have areas for applied research that we would like to make recommendations about and those things are -- really boil down to taking -- doing some claims reviews as needed so we can kind of take a look at, you know, the -- for example, the effects of some of the things we have discussed and deliberated and recommended over the last couple of days, and also some of the things that we already want to know about our claimant population.

So with that, I will be begin. So I move that the data element recommendation for the content model be accepted by the Panel as submitted by the User Needs and Relation

Subcommittee and that would be reflected as shown A1 through 5.

MS. TIDWELL-PETERS: Second?

MS. SHOR: Second.

MS. TIDWELL-PETERS: Thank you, Nancy.

MS. TIDWELL-PETERS: Discussion?

DR. FRASER: Just one point on three core tasks. You know, in the old DOT, I am not sure in terms of the description of the job whether there was any loading as to how the tasks were -- whether there was waiting as to the essential tasks first. Sometimes it just seemed like it was consciousness, you know, in terms of what the observer saw. So maybe that is the point is really I was looking at -- really I was focusing on the central tasks.

DR. WILSON: I think in the DOT, they were actually sort of order of frequency or something like that. They did have an order whether or not that was core or not is a good point.

DR. FRASER: Yeah. I don't know how they actually rolled that out in the description.

DR. GIBSON: I was just going to say that I think that that goes to your point yesterday when you were worried about the necessity of identifying which task are critical even though they may be infrequent. I could be wrong, but based on previous discussions; I think this is looking to reflect.

DR. FRASER: When we have done that for different companies, we look at two things. One is the time involved and then kind of a criticality rating, you know, how important that is to kind of look at both in terms of central functions.

MR. HARDY: Going to No. 3, I am curious on, if we are going for data elements and work activities of data element. A core task, how are you going to quantify that as different from a work activity or a data element?

Are they the same -- are we using the same radar? What is kind of your idea behind that?

MS. KARMAN: I think we are trying to reflect, we are hearing from users that they felt that it was important to capture the core task. And we put in -- it is not in parenthesis, but what we meant by the way the punctuation is with that slash, we are saying, okay, maybe it is not at the level of tasks because we are not going to be collecting, as I understand it, information at that level of specificity so then perhaps we are talking about core work activities. So that is really all that meant.

I am not sure that I want to go as far as to say they are essential. I think we had some discussion about this in the work experience analysis subcommittee, and my recollection was that that might not be something that we necessarily want to -- we weren't too sure we wanted to identify that or how. But it seemed as if it made sense that we would want to identify what the core tasks of the job were without having to identify whether something was essential which, to me, seems somewhat different.

DR. WILSON: Yeah. And to Tom's question and Sylvia's point, in the work analysis literature, a common distinction of -- which is the way I was reading this is, core work activities would not necessarily be those that are criticality, but those that speak to the work process itself. The sequence of activities that are carried out that people would traditionally think of as the job as opposed to other kinds of work activities that would be more citizenship related.

So helping others being cooperative. Things of that sort are common interpersonal activities that occur on all kinds of work, whereas, core work activities are the sequence of activities that speak to and are related to whatever the work process is.

MS. KARMAN: I had the sense from reading what the user needs analyses, and some

of the comments that we received, from a number of organizations that when that was brought up it was brought up in the context of, you know, the tasks that sort of -- the way I am saying it is not how others said it, but that it was the work that actually kind of defines the job. When you see these tasks or work activities, you recognize them as being associated with that occupation.

Again, I don't know that that is something that is apart and different from what the work taxonomy subcommittee has recommended, but most likely not.

DR. FRASER: Just in terms of taxonomy and maybe Shanan and Mark can help out, in a job analysis parlance, you know, going back to defining the company, they talk about work functions and then tasks being more discreet, you know, activities under the function and then below that can be elements of the task. All right. So budgeting might be the function and then you get into the Excel spreadsheet and that kind of stuff, and then there might be two elements to a particular task. So it might be saying here is core functions/work activities because test, you know, 153 test for a rehab counselor job or something like that. And, you know, I am not sure you want to get at the task level.

MS. KARMAN: Am I hearing that we would want to amend this so I take the word "tasks" out or --

DR. FRASER: We hear that a lot, "the essential functions of the job," as opposed to essential tasks.

DR. WILSON: Essentials gets into the whole ADA area. It is different than core.

I would be fine which is, "core work activities." I think --

DR. FRASER: That is fine.

MR. HARDY: Will there be isolated instances where we will have to go to a task level in some occupations? Is that a possibility?

DR. WILSON: Well, it might be very easy because in some jobs it might be six task, you know, or there is inserting the lower kits in the jewelry box, that is all you do three tasks. So in some cases it is very easy, but at a more complex level, there are functions and there are money tasks.

MR. HARDY: But then would we need to create some sort of the task item or would it just be -- how would you handle that taxonomically and in data collection?

MS. KARMAN: Are you asking from the User Needs and Relation Subcommittee's point of view or are you asking the chair of the work?

MR. HARDY: I am looking at Mark because I am wondering if it is something you guys ever thought about and how you would handle gathering information at that level if it is necessary.

DR. WILSON: No, I don't think it is necessary. Certainly not for the application that is intended here. And plus the amount of effort to do a task analysis of every job in the entire U.S. economy would just -- it is just not feasible. It doesn't mean that O*NET, for example, has done a considerable amount of time collecting -- I forget what they call them. They have some other -- they made up some new term that -- and they are providing content that looks similar to what DOT activity is. But the main problem with tax, task oriented analysis here is that you sort of lose the common metric and what is most a value to this process is to be able to directly compare on the same set of work activities what it is people are doing, keeping in mind that if you have that one long common set of common metric descriptors, for any one job, several of them might not be relevant. But it allows you to make direct comparisons that, you know, rating someone's tasks would not.

One of real strengths of the DOT, I think Bob was pointing out earlier, is that it really was the first attempt to -- on any kind of national scale -- to develop a common metric

approach to work analysis. It had a number of methodological issues which we identified in our report, but the reason I think it got picked and was so valuable for SSA's needs was because of that sort of common metric elements. I don't know if that answers your --

MR. HARDY: I actually think this is a crucial and vital piece. I think we must do this. I guess I may be going too far ahead and thinking of how we are going to do that and that is going to have to be worked at down the road. But I firmly believe we must do this. So I am very much in favor of No. 3.

I don't know "task" is the right word, maybe we might want to look at that.

MS. KARMAN: I already seconded it. Also, as long as we are editing, in the first sentence, "1. English (Does the occupation)," the L needs to be removed.

Unless people would like to make other changes.

DR. SCHRETLEN: I have a question just for clarification. And it is -- my question pertains to this -- these items A1 through 5. But just so you know, it also pertains to, you know -- the other sort of the similar items, C2, the alternative work arrangement, average and so on and so forth. Because these all pertain to extra data elements about work -- on the work-side.

So it might be an odd time to be asking this, but I am just not sure I understand how this fits into the big picture, because at times, we have talked about how it is sort of overstepping the bounds of this Panel to start talking about policy. And I am wondering, do these things bring up -- are these -- is the whole point of bringing up -- looking at these extra data elements because we think that Social Security needs to be considering other variables that typically are considered, and A or B, should these be under the work taxonomy? Are these characteristics of work that in a sense belong in a different place?

I am really just asking this question for clarification.

MS. KARMAN: I am going to -- to the first question what I am noticing about this list is that A1 through 5, we don't have, and probably should have, an introductory sentence that tells you what this is. And what it is -- here we go, "The Panel recommends that SSA consider these data elements for the OIS content model for adjudicative purposes."

That will make more sense as I explained how that differs from C. But in this case, these are elements that, for example, "English, (Does the occupation require the worker communicate in English?)" This is an element that is found in our grid structure now. And so if we were to make recommendations as a Panel for Social Security to develop a content model, we want to be sure that SSA is collecting information about whether or not the job -- the occupation requires the incumbent to speak English or to communicate in English. It should be communicate -- it does say "communicate."

And then the second issue that we look at that is related that is also reflect in our grid role, which is our policy, is whether or not literacy is required of those particular occupations. So that is something that we need that is currently required by our policy so it is just -- we didn't know where else to put that. And you are right, it certainly is something that is relevant to the work itself, not to the person.

So I mean, I would have no problem with the Panel taking these data elements and associating them with the work taxonomy material. That will be fine. I don't have a problem with that. I don't know about the rest of the subcommittee.

MS. RUTTLEDGE: This is Lynnae. I think we really got to this list because we kept listening to a lot of input. And as we looked back at all the areas that we were addressing in this document, and we didn't see where these particular issues were addressed. And we just wanted a way to kind of raise them to a level of awareness with the Panel to say, we heard from folks about sit-stand option and we just don't see it anyplace else. And so -- it was

almost like a placeholder to be able to say, we'd like these to be addressed where appropriate. We don't think we are the right ones to be addressing it, but we don't see it anywhere else and we didn't want to lose that content from the input that we had gotten from the adjudicators and for folks that have made presentations.

MS. KARMAN: One of the things that may not be apparent to those listening in to the meeting or people sitting in the audience is that to some -- to a large extent, we did not know what others in the subcommittees were recommending until very recently in terms of having to have had an opportunity to read the other subcommittee's reports and then, of course, having the opportunity to meet as a Panel. So while it may seem that after now two days, we have seen sit-stand options and some of these other elements have already come up, that may not -- was not apparent at the time we wrote the report.

DR. SCHRETLEN: So maybe one of the things of this highlight is sort of the difference between a pure work taxonomy and job analysis system and one that is sort of tailored to the purposes of SSA because in a standard work taxonomy and job analysis system, you might not need to know whether jobs have a sit-stand option, whereas that may be very important to SSA. I am not sort of suggesting that it be anywhere in particular. I was just curious about it because I don't understand why it is not part of the job taxonomy since they seem so obviously aspects of job requirements.

DR. WILSON: They are. You know, all these things are. And again the issue goes to -- practitioners see this down at the level of items. So the taxonomy includes either directly or indirectly almost all these things. You know, their zip code, that is a new one on me -- I don't think -- I suspect I understand why that is in there. And then the only other one that I see sit-stand option is something that -- well, I can probably make an argument that is there. But, again, I think the issue is -- it is the same kind of information -- work taxonomy looked at

the empirical literature, we also went out and talked to various kinds of users and heard some of these same things and report that information in our report. Whereas, I think the activities of this committee were more extensive in terms of looking at end users and it got more of what we would refer to as suggestions down at the item level. So I am not uncomfortable with any of this stuff. I don't think this would fundamentally change the taxonomy as it is proposed or anything of that sort. I think it is -- with maybe one exception; a matter of just saying, well, that suggestion is about item content under proposed work taxonomy dimension X.

MS. KARMAN: David, you also asked a question about C. I can talk about C but we are not there yet.

DR. SCHRETLEN: Okay.

MS. TIDWELL-PETERS: No further discussion?

DR. SCHRETLEN: So just to follow up then. So as I understand it then as we move forward, although these -- we are considering this recommendation separate from the work taxonomy, some of these things could be woven into the -- ultimately so that it is a single work assessment.

MS. KARMAN: Yes, I am anticipating that because of the Work Taxonomy Subcommittee has developed a taxonomy and not at the item level. But these are just simply items that will be sent over into that domain.

MS. TIDWELL-PETERS: Hearing no further discussion, I had called for a vote for the Panel to accept the extra data element recommendation of the User Needs and Relations Subcommittee A1 through 5 as amended.

By a show of hands, all in favor.

Seeing a majority, the motion has passed and the recommendation is accepted.

MS. KARMAN: All right. And next, I move that the recommendation for suggested research -- applied research recommendation for the content motel be accepted by the Panel as submitted by the User Needs and Relations Subcommittee. And that would be B1 through 3.

DR. BARROS-BAILEY: Second.

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

Is there any discussion?

MS. RUTTLEDGE: This is Lynnae.

I think it might helpful if we spelled out acronyms so that when we say things like "UNA's," we will know it is user needs analysis and "RFC" is residual functional capacity, that kind of stuff.

DR. BARROS-BAILEY: I think the reason it was not spelled out is because this is in the context of the overarching report that was just pulled from there, and it will go back in there and described in that.

MS. KARMAN: Would you like me to spell that out now?

MS. RUTTLEDGE: No, I get it. It was just in terms of a comment that that might help in terms of readability.

DR. GIBSON: I have a question regarding No. 2 and No. 3 and the way they are worded. No. 3 makes pretty good sense, when the results of -- when we have data, move forth and see what happens with it.

MS. KARMAN: No. 3?

DR. GIBSON: Correct.

No. 2 seems to assume that there are already newly developed person-side instruments. So I feel like it needs to be somehow or another specified that newly developed

persons-side -- that person-side instruments are in the process, new ones of being developed, or have been developed and will be studied once they are done.

DR. SCHRETLEN: Or to be developed.

DR. GIBSON: Or to be developed. Right.

MS. KARMAN: So you want it phrased in the future?

DR. GIBSON: I just want it clear as to whether or not -- it says "comparing the use of newly developed person-side instrument."

MS. KARMAN: When they are available.

DR. GIBSON: Right. Do they actually exist was kind of my question because that makes it sound like they are already there. When we have data, we will go forth.

To me, this is kind of, when we have newly developed person-side instruments, is it necessary for us to do this. The research question there is just a little confusing there.

MS. KARMAN: So I would then suggest that at "to" right before "conduct" at the very first word, we say, "when person-side instruments are developed" comma, small C, et cetera.

All right. Thank you.

Do we need a lead-in sentence? Do you guys feel that we need a stem? Okay.

MS. TIDWELL-PETERS: Sylvia, could you please clarify when person-side instruments or what should it be? When a person-side instrument?

MS. KARMAN: Make them plural.

MS. TIDWELL-PETERS: Okay. "When person-side instruments are developed"?

MS. KARMAN: Yeah. I mean -- "conduct studies" or "study." "Study," yeah.

MS. TIDWELL-PETERS: No further discussion on this? I will call for a vote for the Panel -- I will call for the Panel to vote to accept data element recommendation B1, 2 as

amended and three of the User Needs and Relations Subcommittee.

By a show of hands, all in favor.

Seeing a majority, the motion is passed and the recommendation is accepted.

MS. KARMAN: All right. Next, I move that the extra data element recommendations for research be accepted by the Panel as submitted by the User Need and Relation Subcommittee C1 and 2.

And, David, I know you may have a question, so hold on.

Do I have a second?

DR. WILSON: Second.

MS. TIDWELL-PETERS: I am sorry, who is that?

Mark, thank you.

Discussion.

DR. SCHRETLEN: Sylvia, so the question is so how are these to be used and is that a change in policy or what?

MS. KARMAN: No. What we had discussed was that while we are developing a content model, going to go out and collect information in the world of work, it might be helpful for Social Security to have a way to collect information that might inform research either policy development for future research program evaluation. We had also considered the fact that among our users are also researchers from, you know. All around the world. And to the extent that we are developing a very substantial -- would be developing a substantial database, there might be data elements that may be of value since you are making that trip out there to get information about the world of work anyway.

We could possibly consider getting this information. Of course, we would have to look at the implications in terms of how it operationalizes, and the cost and all that, but

these are not intended for adjudication.

DR. WILSON: So maybe a statement between C and 1 that kind of indicates you might want to look at these.

MS. KARMAN: Okay.

DR. SCHRETLEN: And while these are not being used for adjudicative purposes, something like that -- we think these would be valuable for research purposes.

MS. KARMAN. So Elaina, may maybe -- there you go.

Now, in our report, we do explain all this. So hopefully, that will be evidence when people are reading the report. But I think it is useful to -- anytime you show them, anytime you have the list, to have that information there so people don't misunderstand it.

Okay. So we got, "The Panel recommends that SSA consider these data elements for the OIS content model for none adjudicative purposes."

I am wondering should we be saying for research and program evaluation purposes only, not for adjudication? I mean, really spelling it out.

MR. HARDY: I like making it very clear to people who are reading this down the road.

MS. KARMAN: So there you go. "For research and program evaluation propose," I would say common --

MS. SHOR: Do you want to say "only"?

MS. KARMAN: "Only," I am sorry.

Thank you, Nancy.

Comma, "not for adjudication purposes."

So just in case it is not clear, we may have put -- okay. So 2F, it says, "language required other than English."

Well, you know, we will take a look -- if we decide that it is valuable for us to

collect this and we decide over time and the Agency says, well, maybe we should look at, you know, developing some policy around the foreign language -- the ability to communicate in foreign language in various occupations or whatever. I don't know. Then it would come off this list and then it becomes part of adjudication. But the point is that right now, none of these data elements would be introduced to the adjudicator. The adjudicator would never see these. That is the point.

Should I move to amend?

MS. TIDWELL-PETERS: Actually, after hearing no initial discussion we are scheduled to vote on C. And after that, I am going to ask you to go back and make an amendment for A1 which you just changed.

MS. KARMAN: Sorry.

MS. TIDWELL-PETERS: And then we will vote on that.

MS. KARMAN: I didn't realized I changed A1 -- C1. I mean, we did C. We changed C1 and 2, we put a stem sentence for C.

DR. GIBSON: We copied from A1, though.

MS. KARMAN: We copied from A1.

MS. TIDWELL-PETERS: Okay. Then you are clear.

Is there any more discussion?

Let me clarify that. That was my fault. So your last change was to the introduction to extra data element recommendations for research, the paragraph proceeding C1?

MS. KARMAN: Correct.

MS. TIDWELL-PETERS: Hearing no more discussion then, I will call for a vote by the Panel to accept extra data recommendation for research C1 and 2 and the introductory

paragraph as amended by the Panel.

By a show of hands, all who approve.

Seeing a majority, the motion has passed and that recommendation is accepted.

MS. KARMAN: All right. Next, so I will now move to recommend -- I move that the recommendations for communication for users, the public and the scientific community as presented by the User Needs and Relations Subcommittee, be accepted by the Panel.

And that is --

MR. HARDY: Second it.

MS. KARMAN: Okay.

MS. TIDWELL-PETERS: It has been moved and seconded.

Discussion?

MS. TIDWELL-PETERS: Hearing no discussion, I will call for the Panel to vote to accept the communication recommendations for users, the public and the scientific community, D1 through 7 as submitted by the User Needs and Relations Subcommittee.

By a show of hands, all in favor.

Seeing the majority, the motion is passed and that recommendation is accepted.

MS. RUTTLEDGE: I would just like to say that, I mean, I have been on this subcommittee and I just have to really thank Sylvia and the staff of Social Security. You really provided a lot of support. We all participated clearly. But you really helped us in this process. So I just wanted to publicly thank you.

MS. KARMAN: Thank you very much.

MS. SHOR: Sylvia, I certainly echo that. I don't know if this is the right time or later, but I think it would be really useful to talk about the game plan for Ralph and the Federal Register in the coming period. So I don't know where that might fit, but I just wanted to put

in a request.

DR. BARROS-BAILEY: At this point, we are done with all the voting and all the subcommittees, so as the agenda states; the next point of order is us, as a Panel, passing on our voted-on recommendations to our Designated Federal Officer. And then after that at the 3:35 -- after the break, after going into discussion panel administrative business, as you see No. 3 there, discussion of Panel action plan and future assignment.

MS. SHOR: Oh, okay.

DR. BARROS-BAILEY: So that would be a great place to bring that up.

Did you have something to say?

MS. TIDWELL-PETERS: Just on behalf of the Agency, I want to thank you all for your commitment, your time, your energy and your efforts in pulling together this recommendations report. It is indeed a tremendous amount of work and it has been six months.

We thank you so very much. It is been an amazing effort and we look forward to working with all of you moving forward into the future. Thank you.

DR. BARROS-BAILEY: So do I have -- just a point of order, Ms. Designated Federal Officer, do I have to do something -- so that was it, okay.

So we have formally passed on our recommendations. We are going to go ahead and move into the panel administrative business at this point. And I think I have to pass it back over to our Designated Federal Officer again.

MS. TIDWELL-PETERS: Mary, I would like to turn this back over to ask you please to move to our next step perhaps, the project director report.

DR. BARROS-BAILEY: Okay.

MS. TIDWELL-PETERS: Thank you.

MS. KARMAN: Okay. Back.

What we have been working on over the last couple months since we have last been together, one of the things I thought would be of value to bring up is that our team completed the SSA user needs analysis. The occupational information development team, staff and the occupational information system development work group members, many of whom are with us and have been for the last few days, completed the first SAA user needs analysis, or UNA, for the OIS content model. We have shared results with the panel executive subcommittee and I am sure that where appropriate, that information was forwarded to the other members of their subcommittee.

This of course enabled the subcommittee to consider SSA user concerns in developing their recommendations to the panel. The results are included in the panel's version of this report, and that would be our subcommittee's report, so it is in Appendix F. And what we did was include the results from the user needs analysis. The report itself is under "review." Our work group is looking at it and it is being reviewed in our office, so as soon as that is completed, it's reviewed, we will send a copy of the report out to the entire panel. Basically, the report also covers the methodologies that were employed. We started with one method and then quickly made some changes to that and then moved on. But we would certainly like to thank the Atlanta region, the Chicago regional office, as well as Philadelphia region. We had a number of offices that in very, very quick order made their staffs available for us to speak with and interview, we conducted focus groups. We also really want to thank the members of the OIS development work group who worked with our staff to get this done. So I very much appreciate that.

The User Needs and Relations Subcommittee recommendations, we did note that -- interestingly, there were a number of areas in which SSA users raised similar concerns

to those of external users so the report does cover that. There are some differences, but we did make an effort to summarize the themes. Then another project that we have been working on that I think people may be wanting to know a little more about is We have completed the study design for the occupational and medical vocational claims study. That study is the one that I think a number of you have asked about several times, and that is one in which we will actually get to our electronic claims, disability claims and determine how many or what types of occupations DOT occupations do claimants tend to have as past relevant work.

So that is one question that we are looking at in that study. And a couple other questions that we are trying to address through that study is, what are the residual functional capacity limitations, both mental and physical that tend to occur. And also what -- in the circumstances where the claim was a denial, what work was cited either at step four because this was this person's past relevant work or at step five, what work as cited as an example or certain examples of work that the individual is found to have remaining functional capacity to do.

So we are about to embark on that study where as we speak, the instrument is being finished. And we hope to get that review underway very soon and have it completed within about four or five months. We are looking at a total of 5,000 cases, 2500 from the initial level which would be through the state DES, and 2500 at the ODAR level which, again, is at ALJ level. We are not taking any cases that are reconsiderations. It just didn't feel that that would be necessarily productive in this case.

Then I am sure people will be interested where we are with our short-term project. And, again, a short-term project is one in which we had obtained two contracts, late last fiscal year, so that began in September of 2008. We contracted with one company to evaluate the existing and updated DOT like information that another company was producing

or had produced. And so we are -- oh, okay.

Excuse me.

DR. BARROS-BAILEY: Commissioner Astrue.

COMMISSIONER ASTRUE: Yes.

DR. BARROS-BAILEY: Hello. This is Mary. Welcome to our meeting.

COMMISSIONER ASTRUE: Oh, thank you very much. I just want to -- I hate to interrupt because it sounded like you have some good work going on there. But I just want to -- I am sorry, I can't be out there in L.A., they are keeping me pretty busy in Washington and Baltimore the last couple weeks.

But I just want to thank you for all the work that you have done in what has been a very ambitious schedule. And I know that you've got a report. The first one that is coming in for me to accept and I just think it is terrific that you have been able to focus and work together and start contributing for this effort. Because I just think it is so important. This is something that is going to make a huge difference in making these decisions right and promptly. And so I am just very grateful for everyone's efforts. So I just wanted to take a minute to thank you for everything that you have done.

DR. BARROS-BAILEY: Thank you. We just finished our voting minutes ago and were able to deliver our recommendations from the Panel to SSA, to our Designated Federal Officer. And I would also like to thank you for the opportunity and the support and for all of those who have been involved in this process, claimants, SSA staff, the DDF, staff adjudicators, claims reps, the VE's, vocational and medical community, and we really look forward to SSA taking the lead on this effort and are very optimistic about the results of our efforts.

So thank you.

COMMISSIONER ASTRUE: I am looking forward to reviewing the work product. And I will get to it very promptly, and hopefully we can keep moving forward and get as much done as we possibly can.

DR. BARROS-BAILEY: Thank you.

COMMISSIONER ASTRUE: Okay. I will just get all back to work then.

Thanks a lot, everybody.

DR. BARROS-BAILEY: Thank you.

Okay. You shall continue.

MS. KARMAN: All right. I will quickly move through this then. We received a file report then on the evaluation results of ICF, which is the name of the company that I did the evaluation; we do not know what ICF stands for. Everyone asks that. And I don't think it stands for anything or at least that is not public.

And they reviewed the existing updated DOT base data and methods from career planning, special of software incorporate CPSI, the report is pending review in our general office of general counsel. I understand that they will be delivering a report to us next week. And then our management will need to review those results and make a recommendation to senior management with regard to steps the Agency might consider taking next. So I am hopeful that very shortly, we will be able to share more information with you all about the results of that.

Also, I think I mentioned early on -- perhaps that was yesterday -- that we had completed a data analysis of our disability research file, which is kind of like an early toe in the water, study of what kinds of jobs our claimants tend to hold. And we do have some information on that. I have asked the staff that is responsible for conducting that work in our office if perhaps they could work with us to develop a report of what they have done, that

kind of explains, you know, what the method was and how they walked through it. But, basically, what they did was conduct an analysis of all of the jobs that were in the file from the -- what we call the 3368 or the SSA 3368, the form that claimants initially complete to tell us about their work. And it is not necessarily very detailed. Anyone that has seen this form knows it is not detailed. But we did use a statistical call program to go through it and pull some of the words, and then group things so that we could get to some of the top types of occupation.

So from a data analytic standpoint, we were able to just pull together a list, and of course, we will also have this occupational med voc study which enables us to then go and look at the actual claims and confirm in a little bit more detail, since hopefully, there will be more detail in the claim file about the person's work.

But, initially, the kinds of jobs that we are aware of that people have found to be most frequent among our applicants are things like cashier, laborer, driver, construction worker, service worker, you know, a number of these different jobs. But these were sort of at a higher level, and then we have gone and -- pass this around.

Some of this is -- then we went and found what the DOT codes were for those things so we found that, you know, for example, among drivers, 64 percent of those who were found to be drivers were actually tractor or trailer truck drivers. So it was fairly interesting, I mean, it is a nice start. It gets us a really good thumbnail of what we may want to focus on if we move forward and make plans for our field study. This will be of particular value, I think, even before we get the results of the occupational med voc study in the sense that at least it enables us to have something in the end when we go to meet with the Bureau of Labor Statistics about -- you know, to talk to them about how do we get to the identity? How do we identify the entities and the employers, you know, for which we would be most interested in

beginning our field study?

So, anyway, that is what we have been up to for the last eight weeks. So thank you.

Are there any questions?

DR. SCHRETLEN: Yes. The study that you will be starting about the 5,000 claimants, roughly, you said that you developed the instrument for that and are ready to move forward shortly. And we heard an offer today that some VE's that -- is it IARP -- might be willing to collect data as well. I am wondering if it would be useful to use this type of an instrument and pull the data. Is there any value in that? I am just wondering if there is any value to look at claims that are coming in immediately and claims that are being --

MS. KARMAN: I don't know. We can certainly share -- actually, the instrument is in development this week. But we have a rudimentary, you know, outline of -- you know, what the instrument should reflect. We certainly could share the information, I think, with IARP and ask them if they are interested.

I guess I don't want to be prescriptive about what IARP is willing to do, especially since this is their survey and I need to be careful that SSA is not -- isn't indicating that it is serving the public without asking OMB for clearance for public surveys. But I certainly would not -- I don't think we would have any problem with sharing any of our information in terms of what the instrument looks like and if there is anything on it that Lynne and Angie might think are useful, sure. I mean, so we can -- they can let us know.

MS. SHORE: Sylvia, I just wondered of those 5,000 that you identified, 2500 would be at initial and 2500 ALJ, are these pending or adjudicated?

MS. KARMAN: They are already adjudicated.

MS. SHOR: Are they allowances or denials?

MS. KARMAN: They are both. And one of the things that we will be pointing out in our study design is that we will -- the reviewers will not have an opportunity to contact anybody. So unlike the adjudicator who is in a position, perhaps, to call the claimant, you know, in the case of an ALG that has a claimant before them in many cases, they will not have that opportunity. So they are going to be -- we had to establish a protocol for when they have to simply say, okay, there is not enough information for me to determine what kind of job this person did three years ago. So that way, it won't be an issue.

DR. SCHRETLEN: And then the other thing is, would this study be used in any way to inform the work taxonomy groups recommended research to identify the 95 -- or top 95 percent of occupations?

MS. KARMAN: I think that this, certainly, is a good starting point. One of the things I guess I would have some concern about is because we did a data analysis, because the office of program development research did data analysis and using a SES program or -- there wasn't an effort -- it wasn't possible to determine past relevant work, which matters in terms of what would actually be assessed at steps four and five.

So even though it might give Mark and Shanan a good place to start, I don't know that it would be definitive. But it is probably a good place to start.

DR. SCHRETLEN: Yeah. In fact, I wasn't even thinking of it necessarily as being definitive. But it might be very interesting to see how that -- how it comports with whatever strategy you guys ultimately recommend using to do that because if there are significant discrepancies that would be a very useful thing to know.

DR. WILSON: I am certainly thinking that it would be something like enumerating what is in files and what we typically see. So I don't see this as at all that different than what we were thinking about, other than I haven't really thought about the scale here or the activity.

But the idea, as we indicated earlier, was whatever pilot study we do, it would be nice if that would include data on the vast majority of cases that they typically see, so that when we go through various prototypes and things of that sort -- nearly every case that they wanted to compare between new and old would likely be there. So if they -- well, what happens in this case or what happens in that case.

And so that is the thinking there. So I would agree that, you know, it is basically a good methodology, that is what I was thinking of and then the only issue would be, you know, can you definitively say what is 95 percent of all titles that you see as large as a sample issue.

DR. SCHRETLEN: In that study and instrument that is under development, as you said, if there are 5,000 applicants whose cases are reviewed, each one might lift two or three or four jobs, right? So actually, we could have an awful lot of jobs listed to give us a pretty good sense of what the employment picture of America looks like.

MS. KARMAN: It may also be that there may be a lot of overlap -- not a lot of people. But it may very well be a lot of people do very similar work in different employers, but that is absolutely true. It would give us a really good view of that.

DR. BARROS-BAILEY: Sylvia, I was wondering if we would cover -- I know we covered it under the executive subcommittee, but in terms of what happens now that our recommendations have been finalized, they have been delivered to the Designated Federal Officer, what happens from this point on with SSA and in terms of our work? And if you can go over that a little bit and then we will go to break.

MS. KARMAN: Okay. Now, as I understand it, we have a bit of work to do within Panel so at least Mary and I are going to go back and make sure that what we have heard here for the last couple days has been reflected in our overview paper and any other changes that

you all would recommend, we will do. And so as soon as that information is then passed along to our printer in Social Security, we will get those copies to the Commissioner's office, to our deputy commissioner's office, and the others, and senior management.

So then at that point, we will be expecting that our management will probably want to meet to discuss their review of the report. And our staff will continue to be moving forward with certainly the studies and things that I have outlined here. We are going to, for example, obviously, move forward the occupation med voc study. We have some work that we are doing, I have neglected to put on this list that involves looking at international programs, disability -- not disability programs, but the way in which other countries may be using occupational information and what kinds of occupational and classification systems are they using and when. Do they do this in the same way we do, and if so, how are they doing that, et cetera.

So we have a number of things that we are working on. We will want to begin pulling together the recommendations that the Panel has made and syphoning off the things that we can begin with already so that we can, for example, develop the initial content model. And I guess that will be in the form of early prototype instrument. And then the Panel, itself, I am figuring we will have for discussion on this after we come back from break. But that Panel will then begin -- continue moving forward with some of the things we discussed here, such as taking a look at, you know, setting up of the field test, for example, the work taxonomy group has, subcommittee advocated and the Panel is recommending. So I think we have some work and the Panel is going to do it.

I don't think we are in a situation -- I am not understanding -- or I have not heard that we will simply wait on Social Security to come back and make a comment -- or, you know, respond to us in gathering that we should just simply continue to move forward and the

Agency will let us know if they have any questions or concerns.

Does that answer?

DR. BARROS-BAILEY: Thank you, Sylvia.

Any questions for Sylvia on that particular topic?

Okay. Then let's go ahead and take a 15-minute break and come back and finish up with the panel administrative business.

(A brief recess was taken.)

DR. BARROS-BAILEY: We are now to the point on the agenda in terms of the panel administrative business. And I would like to turn over the meeting to our Designated Federal Officer, Ms. Tidwell-Peters.

MS. TIDWELL-PETERS: At the inaugural meeting, Commissioner Astrue appointed Dr. Mary Barros-Bailey as the Panel Interim Chair anticipating that sometime during this first year, the Panel would nominate and elect a permanent Chair.

With the completion of the content model and classification recommendations report and the combination of a tremendous amount of work and effort over the last six months and while awaiting the next steps in the Panel's continuing work, I'm putting this issue before the Panel to determine if you would like to nominate and vote on a permanent Chair.

As outlined in the operating guidelines, which we have included in your binder, we have always inserted here the duties of the Panel Chair are in consultation with the project director and Designated Federal Officer, established subcommittees, appoints subcommittee Chairs, appoints substitute Panel and subcommittee chairs, work groups, and assigns special projects as needed.

Chairs of the executive subcommittee is such as subcommittee is formed, presides and documents all meetings in accordance with these operating procedures taking

action as necessary for the effective functioning of the Panel designates a substitute chair, if needed in consultation with the project director and Designated Federal Officer sets agenda for meetings and decides whether to allow oral comments from members of the public. Consult with Panel members, the project director of the Designated Federal Officer, ensures alignment of Panel activities with the Panel goals, communicates with outside public and private entities on behalf of the Panel as appropriate, authorizes individual Panel members or the Designated Federal Officer to represent the Panel at public events or communicate on behalf of the Panel to a group or organization, signs external correspondence on behalf of the Panel when necessary.

After having an opportunity to consider these duties and responsibilities, I would like to ask if there is a nomination for permanent Chair to serve a term through December 7, 2010. The date of December 7, 2010, is the one-year anniversary from the Panel's charter, which was signed by Commissioner Astrue on December 8, 2008.

The Panel charter is two years.

So I will entertain --

DR. GIBSON: I would nominate Mary Barros-Bailey.

MS. KARMAN: I second.

MS. TIDWELL-PETERS: Is there another nomination?

I believe at this point then we will need to move the nominations are closed for the position of permanent Panel Chair. And I will entertain that motion.

DR. SCHRETLEN: So moved.

MS. TIDWELL-PETERS: Thank you.

Second.

DR. WILSON: Second.

MS. TIDWELL-PETERS: Thank you, Mark.

I have made sure that you all you have a small slip of paper. The vote will be taken by secret ballot. I will ask you to please indicate on the ballot by writing the name of the person who has been nominated.

And we will give you all a few minutes to complete that task.

Please fold your paper, and we will collect them.

I have counted the votes and the permanent Panel Chair, as selected, by the occupational information development advisory Panel through December 7th, 2010 is indeed, Mary Barros-Bailey. Thank you.

And thank you, Mary.

DR. BARROS-BAILEY: Thank you. I get to take the "Interim" off.

MS. TIDWELL-PETERS: Like the training wheels come off.

MS. RUTTLEDGE: You will note that we didn't even ask you if you wanted to do this.

DR. BARROS-BAILEY: Okay. Thank you. It is an honor and it is humbling, and it is a privilege to be able to do this. You are all an amazing group of people, and it is very exiting to be here at six months out. And I will be really excited to see where we are at the end of our two years.

So that leads us to discussion of Panel action and future assignments. So let's go ahead and open this up. This has been kind of a whirlwind for us on not only the last couple days but for a few months. And so let's talk about in context of -- I see that Tom is ready to start talking about this in terms of what are some of the thoughts in terms of Panel action and future assignments.

So go ahead, Tom.

MR. HARDY: Mary, congratulations.

DR. BARROS-BAILEY: Thank you.

MR. HARDY: I would like to start with kind of a very broad discussion topic that I raised to a few people and I want to bring it before the Panel now. It seems to me that the work of the Panel to date has of necessity been very concentrated or sometimes it is called silo. We have all been very much stuck within certain subcommittees working on very specific topics. And for the work that had to be conducted in the period we had, that made a huge amount of sense.

My concern is twofold, one, that now as we move on to a different phase of activity, that may not be the best model. And two, if we continue in that model, which may in fact still be necessary, we need to find the way to -- find some way of getting information from these discreet units to pass around more evenly and more effectively and find a way of kind of educating each other. Because, obviously, each one of us come from a different field with different expertise and I do not pretend to understand statistics; however, having some knowledge of what is going on in that area is important for me. And I am not going to get that unless there is some other way of approaching the problem. And as we move from data -- into data collection, we need to keep our view on not just the little silo, but the fact that we are creating one unified product, and that one unified product is the OIS. And if we are coming at it from very disparate viewpoints we may be losing the unity in the hole that we are trying to create. So I would like to kind of throw that out there for discussion as possible ways that we can -- as a Panel and as subcommittees continue our work but broaden the scope within -- if we stay within the subcommittees or find some other way of approaching the problem.

DR. BARROS-BAILEY: So I heard you say two things, one thing was going to more of a functional model in terms of groupings, in terms of how we get things done maybe it is schematic. Some of the things that I have been looking at that kind of Sylvia and I talked

about this morning about going forward, some of the studies in terms of mental/cog, you know, that crosses a variety of subcommittees, and some of the sampling preparation, some of the things that we talked about earlier, instrument development cuts across, some of the subcommittees are looking maybe at future work from a functional model and seeing from the talent that we have on the Panel, how we can do that, so that is one thing.

The other thing that I heard you say was more of a professional development component. When we had, you know, our first fiscal year at the last seven months, certain Panel members needed to get information that others didn't, such as DDS visits, ODAR visits and that type of thing and spent more time in terms of their own professional development to be able to feel up to speed. We are getting into a very different level of the project at this point in terms of getting more technical. Myself included, I am a practitioner, I am not a psychometrician or a researcher. And so for me, and I am assuming some of the practitioners on the Panel, professional development of along more of a technical standpoint would be helpful.

And so different kind of professional development then the first phase we were just in, but just recognizing that we are going into a different level of the project in that for us to be able to make good decisions, we all need to know some basic information of what we are all talking about. So those are the two things I heard you say.

Lynnae.

MS. RUTTLEDGE: One thing that struck me was that as we went through this process over these past two days, we have now generated a whole series of recommendations to the Social Security Administration. It would be helpful to me, just in the way that I learn and in the way I think, to have a composite document that would say, so across all of the areas that we just voted on, here is what we identified in terms of data elements. Here are the elements

we identified in terms of research. Here is what we said in terms of whatever.

It would help me get a more total picture of what that looks like because right now, my brain is mush. And I can't recall all of the elements well enough to know -- as I string it all together, does it now make sense? And I guess that would just be helpful to me.

And I also want to know about our OIDAP T-shirts.

DR. BARROS-BAILEY: I heard those were coming.

Let's talk a little bit more about the function, you know, coming at it from the functional standpoint, what are some of the areas that people feel would be groupings that you would like to see happen in the future.

DR. GIBSON: Can I --

DR. BARROS-BAILEY: Go ahead.

DR. GIBSON: -- just say something that I think it relates to what Lynnae said. Most of us have not had a long opportunity to actually get into Ralph, but it might be nice if we also direct our attention to Table 1 in Ralph which actually provides some good direction I think for us moving forward.

DR. BARROS-BAILEY: I agree. If you look at that table in Ralph, it has the person-side, the work-side and, you know, how things kind of are moving together in terms of the center. And although that is not -- specifically, we were talking about, Lynnae, in terms of all the different recommendations it does, kind of lay out thematically in somewhat of a timeline, some of things that are anticipated.

Tom, you look like you are about to say something.

MR. HARDY: No. I have to agree with Lynnae, I would really like to see one thing that tells me what the recommendations were, what research is coming out. So it has been very difficult to track as things change. And I did look at table one when Ralph came up, and

in fact, I had questions for about the table and we haven't had a chance to talk about it yet.

I see this as kind of a mini roadmap for the next six, eight months. I don't know how long this is intended to cover. But to me, it seems like a little mini roadmap that is kind of where we are going to be putting our attention. And it is still organized in subcommittee areas, which I think we need to keep, because the subcommittee still needs to exist and move whatever pieces are in here along and that makes sense to me.

I also think that we need to step back from this and also take a look at other ways of approaching this.

DR. BARROS-BAILEY: Would it be helpful -- I mean, I am -- any ideas would be great, but would it be helpful if we developed some ideas and at the next executive subcommittee, talk about some of those areas. If we take it to that level, would that be helpful?

DR. GIBSON: I would think so because it seems just reviewing the things we know that have to be done, even if we -- no matter how it is organized in terms of grouping, some of this can be handled consecutively, some of it must be done sequentially. Some things have to begin before others to go forth. And I don't think this table actually represents that order, necessarily, it just shows an order for this group. But because they are all in row one, that may not all be happening at row one because that is not feasible based on their requirements. Anybody want to get out their Microsoft project and create --

MS. KARMAN: Actually, we did do that.

DR. GIBSON: Oh, ouch.

MS. KARMAN: Yeah. We can send that to you, we just didn't put it in here because what we -- what R.J. had done was taken the project software and just showed it -- the time line as a day rather than a year, you know, so you could see the whole overview for several,

beginning to end. So, anyway, we didn't put it in, but I --

DR. GIBSON: I guess it probably changed because of the way the recommendations change, but to have something like that at the next meeting might be a great way to generate conversation.

DR. BARROS-BAILEY: And getting back to what Tom had said, you know, linking to this -- units -- I don't want to call them "subcommittees" because we are subcommittee'd out, but maybe schematic units -- we will find words for them to kind of address some of the issues here. So maybe what we can do is look at this, look at what is coming in the future and get to the executive subcommittee some ideas.

MS. KARMAN: You know, it is not apparent in black and white, and I am not even sure if it is apparent in color. But for Table 1, what Mary and I intended was that if you look at the top row, which starts from left to right, "provides to physical RFC, provides mental," and then the middle of that "vocational profile linking job-side to person-side and new title taxonomy, work measurement."

Actually what we intended there was from the very far left, "provides physical RFC," to achieve -- she is doing the -- she is going to mime it. I will talk it through and she will mime it.

Work measurements -- so from the very far left and very far right, we thought of this as moving toward the middle. So, you know, the work measurement instrument work begins on that, work begins on the revised RFC, physical RFC person-side instrument and work continues so that we get toward the middle where we will then look at vocational profile assessment or we were calling it work experience profile assessment.

Linking job-side to person-side validation, these things then come together and that -- those two columns are where that linkage begins to happen. So that is -- the process is

supposed to -- that is the chart that is supposed to reflect that kind of process. But we didn't get around to putting those little arrows in there.

DR. WILSON: Well, and then the same thing what Tom was talking about of the Panel looking at different ways to address some of these issues among themselves. I would be very interested as a Panel member in spending more time with SSA staff member work group talking about some of these issues informally as it relates to my area or others because there is an enormous amount of expertise there. And I think it would inform our work, not necessarily as an entire sitting Panel -- what I got out of what Tom said and I appreciate a great deal is, you know, it is a very diverse group of people and we come at these issues from different perspectives with different concerns and orientations.

But SSA is our customer here; they are the ones that are from all our various perspectives. And so it is very important from my perspective that I get a chance to spend as much time as possible with the consumers who are going to have to implement all this stuff. And so, you know, it is important.

MS. KARMAN: We would love to have you. That would be great.

DR. BARROS-BAILEY: Other thoughts in terms of action plans, future assignments?

Okay. Hearing none, we will go ahead and go -- like I said, we will bring some information back to the executive subcommittee. We will notify the executive subcommittee at the next meeting, probably around sometime in October, I would assume.

Let's go ahead and move on to the minutes.

We have two sets of minutes to review and approve, and we will go ahead and start with approval of the minutes from July 14, 2009, teleconference.

DR. GIBSON: I move that the minutes be approved as written.

MS. KARMAN: I second.

DR. BARROS-BAILEY: Some people are still looking for the minutes.

We have a motion and a second to approve the minutes from July 14, 2009 teleconference.

Any discussion?

Hearing none, all those in favor of accepting the minutes as submitted?

You guys haven't found them? No. 3, behind the second red.

I will move back to discussion. Is there any discussion on that?

All those in favor -- go ahead, Tom.

MR. HARDY: I don't have discussion, per se, I would like to reiterate a request that maybe before we just -- to get the minutes a little bit earlier when we are trying to look at Ralph. It would be useful if when the minutes are done they get dispersed and we have a little bit more of a chance to look at it. That is all.

MS. KARMAN: You got them right when we finished them.

DR. BARROS-BAILEY: In the about 700 pages of stuff in our three-ring binders.

Okay. So we have a motion, a second.

Any more discussion?

Okay. I will move for a vote.

All those in favor?

Okay. The July 14, 2009, teleconference minutes have been approved.

Now I will entertain a motion for the approval of the August 31st, 2009 teleconference conference minutes.

DR. SCHRETLEN: So moved.

DR. BARROS-BAILEY: Moved by Dr. Schretlen.

Is there a second?

MS. RUTTLEDGE: I second.

DR. BARROS-BAILEY: Lynnae seconded it.

We have a motion and a second for the approval of August 31st, 2009 teleconference minutes.

Any discussion?

All those in favor?

Any opposed?

Okay. They have been approved to the August 31st, 2009 teleconference minutes.

Now, scheduling of upcoming meetings and teleconferences. We had a place marker for September 25th, 2009 in case we needed to have a teleconference. I don't think we do. You can take that off your schedules. I think we are fine there. We can take what happened in the last couple of days, finalize it, and get it to the Commissioner by the 30th.

Scheduling of upcoming meetings. We will ask our Designated Federal Officer to maybe talk to us a little bit about where we are with our December meeting.

MS. TIDWELL-PETERS: Just wanted to note that our next scheduled meeting is December 1st, 2nd, and 3rd, that is Tuesday, Wednesday, Thursday. You should already have that date held in your calendar, and I would ask that you, please, hold the date that I scanned for you and I will send out. Because indeed we did a scan through 2010, and I have comments received and information back from everyone and so we are moving on the dates as we got from you several months ago. So, please, hold those particular dates.

We are looking at a possibility of being in Kansas City for December. So we will let you know as soon as we tie that down.

DR. BARROS-BAILEY: Thank you.

Now we have one more thing on the agenda, the discussion of the December 2009 meeting agenda.

Are there any particular issues?

DR. GIBSON: Just to reiterate as we move forward, it would be nice to have some prioritization regarding what we should focus on so that we can begin to move forward in development of OIS, I think that goes along with the whole project manager idea. But pinpointing those areas allows us to be more efficient I think. I also think we should give consideration to -- we talked about this before, you said upcoming meetings or places for -- in groups that are interested in what is coming out and to what degree they need to be targeted.

DR. BARROS-BAILEY: When you say "groups," you mean user groups?

DR. GIBSON: User groups or professional organizations or others which might be seeking feedback once this is passed.

MS. KARMAN: So let me see if I understand. And this is probably because it is late in the day and I am just having brain fog. Are you saying that at this stage of the game, we should follow up with some of these groups to determine what questions they may have or what concerns they may have, given that we are about to publish our report?

DR. GIBSON: I think that goes -- well, I think we actually addressed that in our communication recommendations. So I am happy about that.

I was just wondering, at this point, are we slated to speak to any professional groups or conferences, have we identified them? Because I know once we had where we submitted the recommended places to go and talk so that we are getting a good reception and keeping people well-informed. So where are we on that process? I want to know where we are going.

MS. KARMAN: That is a great question and it reminds me that Nancy Shor had asked

a question about what we might be able to do in terms of putting the report out in the public.

So I will answer that.

But to answer your question, we do have plans to present at NOSSCR.

Mary Barros-Bailey and I will be presenting at the NOSSCR conference in San Francisco that is coming up in the middle of October. And we are also presenting at the International Association of Rehabilitation Professionals Forensic conference. I think it was the forensic section conference that is at the end of October, and again, Mary Barros-Bailey and I are presenting at that conference.

I have received some notice from a couple of you about other conferences that you all intend to go to. I think Bob sent me a couple, Mary sent me a few, and I have received a few others from you also. Now that we are past this point, I think what we will need -- our User Needs and Relations Subcommittee should sit down and just sort of chart out who is going to be possibly interested in speaking where -- throughout FY10, so that we just have some sense of who is covering what. And, you know, do we need to prepare again generic presentation materials. We do have a generic set that we had put together to give to any Panel member who may be making presentations at any place. Obviously, at this stage of the game, we now have more material to include in our generic materials.

So there is some work there for us to do with regard to that. SIOP is another one, you know, we have submitted information or proposals to the Society for Industrial Organizational Psychologist, which I believe is in April. Am I right about that? Yeah.

So there is -- there are other conferences that we are already aware of.

The question, Nancy, that I believe you had asked me earlier when we were in session earlier had to do with one of the recommendations of the User Needs and Relations Subcommittee had in the communication section involved having Social Security publish the

report or at least a link of our report on the Federal Register -- or in the Federal Register publication because this would be -- and provide, you know, a response time or, you know, a 90-day comment period or whatever period of time.

We met last week with our office of general counsel and we also talked with the office of regulations to determine, you know, is there precedence for doing such a thing? Is there a concern around this? What is the protocol of clearly, this is not a document that the Agency produced; it is produced, in fact, by a pack of Panel. And so on the other hand, the Agency has established this Panel and it is a discretionary one, so those things could be explained in the fact of notice -- I mean, rather not the fact of notice, the Federal Register notice, excuse me. And then that would allow members of the public to view what we have submitted to Social Security and then provide comment and the nice thing we were thinking would be Federal Register has a process by which they capture the e-mails and commentary that people send so that would -- that might be a really good way for us to operationalize getting input from folks in an organized and formal fashion. So we are pursuing that -- right now, we are hearing that that is not -- at least procedurally, there wasn't anything that would stand in our way for doing that, but we are certainly going to check with, you know, SSA senior management before we submit anything to the Federal Register to determine if there is a concern there or they -- you know, and if not, what wording would they like for Social Security to have to present this.

But in any case, we will keep you in the loop about that to certainly let you know. And we would expect you to want to do this sooner than later.

MS. SHOR: Let me just follow up. Step two, could you talk about what would happen to those comments? I mean, one of the beauties of using the Federal Register portal is that all comments are available so that you can ascertain that you are -- you know, you submitted

comments, you can ascertain them, but more importantly, you can see everybody else's. So I think that is a great feature that the Federal Register process offers, compared to the -- using the Web site. But if you could just about what you are envisioning as to what you do to the comments.

MS. KARMAN: We had some ideas. And I know our subcommittee had talked a little bit about what we might want to do. Certainly -- it seems as if one of the things -- for those of you who may not be familiar with a Federal Register notice process, when a federal agency posts notice or proposed rule making, when they want to make a revision to their regulations, for example, they will post the notice on the Federal Register and receive comments within a designated period. And then frequently, at least our agency under the administrative procedures act will -- when it publishes a final set of rules, it will indicate in the preamble to that that those set of rules what the comments were that the agency received, how they were resolved. And it is not -- it is actually more formal than what you might find in our User Needs and Relation Subcommittee report. We went through the comments and suggestions that we received from a number of users or at least the organizations and the SSA users categorized them and then spoke to some of the issues that those comments might have raised. We did this, you know, in a far less formal fashion, of course, than is done in preamble through the Federal Register process.

But we were thinking that, you know, absent something that occurs through this process that is quite different than what we would normally expect to see in terms of comments, that we would want to prepare, our staff may want to prepare, you know, thematically how the comments came through. Did they fall into certain camps or certain themes? And then respond to those comments along the lines of, you know, what the Panel had intended in this instance and what the Panel is intending over here and, you know, that --

how we were resolving the comment, in other words, does the comment or theme of comments lead the Panel to consider something in addition that we had not considered previously. And that might have changed our attack that we have taken in a particular area you know.

So that is what we were initially thinking. Certainly once -- if we, in fact, we are able to do this, which I am hoping we do, then I think when we get a sense of what the volume is and what the nature and tenure of comments are, I think our subcommittee should meet and sort of walk through that and determine how we may best want to handle that and then make a recommendation to the Chair and take it from there. So I don't know if you had any other suggestions for that. But I think that that way, the public would then see -- then we would want to post a notice -- a second notice since we are not doing final rules. We would want to post the second notice in the Federal Register indicating to the public, okay, we heard your comments, here is what we did with them, here is how we consider them, et cetera.

MS. RUTTLEDGE: This is Lynnae.

It may be helpful as we approach this, and I also am really favorably directed to use the Federal Register for lots and lots of reasons. But it might be helpful now to start to create the communication piece about how we let all of these constituencies know that the report is now posted and that there is the opportunity for comment and it will be through the Federal Register and it will open from this date to this date. It will serve as an education piece to help a lot of folks understand why we were empaneled and then what the nature of the report is and that will just be a good communication tool for us.

MS. KARMAN: Thank you.

DR. BARROS-BAILEY: Any more consideration for the December 2009 agenda?

Before I ask for a motion to return to --

DR. SCHRETLEN: As we go forward and we have thoughts about that, we can send them to you?

DR. BARROS-BAILEY: Yeah. And we could also discuss that at the executive subcommittee.

DR. SCHRETLEN: It take a little while to --

DR. BARROS-BAILEY: Yes, yes.

DR. SCHRETLEN: -- and sort of figure --

DR. BARROS-BAILEY: Yeah. We won't be finalizing this tonight.

MS. KARMAN: First, we have to actually finish the report.

DR. BARROS-BAILEY: Yeah. And thinking about us finishing the report, since we will be working on it tonight, just a reminder for the Executive Subcommittee Chairs, if there are revisions to your reports that you want to make before we finalize the overall report that gets delivered to the Commissioner, if you can get those to us by the 21st, that is Monday. And that gives us time because we will need to finalize the whole report to get it to printing in time so that it is delivered by the 30th.

So Executive Subcommittee Chairs, if you have any changes, please, get those to us by the 21st.

DR. SCHRETLEN: So in the voting schedule, we changed the wording, you know, we amended recommendations. Do the recommendations in the primary reports have to mirror those amendments?

DR. BARROS-BAILEY: No, they do not. We will build into the overall report meaning so people can take it from the executive subcommittee reports to where we finally ended up.

Any more thoughts or questions, series for deliberation?

I will entertain a motion to adjourn.

MS. RUTTLEDGE: So moved.

DR. BARROS-BAILEY: A second?

MS. KARMAN: I second.

DR. BARROS-BAILEY: Anybody opposed to that?

I adjourn our fourth quarterly meeting for the year 2009.

Great job, everybody.

(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 2nd day of October, 2009.

VERONICA VELEZ