



**International Association of
Rehabilitation Professionals**

Social Security Administration
Vocational Experts Section

**Social Security Administration
Vocational Experts
Compensation & Availability Survey
(2010)**

Social Security Vocational Experts Compensation and Availability Survey

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<p>IARP- SSVE Executive Board:</p>	<p><u>MEMORANDUM</u></p>
<p>Mike Blankenship Indianapolis IN blankenshipvocserv@sbcglobal.net</p>	<p>Date: January 29, 2010</p> <p>From: IARP-SSVE Executive Board</p>
<p>Thomas Dunleavy Oak Park IL info@disabilityinnovations.com</p>	<p>Subject: Social Security Vocational Experts Compensation and Availability Survey</p>
<p>O.R. Elofson Carnation, WA Rhodius@comcast.net</p>	<p>The International Association of Rehabilitation Professionals (IARP) was founded more than 30 years ago to promote the betterment of people with disabilities and the professionals who serve them. IARP represents more than 2,400 rehabilitation professionals worldwide. The IARP-SSA sections' mission is to support the rehabilitation professionals who work as Vocational Experts for SSA and to facilitate communications between SSA-ODAR and SSVE's.</p>
<p>Michele Robb Ann Arbor, MI mdrobb@comcast.net</p>	<p>This report presents the results of the IARP-SSVE survey of SSA Vocational Experts. Our objective was to determine whether the Social Security Administration's current fee schedule has an impact on the Vocational Experts' availability for disability hearings. SSA has stated that their highest priority is to eliminate the current hearing backlog. The administration's ability to schedule and conduct disability hearings is dependent on the agencies ability to maintain an adequate number of qualified Vocational Experts that are available for hearings.</p>
<p>Scott Stipe Portland OR sstipe@careerdirectionsnw.com</p>	<p>If you wish to discuss the report, or any of its finding please feel free to contact me or any member of the IARP-SSVE Executive Committee.</p>
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Background

The Social Security Administration pays approximately \$12 billion in disability benefits to more than 13 million disabled beneficiaries, each month¹. Vocational factors have been considered a major part of the evaluation process of Social Security Disability Claims since the program's inception and contracted Vocational Experts have been part of the process since 1962. Vocational Experts are an important component of the evaluation of Adult Disability Hearings and they play a key role in providing Administrative Law Judges (ALJ's) of SSA's Office of Disability Adjudication and Review with expert opinions regarding the claimant's vocational background, the transferability of their skills, existence of jobs in a variety of labor markets and the claimant's ability to perform their past and/or any other work. Currently, there are approximately 1,150 Vocational Experts under contract with the Social Security Administration to provide expert services. The number of Vocational Experts has decreased over the past 10 years, while the number of disability hearings has increased and the backlog of pending case has increased dramatically. Contributing to the decrease in the number and availability of Vocational Experts is the fee schedule, which has remained relatively unchanged since 1979.

Eliminating the hearings backlog remains SSA's highest priority², Social Security ended fiscal year (FY) 2009 with 722,822 pending backlog cases with a mandate from President Obama and Congress to reduce this backlog. SSA's ability to address the backlog, the increasing request for new disability hearings and continuing disability reviews is dependent on the ability to maintain a roster of qualified Vocational Experts for these hearings. A survey of current

¹ Statement of Commissioner Michael J. Astrue, *Testimony before the Social Security Subcommittee of the House Committee on Ways and Means*, March 24, 2009.

Vocational Experts under contract with the administration was conducted to obtain information on the impact the current compensation rate has on their availability.

Purpose of the Study

The purpose of this study is to explore the history, role and function of Vocational Experts within the Social Security Disability Adjudication System as well as the background, education, training and professional experience of the Vocational Experts. The contracted reimbursement rate for these expert witness services and their impact on Vocational Experts availability will also be explored.

The key questions to be addressed in this report are:

1. What is competitive market rate for Vocational Expert Services in the open labor market?
2. What do other Federal Agencies pay Vocational Expert Witnesses?
3. What is the relationship between reimbursement rate for Vocational Expert Witness Services and their availability to appear at hearings?

History of the Vocational Expert Program

Vocational factors have been considered a major part of the evaluation process of Social Security Disability Claims, since the program's inception. The Second Circuit Court of Appeals in June 1960 (*Kerner v. Fleming*)³ held that disability benefits could not be denied on the "mere theoretical ability" to work (engage in substantial gainful activity) but that the Administration had to produce evidence regarding what other work might be available. Initially, the administration attempted to meet this burden quoting government labor market studies, but this

² Hearings Backlog Reduction Update, 2009, www.socialsecurity.gov/appeals/congressional-booklets.html

approach was rejected by the courts.⁴ As a result of these decisions, the Social Security Administration developed the Vocational Expert program in 1962, and entered into contract with 600 vocational experts to provide vocational expert services for administrative hearings.

According to the Social Security Administration (www.ssa.gov) the Vocational Expert is:

“Expected to remain completely objective and impartial in expressing opinions, whether they are favorable or unfavorable to the claimant. Identifying with neither the Social Security Administration nor the claimant in what is legally a "non-adversary" procedure; the expert dispassionately contributes his vocational evidence toward an equitable decision.”

The Office of Disability Adjudication and Review (ODAR); *Hearings, Appeals and Litigation Law Manual (Hallex)*⁵ states that an ALJ may obtain a Vocational Experts opinion, either in testimony at a hearing, in person, by telephone, by video teleconference or in written responses to interrogatories, when: the ALJ is determining whether the claimant's impairment(s) prevents the performance of past relevant work; or the ALJ is determining whether the claimant's impairment(s) prevents the performance of any other work because: the claimant's residual functional capacity falls between two exertional levels; the claimant has solely nonexertional limitations; or the claimant has a combination of exertional and nonexertional limitations. The ALJ must obtain a VE's opinion, in testimony at a hearing in person, by telephone, by videoconference or in responses to written interrogatories, when directed by the Appeals Council or a court.

³ 283 F2d 916 Kerner v. S Flemming

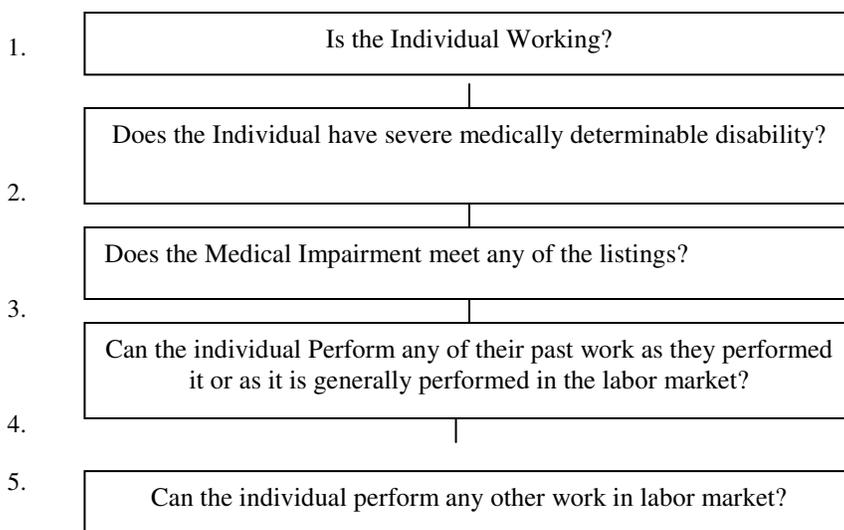
⁴ History of SSA During the Johnson Administration 1963-1968, www.ssa.gov/history/ssa/lbjoper5.html

⁵ HALLEX, www.socialsecurity.gov/OP_Home/hallex/hallex.html

Vocational Factors in Evaluating SSD Claims

Social Security regulations provide a sequential evaluation process for making determinations regarding disability (20 C.F.R. 404.1520, 416.920, and SSR 86-8). Vocational Experts are used at step four and step five of the process to in determining the applicant’s ability to perform their past work and any other work in the labor market. The Vocational Expert responds to hypothetical questions proposed by the ALJ and claimant (or their representative) based on a hypothetical individual’s: age, education, work experience, skills and their residual functional capacity. The existence and availability of work is based on use of data from: *Dictionary of Occupational Titles*, published by the Department of Labor; *County Business Patterns*, published by the Bureau of the Census; *Census Reports*, also published by the Bureau of the Census; *Occupational Analyses*, prepared for the Social Security Administration by various State employment agencies; and *Occupational Outlook Handbook*, published by the Bureau of Labor Statistics and the Vocational Experts’ opinion ⁶.

Figure 1: Five Step Sequential Evaluation Process



⁶ §416.966 Work which exists in the national economy

The only study by the Social Security Administration, regarding the Vocational Expert Program was completed in August 2001 by the Office of the Inspector General of the Social Security Administration and it focused on the effectiveness of the internal controls over the payments of Vocational and Medical Experts (*Vocational Expert and Medical Expert Fees for Services (A-06-99-51005)*). In this study, it was noted that in Fiscal Year 1999 the SSA Office of Hearing and Appeals (currently the SSA Office of Disability Adjudication and Review, ODAR) had Blanket Purchase Agreements with 1,337 Vocational Experts and had made \$21.6 million dollars in payments to Vocational Experts. These payments represented 3.1% of the \$687 million operating budget in 1999.

Backlog of Social Security Cases at the Hearing Level

In FY 1999, there were 596,999 SSA Disability hearing dispositions and 311,958 hearings pending⁷. By the end of FY 2009, the backlog was 722,822 pending hearings (a reduction from 760,813 at the beginning of FY 2009)⁸ and there were approximately 644,000 hearing dispositions⁹. Resolving the backlog of disability hearings has been SSA's priority and the agency's goal is to eliminate the backlog by FY 2013 and to shorten the average processing time to hearing to 270 days. The White House Office of Management and Budget 2009 report stated that Congress' Budget for Fiscal Year 2009 provides \$10.7 billion for the Social Security Administration's administrative expenses. This amount is \$240 million above the President's

⁷

⁸ Press Release from Commissioner Michael Astrue, September 30, 2009; *Social Security Hearings Backlog Down for First Time in Decade*.

⁹ Social Security Fiscal Year 2009 Budget; www.socialsecurity.gov/budget/2009bud.pdf

request. The additional resources are provided “to address the serious backlog of disability claims and hearings, as well as other backlog workloads for which additional resources are needed.”¹⁰

FY 2009 was the first year since 1999 that there was a reduction in the backlog. The reduction in the backlog was achieved as a result of a number of factors including increased Congressional funding for SSA, the hiring of new ALJ’s, increased production, and the opening of new hearing offices. In Fiscal Year 2009, 147 new Administrative Law Judges (ALJ) were hired and three national hearing office sites were opened, in Fiscal Year 2010 an additional 226 ALJ’s will be hired and 14 new hearing offices and 4 satellite offices will be opened.¹¹ In FY09, SSA anticipated more than 2.9 million disability filings, an increase of over 300,000 cases over FY 2008. This number represented more than a 12 percent increase in new applications¹².

Despite the increased number of hearings, an increase in the number of ALJ’s and the increased number of new applications the number of Vocational Experts has decreased from approximately 1,337 in 1999 to 1,150 in 2009. If SSA is to meet their goal of eliminating the backlog by 2013, it is imperative that they have an adequate number of qualified Vocational Experts for the increasing number of hearings. In order to achieve the goal of reducing the backlog, SSA will need to retain current and recruit new Vocational Experts.

¹⁰ The White House Office of Management and Budget; www.whitehouse.gov/omb/rewrite/budget/fy2009/ssa.html.

¹¹ SSA Press Release, September 30, 2009: www.socialsecurity.gov/pressoffice/pr/hearings-backlog-pr.htm

¹² Statement of Commissioner Michael J. Astrue, *Testimony before the Social Security Subcommittee of the House Committee on Ways and Means*, March 24, 2009.

Vocational Experts Blanket Purchase Authorization and Fees

Vocational Experts providing impartial expert opinions to SSA are contracted using a Blanket Purchase Authorization (BPA). Once the BPA is signed by both the expert and regional office representative, the regional offices creates a roster that is sent to the hearing offices and copies are forwarded to the Office of the Chief Administrative Law Judge (OCALJ) in Falls Church, Virginia. The BPA states that the Vocational Expert should be trained and skilled to render impartial opinions relevant to the evidence at the hearing. The Vocational Expert is expected to have professional expertise and current knowledge of: working conditions and physical demands of occupations, transferability of skills, knowledge of the existence and numbers of jobs at all, Exertional levels in the national economy, and involvement in the placing of adults with disabilities in the labor market.

The BPA contains a fee schedule of services. This fees schedule has remained unchanged from 1979-2009. In April 2009, after 30 years, the fees were increased by 10%; this increase represents a 0.003 annual increase in fees since 1979. The April 2009 BPA included a statement that contractors would not be reimbursed for expenses to/from their place of business and the location of the hearing if the distance between the two points was 50 miles or less, based on Federal Travel Regulations (FTR). Prior to April 1, 2009 Vocational Experts (in most regions) were reimbursed for travel and parking. Parking costs in metropolitan areas ranged from \$9-\$35 per day and mileage was reimbursed portal to portal from the experts' office to the hearing office. The 10% increase in fees did not compensate for the loss of travel and parking reimbursement and the net result was a decrease in the Vocational Experts total compensation. The following is a list of fees prior to, and after April 2009:

Table 1: VE Fees schedule 10/79-9/10	Fee Schedule 10/1/79-3/31/09	Fee Schedule 4/1/09-9/30/10
Service		
Study-examination and study of the official record	\$40	\$44
Remand Study	\$60	\$66
Written Interrogatory	\$35	\$39
Evaluation of Additional Evidence	\$30	\$33
First Hearing Appearance of the Day	\$70	\$77
Other Hearing Appearance Same Day	\$35	\$39
Discussion-Participation in group discussion with ALJ , Regional and Headquarters Office	\$50	\$55

If fees had increased according to the SSA Cost of Living Increases, Consumer Price Index or Mean Wage increase over the period of 1979-2009 the following would reflect the appropriate (2009) fee schedule:

Table 2: VE Fee Schedule with COLA, CPI, or Wage Inc	SSA COLA¹³	CPI¹⁴	DOL¹⁵
Service			
Study-examination and study of the official record	\$133	\$116	\$124
Remand Study	\$200	\$174	\$187
Written Interrogatory	\$116	\$102	\$109
Evaluation of Additional Evidence	\$100	\$87	\$93
First Hearing Appearance of the Day	\$233	\$203	\$218
Other Hearing Appearance Same Day	\$116	\$102	\$109
Discussion-Participation in group discussion with ALJ , Regional and Headquarters Office	\$166	\$145	\$156

¹³ SSA Cost of Living Increases, www.ssa.gov/OACT/COLA/colaseries.html

¹⁴ US Consumer Price Index, www.bls.gov/cpi/

¹⁵ US Bureau of Labor Statistics Wage and Salary Increases, www.data.bls.gov

In September 2008, BPA's were mailed out to Vocational Experts in several regions with an increase in fees listed of approximately 150%. This BPA was rescinded shortly after it was issued. Vocational Experts subsequently received an extension of their prior BPA, and a new BPA was mailed out in January 2009 with the 1979 fee schedule. In March 2009, Vocational Expert were notified that, as of the new BPA in April 2009, the Vocational Expert fees would be increased by 10%.

The Federal Acquisition Regulation (FAR) System was established to develop uniform policies and procedures for the governments' purchase of commercial products and services. FAR's goals (FAR subpart 1.102) are to satisfy the federal agency in terms of cost, quality, and timeliness of the delivered product or service by using contractors who have a track record of successful past performance or who demonstrate a current superior ability to perform; and promoting competition. The Vocational Expert BPA would fall under the fixed price contract provisions of FAR (subpart 16.202-2). This provision requires that the contracting officer establish fair and reasonable prices, that there is adequate price competition and that reasonable price comparisons are made on a competitive basis or supported by valid cost or pricing data. Additionally the available cost/pricing information must permit realistic estimates of the probable costs of performance www.acquisition.gov/far. The adequacy of Vocational Expert Fees has not been studied by the Social Security Administration. The fees do not reflect competitive market rates for these professional services and the failure of the agency to provide an adequate fee structure has had an impact on the number of Vocational Experts available for hearings.

Survey of Vocational Experts

The International Association of Rehabilitation Providers (IARP), Social Security Vocational Expert Section developed and conducted a survey of Social Security Vocational Experts (Appendix 2). A Freedom of Information (FOI) Request was sent to SSA requesting a list of all Vocational Experts nationwide. A list of 1284 Vocational Experts was provided by SSA in January 2009, of which only 4 Vocational Experts contact information included an email contact 354 had a the Vocational Experts name listed, but did not have any contact information. IARP representatives contacted all of the Social Security Vocational Experts on the list and were able to obtain the complete mailing addresses and emails for 976 Vocational Experts, mail only addresses for 171 Vocational Experts, and were able to confirm 1147 active Social Security Vocational Experts across the 10 Social Security Regions. Table 1 lists the status of the Vocational Experts from the list provided by the FOI from SSA and Table 2 lists the Vocational Experts by SSA Region.

All current Vocational Experts (as of August 2009) were invited to participate in the project. The invitation letter (Appendix 1) outlines the purpose of the study, the procedures to be used, the risks/benefits, the confidentiality of the data, contact information, and that their participation is voluntary. A copy of the invitation was provided to all of the participants. IARP sent an email invitation to 976 Vocational Experts requesting that they complete an electronic survey and 508 completed the survey, making the response rate 52%.

Table 3: Vocational Experts

Number of VE's listed on FOI list from SSA		1284
	Retired/ill/deceased	51
	Did not renew BPA	86
Confirmed Active		1147
	Complete address w/email	976
	Mail only	171

Table 4: Current VE's by Region

	Number of VE's
Region 1 -MA, CT, RI, NH, ME, VT	56
Region 2 -NY, NJ, PR, USVI	35
Region 3 -DE, MD, PA, VA WV, DC	131
Region 4 -AL, FL, GA, KY, MS, NC, SC, TN	320
Region 5 -MN, WI, IL, IN, MI, OH	183
Region 6 -AR, LA, NM, OK, TX	137
Region 7 -KS, MO, IA, NE	41
Region 8 -CO, MT, ND, SD, WY, UT	49
Region 9 -CA, AZ, NV, HI, GU, AS	120
Region 10 -WA, OR, ID, AK	75
Total All Regions	1147

Sample Description/Demographics

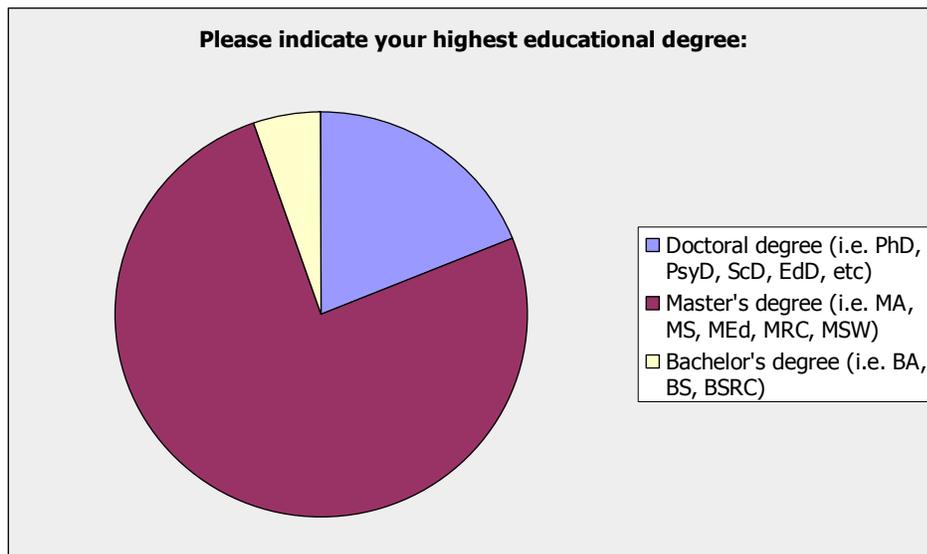
The sample for this project was a group of 508 Vocational Experts who had Blanket Purchase Agreement with the Social Security Administration within the 12 month period prior to the August 2009 survey, 96% had an active BPA with SSA and 4% (n=20) did not renew their BPA in April 2009, but had a BPA prior to this contract renewal date. The response by region was 50% and the average age of the respondents was 56.3 years old, with a range from 25 to 87 years old. The mean length of time the Vocational Experts had been under contract with SSA was 16 years with a range from less than 1 to 48 years of experience as a SSA VE. The mean number of years of professional/clinical vocational experience was 26.3 years. The educational level

reported by the Vocational Experts surveyed indicates that 75.6% had a Masters Degree, 19% had a Doctoral Degree, only 5.4% reported a Bachelor's Degree. The academic major of the Vocational Experts for 61.4% of the respondents was related to Vocational Rehabilitation and Counseling, for 29.2% it was related to Counseling and Psychology and for only 3.4% their highest academic degree was unrelated to rehabilitation, vocational evaluation or counseling. Only 5.4% of the Vocational Experts did not hold an active license, certification or registration in the state where they practiced, 81.5% are nationally board Certified Rehabilitation Counselors and 93% held two or more other board certifications or licenses.

Table 5: Selected Characteristics of the Vocational Experts

	Mean	SD	Range
Age	56.3	9.04	25 to 87 years old
Mean Years of Experience in Vocational Rehabilitation	26.3	8.82	1 to 50 years
Mean Years of Private Practice Vocational Expert Experience	18.8	8.80	<1 to 40 years
Mean Years of Experience as a SSA Vocational Expert	16	8.98	<1 to 48 years

Table 6: Educational Level of VE's



Competitive/ Market Rates for Vocational Expert Fees

Of the Vocational Experts that responded to the survey 89.7% (n=456) maintained a private Vocational Expert practice in addition to providing expert services to SSA. Below are the mean hourly rates charged for these services in the private sector.

Table 7: Vocational Expert Fees Charged in Private Practice

Vocational Expert Services	Mean hourly rate
File review (per hour)	\$135.34
Written interrogatories (per hour)	\$139.28
Deposition (per hour)	\$206.63
Court testimony (per hour)	\$212.97
Cancellation fee for testimony	\$354.17
Travel time (per hour)	\$113.26
Mileage (per mile)	\$0.56
Notice time required for cancellation in days	3.0

Of the Vocational Experts that responded to the survey 38.4% (n=190) provided Vocational Expert services to other federal agencies and below are the mean hourly rates charged by the respondents and the federal agencies they provide services to.

Table 8: Vocational Expert Fees Paid by other Federal Agencies

Federal Agency	Mean hourly rate
US Department of Justice	\$178.00
US Railroad Retirement Board	\$145.76
Veterans Administration	\$135.82
US Federal Retirement Board	\$150.00
Federal Office of Workers Compensation	\$121.00
US Longshore and Harbor Workers	\$150.89
Federal Vaccine Program	\$228.75
Other agencies, please list: Department of Defense, US Marshalls Office, EEOC, US Public Health, FELA	\$198.75
Mean Rate for all Federal Agencies	\$163.62

The market rate fees as well as the average hourly rate paid by other federal agencies are substantially above the Social Security fee schedule for Vocational Experts. Assuming that file review of SSA material prior to the hearing averages one hour of professional time and each hearing lasts one hour the average market rate reimbursement would be \$ 348.31 (\$135.34/hr for file review + \$212.97/hr for testimony). The average fees for other federal agencies for 2 hours of vocational expert fees services would be \$327.24. In addition, in both situations Vocational Experts would also be paid for travel time and mileage. The current SSA fee schedule results in an hourly rate of \$45.30¹⁶ for expert testimony services without consideration of travel time or expense.

Vocational Experts Use and Availability

Vocational Experts responding to the survey indicated that during the 12 months prior to the survey (August 2008-August 2009), they provided vocational expert services an average of 9.1 days per month and 5 hearings per day. The number of days per month increased from an average of 8.6 days per month over the prior 5 years, and 7.8 days per month over the prior 10 years. Table 9 summarizes the findings regarding the number of days per month and hearings per day over this time period, as well as the response count. The majority of the respondents, 65%, noted an increase in the number of hearing requests since becoming an SSA VE.

¹⁶ Based on 5 hearings per day with studies, \$77 for the first appearance of the day and 4-\$39 hearing appearances.

Table 9: Hearings per mo and per day, by VE's over the past 10 years

	Past 12 months	Past 5 years	Past 10 years
Hearing Days per month	9.1	8.6	7.8
Hearings per day	5.0	5.0	4.8
VE Respondents	495 (13 w/new BPA)	487	460

The average number of hearings cancelled per month, resulting in the VE only receiving payment for the study of the record was reported as a mean of 3.3 hearings per month.

Qualitative Survey Responses

In addition to the descriptive and quantitative survey questions, the SSA Vocational Experts were asked a number of opinion questions in the survey with Likert Scale response options. The purpose of these questions was to obtain insight into the Vocational Experts current opinions and future expectations regarding their availability for hearings and likelihood of maintaining a BPA with SSA as a Vocational Expert. The questions asked, the response percentages and response counts are as follows:

Table 10: VE Opinion regarding Compensation and Availability

Would receiving SSVE compensation equal to your private practice hourly/market rates influence your availability to schedule more SSVE hearings with ODAR?		
Answer Options	Response Percent	Response Count
Yes, I would be available for more ODAR hearings	78.0%	384
No, I would not be available for more hearings or it would have no effect	22.0%	108

Table 11: VE Opinion regarding BPA renewal

If SSVE compensation rates remain at current FY2009 levels, are you likely to renew your BPA in October 2010?		
Answer Options	Response Percent	Response Count
Yes, I would renew my BPA and maintain availability for the same number of hearings	59.4%	298
No, I would not renew my BPA	7.0%	35
Yes, I would renew my BPA but reduce my availability	33.7%	169
My availability would be reduced by this % from present levels	34.1%	

Table 12: VE Opinions regarding SSA Cancellation Policy

ODAR's hearing appearance cancellation policy (no charge permitted if given 24 hours cancellation notice) is a disincentive to accepting hearing dockets?		
Answer Options	Response Percent	Response Count
Strongly Agree	21.3%	107
Agree	30.8%	155
No Opinion	17.7%	89
Disagree	27.0%	136
Strongly Disagree	3.2%	16

Table 13: VE Opinion regarding Travel Reimbursement

ODAR's travel reimbursement policy is a disincentive to accepting hearing dockets.		
Answer Options	Response Percent	Response Count
Strongly Agree	26.4%	132
Agree	26.2%	131
No Opinion	21.2%	106
Disagree	23.2%	116
Strongly Disagree	3.0%	15

In examining the responses, it is significant to note that 40.7% of SSA VE responded that they would not renew their BPA or would significantly reduce their availability for hearings if the current fee schedule remains in place and 78% responded that they would be available for

more hearings if the fees were more consistent with market rates. This is important in light of the increasing number of hearings expected to be scheduled to address the backlog as well as the increased number of ALJ's and new hearing offices scheduled to open. Approximately 50% of the respondents noted that the 24-hour cancellation policy was a disincentive to accepting dockets and a similar percentage noted that the new travel requirements were a disincentive to accepting dockets. These issues while important are overshadowed by the frustration expressed by Vocational Experts regarding the significantly below market rate SSA fee structure.

The respondents were given the opportunity to provide comments on the above qualitative questions and the narrative responses are included in Appendix 3. The responses indicate a high level of dissatisfaction by Vocational Experts regarding a 30-year old fee schedule. Given the priority of SSA to eliminate the backlog and an increase in the number of disability applications, having an appropriate number of qualified Vocational Experts available for hearings must be one of the agency goals.

Summary

The results of this survey suggest that the 30-year old rate schedule for Vocational Experts has a significant impact on Vocational Experts availability for hearings, and will have an impact on the Social Security Administrations' ability to meet its number one priority of eliminating the backlog by 2013. Vocational Experts are an integral and required component of the adjudication system, and without fair compensation, SSA's ability to schedule hearings at the level required to meet their administrative goals will be restricted.

The current VE fee schedule does not meet the Federal Acquisition Regulations, which require that the contracting officer establish fair and reasonable prices supported by valid

cost/pricing data. Using the SSA Cost of Living Increases, the Consumer Price Index or the Department of Labor Average Annual Wage increases over the past 30-years, the current fee schedule is 163.9% to 202.6% below what it should be if indexed. Based on the survey results the resultant hourly rate for Vocational Expert Services paid by SSA is 261.2% to 284.5% below the market rate hourly rate paid to Vocational Experts by other federal agencies and in the private sector.

The unique skill set of Vocational Experts which involves knowledge of the vocational impact of disabilities, labor market data, the occupational demands of work, job placement experience, and knowledge of the SSA regulations and rulings, requires an experienced professional. The average age of the Vocational Experts who responded to this survey was 56.3 years old, and mean number of years of professional/clinical vocational experience was 26.3 with 16 years of experience as an SSA Vocational Expert. This is a highly educated (75.6% with a Masters Degree, 19% had Doctoral Degrees), experienced group of professional with a long-term relationship with SSA.

Over 300 new Administrative Law Judges were/and will be hired in Fiscal Year 2009 and 2010. In addition, there will be Also, three more national hearing office sites and 14 new hearing offices will be opened. Despite the increase in the number of ALJ's, the increased number of new disability applications and increased number of hearings, the number of Vocational Experts has decreased from approximately 1,337 in 1999 to 1,147 in 2009.

In order to retain the current Vocational Expert roster and recruit new experienced Vocational Experts the fee issue must be addressed. SSA's priority of eliminating the backlog and the increasing number of hearings will result in an increasing demand for Vocational Experts at the hearing level. However, based on the data there is a decreased number of Vocational

Experts available and they have decreasing availability based on the fee schedule. The survey results indicated that 40.7% of SSA VE's would not renew their BPA or would significantly reduce their availability for hearings if the current fee schedule remains in place during the next contract cycle (October 2010), and 78% responded that they would be available for more hearings if the fees were more consistent with market rates.

For all stakeholders in the Social Security Disability Adjudication System—applicants, taxpayers, SSA administration/management, attorneys/representatives, Administrative Law Judges, staff and the Vocational Experts – it is imperative that the highest quality, most effective Vocational Expert services be provided. Professional Vocational Expert services are required under the regulations, but in order for them to main the current roster and recruit new experts, fair and equitable compensation must be provided.

Recommendations:

- The Vocational Expert Fee schedule must be addressed prior to the 10/1/10 contract renewal.
- SSA needs to improve communication with its contracted experts.
- A strategy/policy to retain current Vocational Experts and recruit new qualified experts must be developed.
- SSA needs to develop communication with professional associations representing Vocational Experts- IARP, ABVE (American Board of Vocational Experts), NRA (National Rehabilitation Association).
- SSA needs to streamline payment processing for services.
- Service standards should be developed so there is consistent contract and service expectations across regions.

APPENDIX 1- Survey Invitation

INTERNATIONAL ASSOCIATION OF REHABILITATION PROFESSIONALS



IARP ANNOUNCEMENTS

Dear Fellow SSVE :

You are invited to take part in a survey regarding Social Security Vocational Experts Compensation and Availability. Your participation in this survey will help rehabilitation professionals, SSA administrators, legislators and other interested parties understand more about how SSVE compensation affects SSVE's availability for hearings at the Office of Disability Adjudication and Review.

All SSVE's who have a BPA with SSA currently, or have had a BPA in the past five years are being asked to participate in this project.

Representatives from the IARP-SSVE section meet with SSA officials and the Office of the Inspector General in July 2009 to discuss the SSVE fee schedule. The Deputy Commissioner and the Office of the Inspector General asked IARP-SSVE members to provide feedback regarding the current SSVE fee schedule, market rates for Vocational Expert Services and what other federal agencies compensate Vocational Experts.

Your participation will involve approximately 10-15 minutes of your time to complete an [online survey](#). Your name and contact information will not be included on the report and will remain anonymous. There is opportunity for you to add additional comments for specific questions as well as at the end of the survey should you think of other information that should also be included. The results of the survey will be posted on the [IARP website](#) once completed.

[CLICK HERE TO ACCESS SURVEY](#)

We would request that you complete the survey by September 14, 2009.

Questions regarding this survey may be directed to:

Dr. Amy E. Vercillo CRC, CDMS, LRC
IARP SSVE Section Chair
617-469-4481
avercillo@verizon.net

John M Yent, MA, LRC, CRC, ABDA, CLCP
IARP SSVE Government Relations Rep.
985-725-1455
JohnYentLRC@cox.net

Thank you for taking the time to complete this survey.

The International Association of Rehabilitation Providers (IARP) has created a new section just for Social Security Vocational Experts. If you have questions regarding the IARP-SSVE section, and/or for membership information visit RehabPro.org.

1926 Waukegan Road, Suite 1 | Glenview, IL 60025 | PH: 847.657.6964 | <http://www.rehabpro.org/>

APPENDIX 2-Survey

1) Please indicate your Social Security Vocational Expert (SSVE) status:

Current contractor with BPA

What year did you originally become an SSVE contractor? _____

Former contractor – fully retired

What year did you originally become an SSVE contractor? _____

What year did you last work as an SSVE contractor? _____

Former contractor – still active in private practice

What year did you originally become an SSVE contractor? _____

What year did you last work as an SSVE contractor? _____

2) What Social Security Region do you work in?

Region 1 -MA, CT, RI, NH, ME VT

Region 2 -NY, NJ, PR, USVI

Region 3 -DE, MD, PA, VA WV, DC

Region 4 -Al, FL, GA, KY, MS, NC, SC, TN

Region 5 -MN, WI, IL, IN, MI, OH

Region 6 -AK, LA, NM, OK, TX

Region 7 -KS, MS, IA, NE

Region 8-CO, MT, ND, SD, WY, UT

Region 9-CA, AZ, NV, HI, GU, AS

Region 10 -WA, OR, ID, AK

3) What is your age? _____

4) Please indicate your educational degree background including type of degree(s) and major(s) area of study:

Doctoral degree (i.e. PhD, PsyD, ScD, EdD, etc): _____ Major: _____

Master's degree (i.e. MA, MS, MEd, MRC, MSW): _____ Major: _____

Bachelor's degree (i.e. BA, BS, BSRC): _____ Major: _____

Associate's degree (i.e. AS, AA): _____ Major: _____

Was your major for your highest degree *in or related to* the following:

Rehabilitation Counseling

Vocational Evaluation

Educational Counseling

Counseling

Psychology

Social Work

Other Related Social Service

My degree is unrelated to rehabilitation, vocational evaluation or counseling

I do not have a college degree

APPENDIX 2-Survey- continued

5) In your state, is there a license/certification/registration to practice vocational counseling/vocational rehabilitation?

- Yes
- No

If the answer to #8 is yes, do you hold an active state license/certification/registration?

- Yes
- No

For how many years? _____

6) What national board certifications do you hold? Check ALL that apply:

- CRC NRCA CVE
- CDMS CCM CLCP
- ABVE OTHER: _____

7) How many years of vocational rehabilitation/job placement experience do you have? _____

8) How many years of private practice Vocational Expert experience do you have? _____

9) Please state your private practice professional hourly/market rates for the following vocational expert services:

- A) File review _____ per hour
- B) Written Interrogatories _____ per hour
- C) Deposition _____ per hour
- D) Court testimony _____ per hour
- E) Cancellation fee for testimony _____ Notice time required _____
- F) Travel (portal-to-portal?) _____ per hour
- G) Mileage (portal-to-portal?) _____ per mile

10) Have you provided Vocational Expert services (testimony) for other federal agencies? _____

- Yes
- No

If yes, please check any federal agencies that you have provided Vocational Expert Testimony Service (not vocational case management services) for, and your hourly rate for those services:

- US Department of Justice _____ file review _____ testimony
- US Railroad Retirement Board _____ file review _____ testimony
- Veterans Administration _____ file review _____ testimony
- US Federal Retirement Board _____ file review _____ testimony
- Federal Office of Workers Compensation _____ file review _____ testimony
- US Longshore and Harbor Workers _____ file review _____ testimony
- Federal Vaccine Program _____ file review _____ testimony
- Other, please list: _____ _____ file review _____ testimony

APPENDIX 2-Survey- continued

11) To my knowledge, my assigned ODAR office uses SSVEs on every adult disability case.

- Strongly Agree
- Agree
- No Opinion
- Disagree
- Strongly Disagree

12) On average, how many ODAR hearings were you scheduled for per month during the past 12 months?

- _____ average number of days per month
- _____ average number of hearings per day
- _____ not applicable (no longer have a BPA or have new BPA)

13) On average, how many ODAR hearings were you scheduled for, per month during the past 5 years?

- _____ average number of days per month
- _____ average number of hearings per day
- _____ not applicable (have not had a BPA for greater than 12 months)

13) On average, how many ODAR hearings were you scheduled for, per month during the past 10 or more years?

- _____ average number of days per month
- _____ average number of hearings per day
- _____ not applicable (have not had a BPA for greater than 5 years)

14) Since you became an SSVE, have the number of requests to schedule you for ODAR hearings:

- increased
- stayed about the same
- decreased

15) Since you became an SSVE, has your acceptance of hearing requests:

- increased
- stayed about the same
- decreased
- I no longer accept hearing requests

If you are accepting fewer requests for scheduling hearings, please estimate the number of docket dates per month that you have reduced: _____

Comment _____

APPENDIX 2-Survey- continued

16) In your opinion, does the ODAR hearing office to which you are/were assigned have enough SSVEs for all of the requests to schedule hearings?

- Strongly Agree
- Agree
- No Opinion
- Disagree
- Strongly Disagree

17) On average, how many scheduled hearings were cancelled by ODAR per month where you were only paid for a study: _____

18) Is ODAR's hearing cancellation policy (no charge permitted if given 24 hours cancellation notice) a disincentive to accepting hearing dockets?

- Strongly Agree
- Agree
- No Opinion
- Disagree
- Strongly Disagree

19) Is ODAR's travel reimbursement policy a disincentive to accepting hearing dockets?

- Strongly Agree
- Agree
- No Opinion
- Disagree
- Strongly Disagree

Comment _____

20) Would receiving SSVE compensation equal to your private practice professional hourly/ market rates influence your availability to schedule more SSVE hearings with ODAR?

- Yes, I would be available for more ODAR hearings
- No, I would not be available for more hearings or it would have no effect

21) If SSVE compensation rates remain at current FY2009 levels, are you likely to renew your BPA in October 2010?

- Yes, I would renew my BPA and continue availability for the same number of hearings
- Yes, I would renew my BPA but would reduce my availability for hearings by _____% from present levels
- No, I would not renew my BPA

22) Any additional comments:

APPENDIX 3-Narrative Responses-travel policy

ODAR's travel reimbursement policy is a disincentive to accepting hearing dockets.

- 1 I have been asked but turn down all work that is not within a 20-30 ride for me, as it simply not worth my time. I have other work that pays me for this time, so why would I turn that down to do ODAR work.
- 2 Only for locations more than 50 miles
- 3 I no longer travel. Local only.
- 4 Haven't wanted to pay travel. They prefer telephone or video interviews that I prefer not to do.
- 5 Prior to current contract, full mileage was allowed, current only pays for travel over 50 mi.
- 6 Yes-in addition to not getting reimbursed in a timely fashion.
- 7 I expect to travel to and from hearings within a 80 mile radius.
If this is exceeded, I am compensated for mileage.
- 8 Mileage/parking reimbursements keep my costs lower.
- 9 Years past VE's were reimbursed for travel out of one's city, and if scheduled for additional days, Hotel costs were also paid.
- 10 Travel time, costs for gasoline and parking are factors that have to be considered before accepting hearing dates.
- 11 Limited hotel provision for travel to cities hundreds of miles away, forcing me to leave home in the dark in the middle of winter in Michigan
- 12 I will not travel for ODAR as my time is not reimbursed and per diem barely covers costs.
- 13 Previously my local travel and parking were reimbursed
- 14 They no longer pay us anything for travel and parking in spite of the 10% increase – wash
- 15 Much time is spent traveling; with no reimbursement for first 50 miles it is unreasonable for a VE to spend a total of 2 hours traveling with no compensation.
- 16 It depends on the number of case; out of town dockets often have twice as many cases, it is not a disincentive because it usually means MORE work.
- 17 Cost of living goes up, gasoline goes up, and they do not pay for parking locally.
I am putting miles on my car that I would otherwise not be doing.
- 18 Remote sites have no travel time, a big disadvantage
- 19 I just last month completed a week of hearings out-of-state. The office that I did the hearings for said that they will not pay for meals because contractors don't get "incidentals" reimbursed. Since when is 3 meals a day in a restaurant an "incidental?" Had I not graciously accepted the work (their office didn't have a local VE for the docket) I would have eaten at home every meal and considerably less expense. Why should I be expected to spend my money to help them with their work?
- 20 The actual cost of lodging in my state is much higher then the government rate that is authorized from the hearing office.
- 21 The 100 miles roundtrip is not consistent with Department of Labor reimbursement.
- 22 Being a VE is the only job in America that went 30 years without a pay increase or a cost of living adjustment. Some very good people were lost to SSA because of that bizarre policy.

APPENDIX 3-Narrative Responses- travel policy

- 23 For many years I would not contract to SS because they reimbursed only mileage and not windshield time. Then I would travel only for full days (5-7 Hearings). Then I would take pity on them and take a shorter day just to help them out. Now I do all Hearings by phone only. I have taken a couple of travel dockets to places I enjoy and where no local VE is available. As long as they cover my lodgings, give me reasonable meal allowance and the usual travel \$ I'm happy.99% of my hearings today are phone only.
- 24 Because of the low rate for testimony I don't travel
- 25 I don't travel – for peanuts – NO WAY.....
- 26 Sometimes. It depends on where the hearings are. Travel about one hour each way is the most that I can do since only mileage is reimbursed.
- 27 Mileage should be paid for any distance.
- 28 I believe that the reimbursement policy is adequate.
- 29 Occasionally, ODAR will only have one or two out of town cases needing a VE. It is not cost effective to travel for so little work.
- 30 It does not exist currently. The travel policy changed when we received the 10% fee bump, effectively canceling each other out.
- 31 I am not reimbursed for local travel or parking. I am reimbursed for out of town dockets, at federal rates. Hotels have been willing to charge me the government rate when information is supplied about the nature of travel. If this were not the case, the reimbursement would not be adequate.
- 32 Since April 2009, we can now charge for mileage and parking, which helps when I accept hearings in Milwaukee, which is a 160 mile round trip each day.
- 33 Never filed for travel reimbursement. Was not aware this was reimbursable.
- 34 My time away from my office is time that I am not able to generate revenue from other sources.
- 35 No reimbursement for travel time.
- 36 Prior to 4/1/09 we were reimbursed parking and mileage portal to portal. Since 4/1/09 it is only reimbursed if we travel greater than 50 miles. Parking is \$25-30 per day and the 10% increase does not even cover this loss, so we have taken a decrease.
- 37 I don't travel far.
- 38 Travel to Manchester, NH, was 49 miles.
I now do all hearings by telephone.
- 39 We recently lost all of our travel reimbursement when the new rates went in effect so we were making more with the old hearing payment schedule
- 40 I try not to take cases involving long travel since they don't pay full travel or travel time.
- 41 If I travel over 75 miles I submit for travel. Most offices agree to pay for travel.
- 42 Travel rates are fine, with exception of per diems, which should be increased.
- 43 It's frustrating since parking, gas and mileage are so expensive, but it doesn't deter me from accepting hearing dockets.
- 44 Since we are not allowed to charge for travel time I rarely accept hearings outside my local area.
- 45 Live in a rural state and travel can be from 250-400 miles to attend hearings. Receive no pay for travel time other than the mileage to and from the hearing location.
- 46 I'm not an employee and at your request need to travel and park!
- 47 Not necessarily an issue for me but they should pay for travel regardless of amount

APPENDIX 3-Narrative Responses- travel policy

- 48 The low fee plus the lack of reimbursement for my cost is a major reason for me to retire.
- 49 Why would you not pay for portal to portal for your schedule expert and their associated expenses. Judges dislike any VE if there is a request to do hearing over the phone. Judges and the office staff are not considerate of the VE as an independent contractor and the need to make money on an hourly or contract basis. No consideration for scheduling VE services and reimbursement for scheduled time payment.
- 50 I no longer take out-of-town cases
- 51 Especially at this time with fuel prices they way they are.
- 52 Who decided the 50 mile one way limit (and no parking reimbursement on top of the first insult) which is now being imposed? What is the rationale? Seems arbitrary. Counterproductive for VE's sense of being valued by ODAR/SSA.
- 53 I live 81 miles from ODAR but they will not pay for mileage because they say I must use the ferry (although they will not reimburse those expenses either). This is insane as the ferry system does not coincide with hearing schedules. ODAR is using federal employee rules for our travel, although we are not federal employees. Despite the 10% fee increase, we have a net loss with refusal to pay "local expenses." This is inconsistent with the BPA.
- 54 I do get some reimbursement.
- 55 It was preferable to have parking and local mileage paid as was done for many years and prior to this new contract. In essence the cost of now having to pay for parking and gasoline expense offsets the small increase in fees just recently approved.
- 56 We receive nothing to travel to the hearing office. In every other kind of case all experts charge for and are paid mileage, parking and travel time. Not paying these typical expenses is discriminatory and ignores the fact that costs rise each year by inflation
- 57 The new policy requiring 50 miles of travel each way has eliminated the benefit of the increased pay per hearing/study. For the local hearing sites, which are 25 miles from my office, I must have 4 hearings per day to earn the same money under the new contract that I earned under the previous contract due to the loss of \$27.00 per day in untaxed travel fees.
- 58 The way SSA has started interpreting travel under our new BPA is as if we are employees rather than contractors--unlike the other Fed. Agencies for which I am a contractor--ie, Dept. of Labor Fed. Worker's Comp Program and Veteran's Administration. Both pay travel TIME and mileage + parking if applicable.
- 59 I am willing to travel if I can get more hearings.
- 60 ODAR doesn't reimburse in this region
- 61 I don't travel for ODAR
- 62 Some cities like Victoria, TX are not listed on GSA and the hotels could be over 30.00/night more than max GSA limit, demand is high, supply low, and government per diem rate unreasonable
- 63 I do minimum travel
- 64 The recent change to not paying mileage to sites < 50 miles is a problem
- 65 Not getting paid for travel time is a disincentive. All other clients pay me for travel time.
- 66 This has been an unfair and aggravating development. I have a long commute of 40 miles (each way) in traffic. Now I can no longer bill for the mileage or high parking fees because I'm 10 miles short of some arbitrary limit. The 10% increase in pay doesn't make up for the loss of reimbursement of expenses.
- 67 I don't travel, didn't know there was a policy

APPENDIX 3-Narrative Responses- travel policy

- 68 Teleconferencing has eliminated most travel for the office I work out of. They have been very accommodating on letting experts testify via video or even telephone if necessary.
- 69 Philadelphia is one hour from my house and parking is expensive. Almost not worth coming in for just one or two hearings.
- 70 Does not affect me as offices are all considered local.
- 71 Don't travel
- 72 I do not take cases in our travel docket because I do not get paid for time or mileage and it is usually for the same number of hearings that I get locally.
- 73 This is especially true for those of us who have to travel 60+ miles round trip with no reimbursement, especially when several hearings have been postponed and the SSVE is traveling for only 2-3 paid hearings with no travel reimbursement.
- 74 Half of the hearings that I have I do not receive travel and they are over 30 miles away.
- 75 Sometimes I travel 6 hours a day and the mileage does not make up for the time on the road and the risks I take being on the highway that much.
- 76 ODAR offices are not close to home and as a result depending upon traffic and schedule it can take upwards of 1 1/2 hours to reach hearing offices. Chicago traffic is a killer!
- 77 I understand mileage is not reimbursed if the travel is under 50 miles but parking is also not reimbursed. In Boston that is \$33.00.
- 78 In Puerto Rico never pay travel reimbursement
- 79 The mileage rate continues to decline and gas prices are constantly rising daily.
- 80 I do only local hearings. It is a disincentive to travel more than 50 miles roundtrip.
- 81 The travel time is not reimbursable. As a result, I do not travel. Professional time away from my office is better spent doing private case work.
- 82 The lack of reimbursement for parking is a disincentive as all parking near our ODAR building is pay parking, averaging \$14 for a full day
- 83 It is not the travel reimbursement policy that is a disincentive, it is the lack of hearings. If I am going to travel, I want a full day, or full week of hearings, not 3 a day.
- 84 No reimbursement of travel expenses is a disincentive in these days of high fuel costs & toll expenses (bridge).
- 85 I do all my hearings my phone only (due to other commitments).
- 86 Need to pay mileage no matter how close you live. We are the experts and should be paid.
- 87 My cases were in NC and I live in VA. Always an issue to get reimbursed for expenses and travel.
- 88 The VEs in my former office in KS just completely quit accepting travel dockets after the new travel guidelines were put into place - will take phone or interrogatories only.
- 89 I don't accept hearings because I have other commitments. Also for 1 year I was dealing with family health issues and had to take my self off the docket. It took about 1 year to get me back into the schedule.
- 90 I am now earning less than before this most recent small raise because expenses were taken away. I pay \$16 daily to park \$4.30 in tolls and lost .55 per mile for 62 miles round trip.
- 91 Should have travel time paid as well as mileage
- 92 Many judges are now allowing VE testimony over the phone, which I prefer.
- 93 I will NOT accept hearings that are held in an area that is affected by this policy.
- 94 They reimburse us well for travel except for paying for our travel time which I get in other work.

APPENDIX 3-Narrative Responses- travel policy

- 95 Mileage and parking should be reimbursed
- 96 VE's should be paid mileage, tolls, parking no matter the travel distance to ODAR hearing location, like our other referral-customers continue to compensate us for.
- 97 Because I own my company and have other revenue streams I am able to work a significant number of ODAR cases. I would not be able to take as many cases if this work was all I had to rely on because of the significant difference in pay rates between ODAR pay and other venues.
- 98 I think it is fair
- 99 I would travel 4 hours round trip for 4 hearings and only got paid for the hearings
- 100 I have been denied travel reimbursement for some locations; told that the fees are enough. So I don't go to those places anymore.
- 101 I am not that willing to travel to remote hearing locations
- 102 I live close to my ODAR office
- 103 To attend it is almost an hours drive-with out multiple hearings in a day I lose money
- 104 In Idaho distances to hearing sites are extreme. I live 85 miles from Pocatello, a favorite site for Salt Lake Judges. This region provides no travel reimbursement, either mileage, meals, or lodging to VE's... it does provide all travel expenses to ME's.
- 105 Time is money, particularly hear in Alaska where travel time can be extensive
- 106 We have no travel reimbursement. In Jamaica Queens between parking and tolls it costs 20 to 25 dollars daily.
- 107 Generally done via phone, when hearing is out of town
- 108 Rarely travel
- 109 Difficult to obtain mileage reimbursement and the current rates for hearings do not cover the lost time – down time for traveling to hearings
- 110 We received a 10% pay raise and a 10% pay cut as travel and parking eliminated
- 111 I don't like doing 3 road trips in a month & only being able to submit for payment once a month. Sometimes I'm out \$1500 of my own money just to do government business.
- 112 Only because our office doesn't pay in a timely fashion, thus causing us to have to cover air fare, hotels and other expenses on our own personal credit cards for 2 or more months before getting reimbursed
- 113 I do not expect to be paid for local travel from my home or office to the ODAR office. In the past (am just starting in Arizona after a couple years hiatus) I was always paid for remote travel, including mileage, per diem, and hotel.
- 114 Now that telephonic testimony is available, the lack of reimbursement is not a factor.
- 115 I live 48 miles one way from the hearing office. ODAR will only pay travel if it is over 100 miles round trip. We have judges that DEMAND that you are there in person, but only schedule for one hearing on that day which is a waste of time and money. Don't understand why I can't do that one hearing on the telephone. A lot of times the claimant is a no show, or the hearing lasts 13-20 MINUTES and I have wasted 3 hours of professional time in travel and parking for nothing!
- 116 No reimbursement is permitted unless travel is over 50 miles one way. Thus accepting local dockets is not monetarily advantageous
- 117 I live on a Big Island that take 3-3-1/2 Hrs to drive to half the hearings yet I get no mileage for the first 55 miles, no lodging and only partial per diem for the day.

APPENDIX 3-Narrative Responses- travel policy

- 118 I rarely have local travel as I live over 100 miles from most ODAR hearings. I don't mind traveling to the sites, I am reimbursed for hotel/miles/per diem. I can arrange other work while there. I realize this is not typical.
- 119 My travel is covered--it exceeds the mileage necessary for reimbursement
- 120 VE's should be compensated for all travel, tolls and parking no matter the distance.
- 121 It is OK as long as phone hearings are an option.
- 122 I frequently ask for permission to provide telephone testimony; not most judge's preference
- 123 This is the only agency I provide services for that does not pay travel time and expenses.
- 124 I think we should go to a per diem flat rate rather than so-called government rate which is often higher than what I can negotiate myself
- 125 I have to travel approximately 35 miles one way to the hearing office and do not receive any reimbursement. I do not accept off-site hearings as I am not reimbursed for travel, meals or lodging.
- 126 Judges have EGOS that can not be disturbed. SSA has its very own perception of FAIR, which does not give any \$\$\$ to other professionals if you are not in the Attorney or Judge political arena.
- 127 Agree somewhat. While we get paid mileage, our time is not paid. I travel 2 to 3 hours one way to get to hearing sites sometimes.
- 128 If I go out of town for hearings, I have always been reimbursed for my travel expense.
- 129 All hearings could be conducted via telephone with no travel required
- 130 Yes, if the docket has very few cases, I have to pay for parking downtown and is very expensive, and on top of that we do not get reimburse for mileage either.
- 131 Do not travel outside Harlingen except on rare occasions
- 132 It was not paid at all in my first year or two...I had to ask over and over before I was told how to request reimbursement. It should be for any travel to attend, not just if over 50-75 miles one way to attend.
- 133 I do not travel. I only work at the closest hearing office.
- 134 I will not travel for a hearing docket for only one or two cases.
- 135 They are more frequently willing to allow testimony via telephone. I'm unwilling to accept more than one out-of-town docket per month.
- 136 It cost money to travel and this is not taken into consideration if you travel less than 50 miles
- 137 Local Travel reimbursement has to exceed 50 Miles one-way. Too Restrictive.

APPENDIX 3-Narrative Responses- Rates:Availability

Would receiving SSVE compensation equal to your private practice hourly/market rates influence your availability to schedule more SSVE hearings with ODAR?

- 1 Absolutely
- 2 We are asked to not only review the cases, but also type up a report. With all the time involved it's about half of my regular rate.
- 3 At the present rate, I need to do other types of work to generate income for my practice.
- 4 My private practice as a Psychologist was much higher to be compared with VE pay.
- 5 I live in a low cost of living area.
- 6 Yes, there are many days that I actually lose money working at social security.
- 7 I am not greedy; it is the essence of SSVE work that keeps me going.
- 8 I don't consider the present fee structure to be reflective of an Expert's reasonable rate and is quite frankly an embarrassment with one day trained hearing monitors earning more per hearing than VEs.
- 9 I would likely agree to nearly all hearings that have been requested of me if I were guaranteed my current vocational expert rate.
- 10 For 6 or more cases per day, fees are not an issue. For dockets that have few cases or only a couple of day, fees are an issue. Yes, I would be more willing to take small dockets.
- 11 depending on what Judge
- 12 The ONLY reason that I have remained active with a BPA is the volume factor and its adds \$\$ to my practice for such.
- 13 Absolutely. I have for years jokingly referred to my work for OHA/ODAR as my "near pro bono" (a term meaning "for the public good", and is generally meant as work performed free of charge). Certainly SSA is paying something, but the rate is 30+ years behind times. Every hour I work for ODAR I lose money that I could get elsewhere. I have been limiting how often I am willing to earn less with ODAR.
- 14 I lost my last job in a partnership private rehab firm because of the SSVE work I was accepting that was charged at less then half of the hourly rate that the firm was normally charging. Now I am in my own private practice and I face the same discrepancy.
- 15 I take most of the hearings offered.
- 16 Although I am currently accepting about the same # of hearings as I have for the last 5 years, I am also moving forward with other plans for a business change and as soon as it is in place will no longer do any SSVE testimony.
- 17 Get real. It is not going to happen. Best shot another 10% maybe 20% but my guess is just enough to put us close up to \$100 for 2nd hearing on. \$95 to \$105.
- 18 I hardly accept cases due to fees
- 19 Perhaps, although I really don't expect to be reimbursed at the hourly rates I charge for civil expert work.
- 20 While it is always good to receive additional money for services rendered, the amount given now is getting close to an appropriate level. I like doing about 10 days a month. My one complaint is that when ODAR calls for arrangements, if one is not home or in the bathroom and a call back is made within five to ten minutes, the scheduler has already called someone else. I think they should give at least a half day. Also, I would like ODAR to schedule a week at a time.

APPENDIX 3-Narrative Responses- Rates:Availability

- 21 I could easily double the amount of hearings I accept if the compensation is increased. I limit the amount of days per month primarily for this reason.
- 22 I am no longer in private practice
- 23 It would then be commensurate with my other areas of practice and I wouldn't feel like I am giving up slots of time, but rather would feel more like it is a part of my overall practice, rather than a "side job."
- 24 I would like equal pay per hour for the preparation.
- 25 Semi-Retired. Only work ODAR.
- 26 I would be available for more hearings and I would be available to take fewer hearings on one day. Now, I try to insist on at least 3 hearings in one day without gaps, i.e. 2 hours or more between hearings. With new rates, I would be more flexible.
- 27 Yes because taking more odar hearings would not diminish my revenue stream.
- 28 I have served as an SSVE for 16 years and enjoy the work. However I earn 5-6x the appearance fee in all other venues. It does not make practical business sense to accept a docket when I have market rate work to be done.
- 29 I just work my private work around ODAR
- 30 SSVE compensation is about 50% of rates I charge for other business. Judges are very disrespectful of my time and schedule six or fewer hearings in a day with hearings lasting over 90 minutes. I cannot afford to work for those judges.
- 31 My time is worth \$\$\$ per hour. I care not about the source of that payment. Basically, if A is not buying my time, B will be. It could just as well be ODAR---or not!
- 32 I do not do private practice.
- 33 I would give ODAR top priority.
- 34 I have reduced my availability for hearings to 3 days per month so I can semi-retire
- 35 I always make myself available for hearings, when they are scheduled with enough advance notice.
- 36 I would be willing in to come in for less hearings. Now I require at least 4 hearings to come in to testify unless it is done by telephone. I will accept one if it is telephone.
- 37 A full docket of 5 hearings for a day does not equal what I could receive doing an employability assessment and can consume as much time studying as performing other services.
- 38 I turn down many hearings and would be willing to do more if I were paid a more equitable fee
- 39 Only if there is a daily commitment to \$1,500.00 per day rate for VE services as initially scheduled. Also portal to portal and reimbursement of all parking and all mileage expenses.
- 40 I like a diverse caseload. And all SSI/SSDI work, day in and day out, would be somewhat depressing.
- 41 My hourly rate is \$200 per hour. If we received a raise of \$160 per case then I would be more available.
- 42 I only have so much time. I am doing all the SSVE work I can handle
- 43 The answer is yes, if I was still working.
- 44 I would immediately return to my level 10 years ago

APPENDIX 3-Narrative Responses- Rates:Availability

- 45** While I believe a raise is indicated after more than two decades at essentially the same compensation rate, SSVE work is only one part of my practice. I do not believe the SSA should pay, under contract, the same rates as private parties. Contract and government services are generally paid at slightly lower rates, but, at minimum, cost of living allowances should be made and have been lacking for too long.
- 46** Our area does not have as much call for VE witness work so ODAR is the major provider.
- 47** At least 250.00 per case would be reasonable. Sometimes I can spend 8 hour day on 5 cases with 30-minute lunch. Study time increases with experience because there is more you learn to look for such as titles, finding occ info in medical records when their is no work history report, etc.
- 48** I have been taking more cases outside of SSA. Due to trial dates and depositions in these cases, my availability for SSA has lessened. I am often called for hearings at SSA on days I have another litigation trial.
- 49** I accept all of the days I am asked unless I have a previous conflict with a voc assessment or PI testimony scheduled.
- 50** If my health issues would allow.
- 51** I would be equally available
- 52** I work for an agency, so this question is not applicable to me. It's more a matter of whether it would be worth it to me to reduce or increase my agency hours. I'm trying to schedule more phone days with ODAR which at least decreases the number of my hours involved (in total) with any given day's hearings.
- 53** It certainly would be an incentive. At this time I am finding it difficult to do 8 - 9 days a month due to other work commitments.
- 54** I was told that a pay increase was in the works for VE's when I started back in the 1980's.
- 55** Basically, I do the minimum now just to keep in the loop because I can't afford to do more. If the rate doesn't go up soon, I'm getting out.
- 56** Yes, however this could never become a full-time gig for me.
- 57** I do my private work file reviews in between hearings so I am billing in any down time.
- 58** Of course, it would and I would.
- 59** N/A...not in private practice
- 60** I take a substantial pay cut every time I walk into SSA
- 61** I cannot accept more days at this time due to my other responsibilities.
- 62** I really thing you have to look at the big picture. ODAR is a steady referral source. The rates should be adjusted to accommodate this.
- 63** Would be more available - then feel like can make a living at this.
- 64** If pay went up, I could accept fewer since increased pay would then allow me to work other, more desirable lines of work- civil cases, economic analyses, etc..
- 65** At this time, I am no longer performing SSVE work due to another venture. But most likely if the situation would have been more equitable for time spent, travel and practice hourly rates, most likely would have continued even with my new venture.
- 66** Sure, it would affect my availability. I like SSA work but to be honest, am planning on becoming a rep in the next 12-18 mos. (while keeping the rest of my forensic practice) if compensation issues aren't addressed.

APPENDIX 3-Narrative Responses- Rates:Availability

- 67** I have hearings and commitments scheduled months in advance. Be it SSA or ICA or client interviews or family, everyone gets on the calendar. If SSA calls last, they get dates I am available.
- 68** Definitely affects my availability!
- 69** This assumes the rate would cover review/prep and reasonable travel time, not just time spend in the actual hearing.
- 70** I still get calls even though I have not been active in several years. It's really not worth the time it takes to do ODAR work.
- 71** I can make more money declining hearings and doing my normal work.
- 72** I ask myself repeatedly why I continue to do these hearings. The only reason I can think of is because I feel an obligation to the judges with whom I have developed a good working relationship. I am going to give it a year or two more and then that is it. If changes are not made, I give up.
- 73** I purposely limit my SSVE work to 4 days/week because it just doesn't pay enough to justify even that and I have cases I can't get to paying \$300/hour so I'm losing money working for ODAR. I'm contemplating quitting.
- 74** I don't expect that to happen but an increase from present rates would be much appreciated
- 75** I enjoy the work at ODAR and would definitely make myself available. I have had a spike in cases the past year because of a back-log.
- 76** VE's should also be paid mileage, tolls, parking despite the travel distance to ODAR hearing location.
- 77** I would need more hearings and more fee per hearing
- 78** I usually schedule my other work around my hearing schedule, since I know the hearing schedule well in advance.
- 79** N/A
- 80** No effect due to current volumes. But why are our subsequent cases paid lower when the M.E.'s are not? Makes no sense and a higher rate probably would help in recruiting more V.E.'s.
- 81** I do what I can do. I have enough flexibility. also, what are odds that you would get u&c rate. it took over 20 years to get this most recent increase
- 82** I have never been in private practice. I previously worked for a government agency in a rehabilitation setting and was salaried.
- 83** I refuse 95% of the calls to testify because the bill rates are so low!
- 84** I am already scheduled almost full time.
- 85** not in private practice
- 86** SSA-VE are paid on a semi cost plus fixed fee arrangement. It is not possible to run a business and handle 50+ hearings
A month and do both effectively although many VE's do.
- 87** I would work more as a VE if I was paid more
- 88** I'm doing as many as I can already.
- 89** This would be a great incentive to have the rates increased.
- 90** I am still going to work ODAR regardless of a pay increase or no increase, because of the flexibility. The increase would help pay my expenses for local dockets where my travel/parking/per diem is not paid.
- 91** I would be more willing to alter my private practice schedule to accommodate ODAR

APPENDIX 3-Narrative Responses- Rates:Availability

- 92** I do not think the SSVE compensation should be as high as our private hourly rates. However, I think 25% more per hearing is equitable.
- 93** I am getting enough hearing dates to suite my needs.
- 94** I stopped taking cases 5 years ago to increase my private practice to earn more money. What I was earning with SSA was well below my worth on the open market as an expert. I was working just as hard and paid poorly.
- 95** This would be a positive factor that would influence my availability.
- 96** I do not know
- 97** I survive by diversifying. I do mostly contract and sub-contract work, not all of which I can negotiate rates for. What few direct customers I have I charge \$75.00/hr.
- 98** I would definitely be willing to accept more hearings-especially if they require travel with ALJ's who are prone to have long hearings which is not efficient in a lot of situations
- 99** I am fully booked
- 100** No doubt about it, I would consider such referrals to be a top priority if the fees were competitive and not such a slap in the face. In fact, I avoided becoming a SSVE for the first 32 years in my profession, since it paid so little money compared to workers comp cases, VA contracts, forensic civil cases, etc.
- 101** Raising the rates to \$125 for each case rather than basing the rates on "so much for the first appearance and then at a reduced rate for each additional appearance."
- 102** I have limited time for SSVE.

APPENDIX 3-Narrative Responses- Additional Comments

Additional comments.

- 1** Although I am accepting the same number of hearings, I am doing my private practice work at an increased level, thus working many hours have kids in college
- 2** I have done the job since 1976. In the early years the pay was decent but they lost serious ground in the last 20 years. I quit for a few years, maybe 2002 to 2005 then started back up. Should be at least \$125 a hearing.
- 3** System is broken. Testimony is based on the DOT which is outdated and of questionable accuracy at best. No continuity from one judge to the next as to how they run hearings and what testimony they require.
- 4** Overall level of vocational rehabilitation case work/expert testimony work in Michigan has suffered greatly over the past 2-3 years due to general market conditions and economy, especially manufacturing downturn, as well as changes in WC and insurance policies. New VE's applications for ODAR contracts have increased significantly over that time period. Our ODAR does not have any difficulty filling the schedule, and there are a number of VE's who do only ODAR work (i.e. have no other work) and will travel throughout the state to accept any hearing dates. We also have a good percentage of retired VE's (mostly PhD psychologist) who are interested in working several days each month and openly express their opinion that the current rates are adequate for their needs. We currently do have hearing monitors whose contract rate is higher than our average hourly pay for work as a VE. Discouraging situation overall.
- 5** In our office we have had on-going problems with getting paid in a timely fashion. Sometimes getting paid one to two months late. Travel is running several months behind as well. The other problem is that how we're supposed to be paid ie. for an appearance vs. study vs. total hearing is normally confusing for the staff and ALJ's as well. I personally continue to ask for interest on late payments which doesn't amount to much but helps. I do this work almost 100% of the time because our office is large and keeps me very busy. I think I do approximately 1000 cases per year at this time.
In the State of Texas there aren't many other opportunities for Rehab. Counselors other than case management due to the workers' compensation law. Regarding the cancellation of cases - normally the number of cases you're asked to do when given a docket and the final number of cases received varies as well. For example you may be called for 25 in a week but when they actually arrive it could be 19 etc. Then of those you may have some cancelled thus reducing the overall total numbers for the month.
- 6** I am about to make a ten percent adjustment in hourly fee for forensic work. If more of that work becomes available, I will have less time for SSVE work.
- 7** I was a Licensed Rehabilitation Counselor in Louisiana until 2005 when I decided not to renew it.
- 8** SSVE work for ODAR is fairly compensated and it is not that difficult to do. Those dissatisfied should vote with their feet and pocketbook and opt for other remunerative endeavors.
- 9** Since I retired from my practice as a Psychologist, I view the days spent as a VE as a means to meet old friends, and keep informed re. the use of talents despite one's handicap by industry.

APPENDIX 3-Narrative Responses- Additional Comments

- 10** I enjoy the SSA/VE work and I have a very good relationship with ODAR staff, but it is getting increasingly difficult to commit time to it due to the rate structure which is way out of line with other VE work. There has been only one fee increase since 1973 and that was minimal. Obviously that does not keep pace with escalating costs including travel and related costs.
- 11** If they raise the fees in the indexed fashion they apparently intend to, it would be fine for me and probably most of us. Those in high cost of living areas such as Atlanta and San Francisco would probably not think it is fine.
- 12** For me, it is not the compensation for the file review that is an issue. I tend to focus my review on the work history, the claimant's report, consultative exams and the RFC's. I find the hearing reimbursement of \$38 or whatever it is now, insulting. Hourly rates for general VR work in the state of Ohio are \$70 to 90 dollars. While I do not consider my expert work with SSA as difficult or as detailed as other forensic work, I do maintain current statistics which I update frequently. I research questions such as 'off task' to get a better idea of the industry, etc. I feel the rates should at least equal what case work pays.
- 13** The only way we will have a competitive fee is to set the rate based on private practice. It is important to give an honest Vocational Rehabilitation opinion based on the preponderance of evidence, medical and client testimony in every case in all aspects of professional practice. ODAR will likely be a place for a "soft landing" when I weary of the adversarial process in forensic rehab with medical malpractice, personal injury and other sorts of cases. Right now I enjoy being the "big fish in the small pond" and will do so as long as I have health and referrals. Thanks for the survey.
- 14** I find it difficult to justify scheduling dockets for judges who only hear 6 hearings per day at the current rate of pay and cannot afford to do this. I can make more money with private voc at the current rates. If the rates were significantly higher I might change my availability. Currently I only accept dockets around my other scheduled appointments and therefore only work every other month or so. Plus, it takes so long to get paid for these services and involves extended paperwork that it is not worth my time and effort. Dealing with the hearing office personnel is also difficult.
- 15** Since the expectation for experience and education and credentialing is quite high, compensation should reflect that and the current market. When part of the expectation of ODAR is that the VE be in current practice, and a day of hearings keeps them from their normal, higher paying practice, there is no incentive to do hearings at pay levels from the 1970's. As a group, VE's have been loyal in the hope that the Agency would recognize their expertise and faithfulness with real-life compensation. Unfortunately, until now, there has been no "voice" for the group to the Agency.
- 16** Make it easy on SSA - fixed fee of \$250 per file including study and appearance would be just fine, and wouldn't break the bank. It would also not unjustly enrich VE's.
- 17** I am unclear if I am currently under a BPA with ODAR. I did not complete the repeat renewal process, however I continue to receive calls to accept hearings.
- 18** It is insulting and not professional to be paid what we are getting paid at present, considering our education and our importance in the procedure, however, because we get 5 - 6 hearings daily, it is tolerable (I've gotten as many as 10 hearings with some judges for a single day) A fair rate would be about double the present rate per case. - \$160 per case - (1 hour)

APPENDIX 3-Narrative Responses- Additional Comments

- 19** Since beginning this work in 1987 I have gone from being asked to schedule as many hearing days per week as possible to getting only 3-4 hearing days a month and now back up to several hearing days a week. I recently decided to only accept hearings on three days per week and have a goal of ceasing SSVE work in the next 1-2 years. The new judges (some just have no clue why the VE is there and what to do with one) and other shifts in the working conditions are as much a disincentive to continue this work as the monetary issue.
- 20** The fee structure reflects lack of regard for VEs as professionals. The absence of an increase for about 30 years, except for the present increase, while all others contractors (MEs, interpreters, monitors) present at hearings have received raises and all presently are paid at a higher rate than VEs reflects SSA's disregard for the value of VEs. It is truly an embarrassment. Any fee change should be retroactive to the time of the recent "temporary" or "transitional" fee change.
- 21** Thank you for doing this. I will be joining the organization because of this work.
- 22** The low fee are frustrating. I like the work and plan to continue doing it but if other enjoyable work comes along that pays better I would reduce my availability
- 23** When SSA hearings compete for my available time, I will obviously favor opportunities with the higher rate. My availability for SSA hearings has been continuously reduced over the years, while the volume of cases has increased dramatically due to major backlogs. I typically turn down 15-20 hearings or more per month. In fact, I no longer give SSA my list of available times because I need to reserve most of my time for providing services that are paid at a rate that is twice as high as SSA's current rate.
- 24** The issue for selecting and being a VE and compensation is the most qualified receive the same pay as those the least qualified. There are real issues of incompetent VEs providing unsupported opinions. Not only in SSA cases but in workers comp and personal injury.
- 25** I am in a satellite office and have had ALJ's coming here from 6-7 different locations over the last 5 years or so. Each year I seem to be thrown into a new SSA office with new ALJ's that have different procedures for handling hearings. The old timers were generally the best - they held about 8 hearings over 3-4 hours; some did 16 hearings in 6-8 hours. Those that hold 2-3 hearings in 4 hours do not justify my time and expense. If I have more dockets with only a few hearings spread out over a 5-7 hour day, it will no longer be cost effective for me to continue doing SSVE work.
- 26** I find that for our judges that produce 6-8 hearings a day (for 6 hours time) for 3 days a week, with a 2 hour lunch break, it is comparable to legal fees. If judges are not productive, then it makes a big difference. Our judges are very productive in this office. However, it is the luck of the draw and some VEs regularly get called and scheduled for lots of cases (40-30 per week). Some of us get stuck with 12 cases per week, that is the difference. Taking the local travel away puts a bigger dent in the pocket than the 10% raise covers. I believe it will work out to be a pay cut.
- 27** While I try and keep a balance in the different work I do, I am also relatively new. However, I am disgusted with the fact that hearing monitors get paid, in my local office, around \$50 an hour and some of them barely have a high school diploma. I just came back from Cincinnati which is an hour and a half away and the hearing monitor get \$75 an hour - \$13 dollars less than I make and with half the education! She factors in travel and I cannot

APPENDIX 3-Narrative Responses- Additional Comments

- 28** Because the reimbursement rates are so low, I only accept assignments when there is available time in my schedule.
- 29** A 10% rate increase is diminished and lost when mileage and parking is not paid anymore. Someone should figure the cost of living lost over the past 33 years... costs that are given as pay raises for all federal employees and determine the fair value of our services. Cost of living should be built into the contracts. Experience should be worth something.
- 30** Starting in January 2010 I will be accepting only those dockets that have at least 5 or more cases per docket (per day) and will not be available for travel to remote sites which at present is 4 1/2 hours round trip with no reimbursement for travel other than the standard federal mileage.
- 31** In answering question #28, it should be understood that I am willing to renew the BPA in 2010 just like I have for the past 31 years. However, not because I am content with the fees. I have renewed every year because I know how important competent VE testimony is to the program. I have, perhaps foolishly, expected each year that SSA would finally realize it too and justly compensate the highly skilled and dedicated VE professionals who are a vital part of their system. The approximate 10% raise, after 30+ years, was an insult to those professionals. The raise, just based on inflation, should have been 300+%. My other fees have increased well beyond that over 30 years and my professional clients are very willing to pay it because I continually enhance my expertise. SSA/ODAR has been having a relatively free ride all these years. They should now finally be willing to pay reasonable professional fees. I am of "advanced age" as are many of my colleagues. The younger people in our practices and/or professional organizations are not as inclined to do the work for reduced fees as we were. SSA/ODAR better soon increase fees so that we can begin training our younger generation staff and/or colleagues to be competent VEs or the program will greatly suffer.
- 32** I feel the SSVE work is critical to these hearing as employment options and possibilities are at the heart of most hearing issues. I also feel that being there in person makes a much better service as telephone participation really limits the VE's ability to assess the situation and claimant's true potential or circumstances. With that stated though I would add that telephone participation by the VE is far better then doing the hearing with no VE at all.
- 33** ** Request to be scheduled for hearing has doubled in the last two year since starting the VTC hearings. I am refusing many of them due to current fee schedule and the disrespect it shows for the VE's in not giving even an appropriate COLA increase all these years. Can not afford to take on any more at the current rates.
- 34** I can no longer afford to do as much work for ODAR as I have in the past. Some judges work short days with only a few hearings per day. I no longer work for them, nor do I work for those judges who take all day to do just a few hearings. I have become very selective about the judges I am willing to work with. This is the least profitable work I do in my practice.
- 35** The time from when I submit an invoice to local ODAR and when it is paid from Baltimore is unacceptable.

APPENDIX 3-Narrative Responses- Additional Comments

- 36** Being a VE is a highly specialized profession which requires the appropriate understanding of applied research on rapidly changing occupational data and trends and a labor market whipsawing due to drastic changes in the economy. VE's must carefully draw upon their fund of training, knowledge and experience and keep up with job surveys and employment trends. Advance graduate degrees are the norm. Yet the hearing recorders are being paid nearly what VE's receive. The qualifications and education of a hearing reporter is markedly different.
- 37** When my ODAR office calls to schedule hearings, if they do not reach you and get your VMX, they go to the next VE. So when I call back in hour (because I was in hearing), they have already assigned to another VE. Also, I am aware some VE get several dates of dockets at once in advance, then I get last minute dockets which I cannot take most times because unlike many VEs who only do hearings, I have a full time practice. And lastly, I have not paid for the 4 dockets I have worked since March!
- 38** Supply and demand tells me that there are a lot of people who would like to do this work that are qualified, most overqualified and more and more unemployed Human services, Workers Comp. and other forms of institutional employment are drying up because of our ever worsening tax shortfalls and very successful efforts on the part of the WC insurers to limit or eliminate Vocational. Rehab. To the best of my knowledge when there is a glut of resources(us) this is not a problem to the consumer of the resource (them). Why would I pay more? They will throw you a bone and you'll take it gladly because you have no bargaining power.
- 39** I appreciate the efforts of those of you who are working on this matter.
- 40** I have already handed over the baton to my peers who choose to travel to my city and work for peanuts! have at it!!!! We will never win the battle to truly unite and raise our fees; too many are willing to take the pittance of 10% increase to continue to avail themselves to travel anywhere!!!
VE's have never united on the subject; I am burnt out on the subject after this many years!
- 41** This would depend on how long the reimbursement would remain at current levels. If it is another 30 years, it would make no sense. Perhaps building a COLA into the fee payment is worthy of discussion.
- 42** I accept SSA hearings as they assist in my credibility for other testimony that pays more competitive rates. However, I obviously believe we are substantially underpaid by the SSA.
- 43** I believe the rates first proposed are realistic considering the lack of a raise since the 70's up until recently when we received a small 10% increase. It is interesting to see attorney fees increase, but not ours.
- 44** At some point I will decrease the number of days I am willing to accept if the rate of compensation is not increased. I am unsure at what point in time I will make that change, however. I have already declined a number of days where additional travel is required with an office I used to do work with. It is not worth adding on additional days with a different office at the current rate of pay.

APPENDIX 3-Narrative Responses- Additional Comments

- 45** Since I am retired from the University of Florida, I am in a position to accept only a certain number of hearing days. However, up to this point I have only declined when I already have hearings on the day requested or I have something scheduled that I cannot break. I give my first option to ODAR and have broken other arrangements to attend hearings. I really like doing these. Any raise would be appreciated, but I would do them anyway.
- 46** It takes way to long to get paid. Invoice is tedious, time consuming to complete. Would like to see on line invoice made available.
- 47** I've been agreeable to maintaining my current level of availability based on the expectations a significant fee increase would occur. Since it did not, I will be decreasing my availability beginning 2010 drastically.
I rec'd the 10% bump in my fee. I lost reimbursement for parking and travel. These two actions canceled each other out resulting in an actual increase of 0% for my services.
- 48** If the rates do not increase I will need to give my private practice cases preference when scheduling. If I am available I would do the SSA work, but if my private cases need me they will bump the SSA work.
- 49** I place high value on this work. I enjoy it, and think it is important for SSA to have a well qualified and experienced group of VE's available to provide testimony in disability hearings. I believe each of us should be actively employed in the field, and that VE's NEED this professional experience on a regular basis in order to provide relevant and appropriate testimony.
- 50** Additional compensation per case would be great! For 24 years I was paid the same compensation per case!
- 51** ODAR has taken advantage of SSAVE's for many years. However, they still have enough SSAVE's for their caseloads in most areas so they see no reason to raise rates. For most SSAVE's, it is a good part-time job.
- 52** I am looking forward to having national status as a VE.
- 53** SSVE work is steady, but not lucrative. My specialized knowledge and skills are sought for other litigation support and I intend to stop my work with ODAR within the year, if a substantial raise doesn't occur. I am about to increase my professional fees by 20% and that will make the ODAR fee schedule to be about \$50 less per hour. I think that people trained in rehabilitation, who have provided job placement, and follow along will mostly leave ODAR for greater remuneration elsewhere. "You get what you pay for" and if ODAR continues chasing rehabilitation professionals always, the talented and experienced VEs will leave and the minimally adequate VE numbers (trained in psychology, social work, etc.) will represent the bulk of SSVEs---this will be a disservice to claimants and the SSA. So claimants and the ALJs will not get accurate information to make appropriate decisions.
- 54** Thank you for your interest in improving the retention of SSVE's
- 55** If SSVE rates remain the same, I would have to focus more on other things. The office I'm assigned to compensates for the insufficient number of VEs by scheduling far into the future. For example, I'm scheduled into February, 2010.

APPENDIX 3-Narrative Responses- Additional Comments

- 56** It is very difficult obtaining straightforward information from our regional office and I have frequently been treated rudely by staff. I have many other customers who appreciate my work and there is diminishing incentive to tolerate unprofessional coordinators.
- 57** I have worked with different offices. At this time I confine my work to one ODAR because that particular office has demonstrated an overall respect for VE time. That is, they schedule multiple hearings to make a trip to the office worthwhile. Other offices have made me travel to the office to review the files and then return for the actual hearings. An important factor here is that I not spend inordinate travel time (mileage is minor) when I can be working on productive work.
- 58** Curious about the effect on VEs as technology advances and hearings are only held in the main office.
- 59** This is work that requires a specific skill set and background. Most VE's have Masters and Doctoral degrees and to be paid \$39 for a court appearance and \$44 for the file review is inappropriate. The hearing monitors fees are greater than our expert court appearance fees. For the fee schedule to have remained the same since 1979 is outrageous. The 10% increase with the loss of reimbursement for parking added insult to injury.
- 60** The difficulty in getting paid is a big disincentives to doing SSVE work. Also there is no professional consideration. We are not called when hearings are cancelled due to weather. We are scheduled three months in advance and have no direction regarding cancelling our services due to illness etc. I have missed friends and family funerals and family events due to an ODAR commitment. I would like to see direction in coverage of hearings. A user-friendly contact person to help with pay issues would be helpful. Our office is very competitive among VE's and there is no mentoring for new VE's.
- 61** I also provide evaluation services for the Office of Vocational Rehabilitation in my area. The established fees for doing so far exceed the rate paid by SSA for the same amount of time.
- 62** I actually considered renewing my BPA after not doing hearings for the last 6 years. I declined to respond to the most recent BPA due to the pitiful compensation rates. It is not worth the time, travel and effort. As a doctorate level VE, it is pretty insulting. Experienced VE are not a dime a dozen.
- 63** Fees need to be based upon case average value and potential savings.
- 64** Region 6 does not contain AK (Alaska). It contains AR (Arkansas). See the region question for the error.
- 65** The present SSVE compensation is woefully inadequate. A 10% increase, the first and only one since 1976 is an insult.
- 66** Thanks for putting forth the effort to do this
- 67** I have a very busy private practice and am not interested in posting my rates. I don't take as many hearings as most Ves in my area

APPENDIX 3-Narrative Responses- Additional Comments

- 68** What we have now is not a bad deal, but it can't compete with private practice. I like this work and having several cases at a time usually makes it worth while. Where the problem comes in is with last minute cancellations such that I can't rearrange my schedule to fill in. One of the problems you will face in raising compensation rates for VEs is the large number of VEs who do nothing else but SS work and who have never been in public or private practice, never done placement or in some cases never even worked in this field and are just doing this work to add to their retirement income. They are happy to work at any rate. Before pushing for higher rates, I suggest we push to tighten up on the requirements to become and remain a VE, then we can argue for better compensation.
- 69** Were it not for the fact that I am able to work on other (non-ODAR) cases while I am waiting to testify during a hearing, I would likely not be doing BPA functions. Not only must I accept a lower hourly rate to do the work, but I also must pay to park, for lunch, and put on a suit to attend. The only other time I wear a suit is to testify in an actual courtroom where my fees are 62% greater. That assumes three ODAR hearings per half day (\$287) compared to \$750 per half day in private practice. And that for me is the real comparison of apples to apples rather than an hourly rate comparison. Time and overhead are much greater for ODAR functions than for court appearances, deposition testimony, mediation, or arbitration. In addition, I can sit in my office, fly on a plane, or be between ODAR hearings and review files at my hourly rate. For ODAR work, the file review (regardless of the size of the file) is included within the fee schedule. That is why I rarely review a file prior to my arrival for the hearing. Often, I just listen to the claimant/judge/attorney interactions and I am nicely prepared to respond to hypothetical questions.
- 70** I would prefer they first bring up the base level another 20% and then build in an annual increase of at least 3-4% annually.
- 71** The primary reason for not scheduling more hearing dates is the low reimbursement rate. I teach at a university and I consider the reimbursement rate vis a vis my pay rate for my University job. For example, it is my option to teach in the Summer. With the current rates I am more likely to teach and do fewer hearings. If the rates were doubled I would not teach in the summer and do considerably more hearing dates.
- 72** I was very disappointed that the proposed fee increases for 2009 never occurred
- 73** I will be available for hearings unless more lucrative activities are available.
- 74** May retire from VE services in 2010, but increase in pay might tempt me to continue
- 75** As my private fee's increase and work is more available at this fee, I tend to seek those activities that pay more. At ODAR current fee, I would be better off marketing a little more and ultimately working less time for more monies. I continue to do ODAR work, which actually cost's me, as I believe that the disabled deserve up to date and expert opinions in hearings
- 76** I already turn down a lot of hearings and am continuing to say no more than I say yes due to my being busy in my practice and also the pay is not comparable to my other work
- 77** I do this as a service. Much like attorneys do pro bono work. The amount of time and money earned in private practice is at least three times the SSVE rate. If I was younger (30-40) and still had my children at home. I could not afford to give this time to SSA.

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- 78** One needs to understand that SSA is a politically giant. Good Luck to all your efforts to increase the fees for VE. Understand that this is political. Maybe VE should get into a union like the judges.
- 79** Hattiesburg, MS will allow for STUDY ONLY if THEY determine a person has no past relevant work. It would be helpful if VE could appear by telephone only if a docket has 4 or fewer per day. Note: Medical Experts (ME) appear routinely by telephone appearance only.
- 80** I'm glad to help in completing this survey, but everyone (VE's) knows that it will be YEARS before any fee increase is realized. Unfortunately, I will be deceased before any fee increase will take place.
- 81** I took a leave of absence for two reasons:
1) scheduling problems with the ODAR's office to review cases prior to hearings
2) b/c of pay at ODAR and increased forensic work in private practice, it really was not worth for me to be gone all day and earn the amount of money ODAR paid to what I could earn in my private practice.
- 82** Thanks for checking in with the rank and file. Let's hope ODAR translates your survey into constructive decisions for Ves (and Mes).
- 83** I believe I am still on the list for this area, but I do not seek work since I retired from fulltime employment with the CA Department of Rehabilitation in 2007. The low hearing fees, delays in travel reimbursement, and cancellations to some extent, were always a problem during the many years I was involved in the program. Judging from your questions, it does not look like any of that has gotten any better.
- 84** I appreciate the fact that the SSA is finally looking at this issue after so many years. I think anyone in a position of leadership would realize that the pay scale for VE work needs to be evaluated due to the fact that, except for the raise we recently received, our contract rate has not been increased for many years. VE work with the SSA is looked upon as secondary work for people in our field for this reason.
- 85** The cost of living over the last 30 years has dramatically changed, and \$200 per hour is now the norm in private practice. We are not government employees! I have not made a decision on this as yet. There is no unified process for travel and this should be determined by contract. When we are requested to travel (i.e. Alaska, remote WA sites, Idaho, or Montana) then we are not paid for travel time, the per diem varies, and to secure the information a VE must do time consuming research to secure guidelines. It seems at time that we work in a hostile environment. There should be a designated leader of SSVEs who could bring all of us up to date on changes and train the new Ves as to procedures. Mr. Lou Zinn was the past director of the program and held regional training from time to time. The leader could also advocate for the SSVEs. We also need a lobbyist in D.C. to present our case for increased fees and travel expenses and reimbursement at a realistic rate.
- 86** I like the work. But, the pay is just too low. the only reason I am doing it now is that the local office is very efficient. There are judges who routinely do 7-8 per day, and they have quick hearings. I can make some money doing volume work. But, traveling for judges who do 4-5 hearings does not make financial sense.
- 87** I am happy for any raise that is given. However, I only desire to make enough to live on and that may be different in each state.

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- 88** I would like to participate in a blue flu type of demonstration by VE's.
- 89** All other individuals who are connected to the ODAR work have had wage/fee increases over the years. To ignore that for VE/ME's is wholly unjust. We provide a valuable and necessary service. Proper fees for our work will result in more availability of experts (and quality) and in turn help with the severe backlog of disability cases waiting for hearings. An efficient, well supported program will benefit everyone.
- 90** I intentionally let my BPA expire as it was not cost effective from a business perspective to continue to provide services as a SSVE due to the low reimbursement rates. Unless there is a change in the way SSVE's receive compensation, I will not renew my BPA.
- 91** One reason I quit was because the pay was not competitive.
- 92** The rates have become so radically out of step with market, I like many VEs plan on continuing to reduce our availability each year. Until the rate structure which completely ignores the government's own inflation guide, CPI becomes in line with market SSA can expect declining availability and new VEs have little interest in participating due to the dismal rates.
- 93** I think it is a shame that the rates for VE testimony have not been at least equal to the cost of living that everyone else seems to get. I have been doing this work since 1976 with two raises in 33 years.
- 94** The ODAR office I serve has several new ALJ's, that conduct much longer hearings. Over the last year, afternoon hearings have become common, i.e. where in the past all of our hearings were finished by noon, now the same number or fewer hearings take until late afternoon. This has negatively affected my availability for casework and has hurt my general practice. Therefore, I may have to limit the number of afternoons I am available, just to keep my practice going. One of the things I believe SSA desires in it's VE's is ongoing Rehabilitation Counseling practice. I meet that expectation, but my overall revenues are declining, as I am less available for casework. The lead and most desired RC in my practice, (Me) is much less involved in casework. That has affected our referral base. I would like to be compensated more fairly for my commitment to serve ODAR, and was disappointed with the amount of the recent increase.
- 95** the number of days for ve are not always equal, some times it appears some ve are used much more than others. it is a disincentive to be ve when all do not get equal number of days per month.
- 96** In looking at Earnings Queries for SSA Claimants, there is a section that shows what the claimant's pay for any year would equate to in current year dollars. For years between 1978 and 1980, those dollars are 3 times the amount earned in those years on the tables provided. That was what the calculations appeared to show in updating VE pay from our 1978 pay scale to the first BPA we received for 2009--back in Sept. 2008. That fits well with what we currently make in other VE work and should have been adopted instead of rescinding it and giving us a paltry 10% raise rather than the 300% increase we deserve!
- 97** Would like to have reason ODAR pays hearing monitors the same or more than VE's. Some are getting \$90 per hearing. It makes no sense.

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- 98** I wrote, several years ago, a lengthy position statement addressed to Region 8. It was signed by about 14 local Ves. I would be happy to forward it to you by fax or letter if you would like a copy. This letter addresses most of the above issues.
- 99** I have been active for over 20 years in trying to get a fee increase and do not consider the recent 10% increase to be sufficient at all---it's more like a cost of living increase. I believe we need a very strong voice NOW since it appears to be the time to make some much needed increase in fees and other considerations. We should be able to be paid the same for all hearings at a much higher rate. Most of us are getting older in my region and can't afford another 35 years to get an increase.
- 100** The 10% was a good start. Far short of the original amount discussed. However I would like to see the contract increase more frequent that 20+ years. I have watch the hearing recorder position go from in-house staff, to contract hourly staff, to a per hearing rate that has gone up every year it seems so they make almost as much as us. That was the greater insult.
- 101** Not being paid on time is a major concern that I'm having. The clerical time that I put in now 3-6 hours per month to fill out information is unreasonable. We are doing more functions as experts with invoices then the clerical staff is at ODAR.
- 102** I currently perform job placement and expert testimony in other cases. If the SSA fee schedule were greater I would take more days of SSA and less other litigation work. I will just increase my other work if we cannot increase the fee schedule.
- 103** The fees should be fair and set accordingly. Based upon my private practice fees, a fee of \$165 per case would be fair given that it takes around 1 hour for the hearing and 30 minutes for a case review. An interrogatory should be paid just like a hearing because you have to review the file and complete a report, of sorts. I guess I am lucky in that I have no problems getting paid for travel including hotel and meals when needed. Cancellations do not happen very often, or at least I am not notified very often of them so I get paid for the review as well as appearance. The judges and schedulers are very cooperative in that they will always schedule a VE for a minimum of 4 hearings/day.
- 104** I feel the amount we are paid is an insult to our profession and I continue to do this type of work only because of where I am situated financially at my age. If I were younger, I would have stopped doing this long ago. As VE's age and retire, I suspect SS will have difficulty attracting new blood given the current fees.
- 105** I appreciate what the SSVE section of IARP are doing to gain more respect and wages for Ves.
- 106** Re #28, it's hard to give a percentage, but as I stated I would work more with the judges willing to do cases by phone so as to decrease my total hourly commitment and thus keep the actual hourly compensation equal to my agency work.
- 107** My only work consist of providing opinions to the SSA in disability hearings.
- 108** Due to changes in our court system and workers compensation, opportunities for our profession have become extremely limited in our area. Although I am extremely disheartened, and, in fact, insulted by the way the government has treated us, I feel I have little option other than to continue. If other sources of revenue were plentiful I would be placing more effort on that and less on Social Security.

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- 109** I'd cut down to about 4 half days per month.
- 110** Question 17 is not well constructed because of word 'All'....it depends on the particular judge. Some judges I work with use a VE almost always on adult cases, some very rarely. So it is difficult to get a true indication from this question. I do not believe that any office would be 'never' or 'always.'
- 111** The number of hearings in a morning or afternoon is critical. I have judges' clerks scheduling for 1 or 2 hearings that I routinely decline. Having 4 hearings in a day is reasonable only if they are not split between morning and afternoon. The cancellation policy is preposterous. If I schedule for a morning, afternoon or a day, I should be guaranteed a minimum number of hearings (3 for a ½ day). The problem is not so much the loss of income as the additional loss of time available to schedule for better paying work.
- 112** Thanks for undertaking this study.
- 113** Getting local ODAR offices and Baltimore Finance office on the same page would be nice. Payment processing is absolutely horrible.
- 114** My full time work with public VR has become so demanding that my availability for hearings is practically nil. Hopefully this will turn around for me in the coming months.
- 115** In all my years of job placement I have not known of another profession whose rates have remained the same as long as SSVE rates have, even the minimum wage has increased by almost 100%. I enjoy the work and I feel like I am providing some type of service to the community. It is convenient to schedule days around my other work schedule, but frustrating to not be recognized as a profession the way my peers have been.
- 116** One judge that I work with expects the VE to be at hearing sites earlier than 30 minutes just incase at the last minute they decide to move their hearings up. This same judge makes sure that hearing with medical experts (physicians) are always on time with the schedule. It would be nice if VE's could get the same respect. He also takes an average of hour and a half per case and does not allow for a lunch break unless there is a cancellation even if the hearings last from 8:30 am until 3:00 pm or later.
- 117** I have no choice but to keep doing SSA work due to large financial commitments for the next year. After that, I certainly will reduce the number of days unless an increase happens and if the attitude toward Ves does not improve.
- 118** I currently limit the number of hearings that I accept to the levels noted in previously because of the rates. I could take more, but choose not to because there are better business opportunities. We limit other VE's in the office in a similar fashion for this reason. It is a simple business decision. With regard to question 13...I have provided expert testimony for that many years, but I am not in private practice.
- 119** The VE has the same responsibilities as ME. Many VE have doctoral degrees and the Vocational Rehab Counseling demands a lot of knowledge (disability, placement, job characteristics, employment market, etc) and professional skills. The compensation rates have to be the same.

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- 120** A minimum number of cases per day (5 or 6) would be desirable....or at least 4 per morning session and/or 4 per afternoon session. Scheduling 90 days in advance would be desirable for those VE's with active case management practices.
- 121** SSVE's are being underpaid per our level of education and benefits/pay in the open market or in private practice. Please increase the amount of pay for SSVE's relevant to that of the open and private market. I intend to decrease my availability for hearings and began private practice if the rate of pay is not increase to reflect that of my service to the SSA.
- 122** Thank you.
- 123** Some judges require pre-hearing past relevant work reports, job title, DOT number, job tasks stated in the work history of record, skill level and exertion reported in the record and also as stated for that job in the DOT. Ves are not paid to do this report. Most of the time, the PRW information available in the record is incomplete or inaccurate, therefore the report is a useless waste of time. If however, such a report is required, Ves certainly should be paid for this as a pre-hearing report. I t is required by the judge and made part of the official record.
- 124** Not being able to be reimbursed monthly for travel and parking has certainly impacted me financially, and I try to schedule , on the same day, other work, when I can, for which I can be reimbursed for those costs. This does not happen often, unfortunately. I enjoy this work and will submit those expenses on an itemized tax form.
- 125** I will continue to provide expert testimony for SSA as I believe I am an intregal part of this process and will simply limit myself to 1-2 days a month if our compensation is not brought closer to current labor market rates.
- 126** Due to health issues, I function best with short term assignments like hearings. However, I do other case management on a limited basis to keep current.
- 127** With my private practice I do not need the additional income from ODAR. However, my credibility as a Vocational Expert/Consultant in private practice is enhanced by my continuing involvement with ODAR. Concerning the ODAR office I work in, in my opinion, the ALJs do not give the Ves the professional respect Mes are given. Additionally, many hearings (especially those held by new ALJs) may last well over an hour, and may also have to be completed after the last scheduled hearing of the day. Even so, Ves are not compensated for this additional time. Further, the new notification system for hearings is lacking. For one days hearings, some may come from the local ODAR office and some (each in separate envelope) from central scheduling on separate days. It is difficult to both organize it and know when it has all been received. Finally, with the new electronic file system and no longer allowed to retain case info, the CDs for continued or remanded cases do not contain previous VE input. Consequently, even though a complete study has to again be done, I may not have all of the pertinent vocational info., plus, on continued cases, only be paid for my appearance.

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- 128** The Social Security hearings provide a nice "bottom line" for my practice. I enjoy working at my local ODAR office. The staff there is professional and very pleasant.
- 129** The biggest problem I have is the disorganization of the ODAR office. I am asked for my availability 3-6 months in advance, and then provided with the days I MAY be scheduled by ODAR, then when I receive my itinerary, 1 to 3 days may be missing. Also, after itineraries are set, judges may review files and decide to do an OTR and then I lose the hearings. Not ALL offices are like this, but my ODAR is the worst. You may start out with 50 hearings for the month and end up with much less. I have committed my time and then it is too late to make other appointments and I lose out. Travel dockets are terrible. I have not taken a travel docket with my local ODAR for almost a year due to the lack of hearings. If I am to be away from home, I want the hearings. Other offices are able to schedule 5 to 8 hearings per day on a travel docket, why can't all offices?
- 130** There are hearing monitors who are paid at the same rate as VE's. Considering the educational and professional requirements and the preparation time, I believe this is not appropriate.
- 131** Obtaining a more fair hourly rate would also incentivize me to spend extra time on providing more data sources for the trier of fact.
- 132** It is sad that VE wages have increased by 10% over the last 30 years. The ALJ's wages have increased during that time by approximately 50%. We have hearing monitors in our region that make more per hour than the VE's make. In our SLC office there has never been a equitable fair rotation of VE's. I enjoy my work and would not be working as a VE if I didn't have retirement and other ways of supporting myself and family.
- 133** The offices vary widely in their promptness of payment. My office pays within two weeks of the submission, however, I have done work for other offices that take 3-4 months to pay after you submit your invoice.
- 134** Currently, our office in Region 3 is reducing the pay for my husband and I who own the same company. Only one of us can get the first case of the day, if we both work the same day. This seems so discriminatory. We are 2 people not one but we are being treated as though we are one individual. How can my testimony be worth less than another VE? This is not in the contract that if one works for the same company, social security pays the VE less money, yet it is being done. There is no official proof in writing this is true. Yet, since June 2009, my office has reduced our invoices on the first case of the day and has refused to pay us the 38 dollars for first case of the day. It has forced me to change companies, so that I am not discriminated against in compensation. When my office took this action, they did not give me any forewarning or told me they were going to do this to my pay. I did not find out about it until I got my bank statement. There is a significant lack of communication between social security and the VE regarding pay issues. I also believe the mileage is being handled differently from one office to another and it is just how one interprets the contract, but there is no exact rule on whether one should be paid or not or how one should be paid.
- 135** I have not been unhappy with the pay rate. I would like to see us as experts be paid as such. I think that sets our standards higher.

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- 136** I have always viewed SSVE work as a “stepping stone” to other advanced lines of work. When I started in 2001, it provided a basis for leaving corporate rehab & establishing an independent practice. Since then, SSVE work has enabled me to to earn a 2nd masters degree in business and prepare for civil litigation consulting. I am grateful for the SSVE opportunity- it has meant a lot to me. I see a lot of bitching on the listserves about rates. I think we’re all damn lucky to be able to start & maintain our own businesses. SSVE work provides much of that basis.
- 137** In 1986 while living in Eastern NC, I received a BPA from the Atlanta office to provide SSVE services in Eastern NC. I later moved to Virginia and requested to transfer my BPA to the Norfolk office which was not acceptable due to the large number of SSVE’s. Therefore to expand my skills and provide needed services, I continued to perform scattered SSVE work on an as needed basis, many time with little notice and travel distances to gain experience. I many time contacted the local OHA office in Norfolk to be included on their SSVE list, but they remarked they had too many SSVE’s. Interestingly, this summer 2009, I received a call from the Norfolk SSVE office to inquire if I was interested in working out of the Norfolk office. Within the last two weeks I have received three calls from the Baltimore, MD OHA SSVE office requesting to schedule hearing dates for VE work. Unfortunately, I declined, since I am busy working on other projects. But my goal long ago was to continue performing SSVE work even while exploring other ventures and have not experienced enough cases to justify the time and money away from the office. When my BPA expires, I do not plan to renew.
- 138** We also need to have a standard, higher rate for interrogatories. Many interrogatories take longer to complete than live testimony, yet the MOST we can get is for other appearance. Often, we even get a reduced rate beyond that because of having studied the file within the last 90 days. However, there usually is only 1-2 pieces of additional evidence to look at – would rather have the higher flat rate (equal to first hearing of day) and then not worry if there is a little add’tl evidence. Also end this practice of some offices requiring written reports with no additional pay!!
- 139** It was not just the money that made me quit the panel, although it played a big part. The wait time for cases, OHA’s demand to review files in the office, security to get into the building (sometimes 45 minute wait downstairs) all contributed to my decision to resign. Also, being called in for one hearing and having to wait all morning was ridiculous. And if you turned down hearings, they were less likely to call you in the future.
- 140** the appearance only fee for cases previously studied, up to 90 days, is in my opinion way too long as you have to do the same amount of work . Also scheduling a ve for a docket then, with as little as 30 days notice, cancelling that docket seriously impacts on the scheduling of other work. I feel that the compensation for all appearances in a day should be the same.

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- 141** An increase in fee's will lead to fewer judges using VE's on a regular basis since they do tend to be cost conscious and many do not have VE's on non-represented cases which are likely not to show at hearings or are likely to postpone for an attorney. I do think this survey addresses everything involved.
- 142** SSA is not my only practice and tends to be filler for when I have a slow down with other types of cases, although nothing has slowed down in the last 3 months everything is busy. I am now looking for time to sleep and play.
- 143** I believe SSVE's are due a 25% rate increase.
- 144** My availability has already been curtailed, due to the low compensation rates, so my reduction noted above is a further reduction. I have enough work right now that I do not need to do this work, so reducing it is not a problem.
- 145** I have not been accepting hearings since around 2007 due to fact my other work pays much higher and more incentive for me to work it. I would like to continue the ssve work with SSDI but the pay definitely needs to be increased.
- 146** If the ODAR's paid more reasonable rates, commensurate with the industry, I would likely increase my availability.
- 147** The scheduling system in the Atlanta area became a real zoo a few years ago so I decided to quit doing SSA hearings. I think if they would pay a decent rate and be timely in their scheduling and number of "retired" VE's would come back into the system.
- 148** i believe that the vocational aspect of many cases is just as important, if not more important, than any medical expert.
- 149** I would recommend that an ODAR employee be designated to attend specifically to contract VE's. Currently, there lacks efficiency and continuity between the individual ODAR offices and the payment center in Baltimore. Payments and reimbursements are often delayed and protocol regarding sending appointment letters and file review information is not completed in a consistent and thorough manner.
- 150** I work for ODAR in Savannah, GA. It often takes 3 months to receive payment. VE testimony is needed but ODAR staff provide little respect for what we do.
- 151** As we are all aware we have had a 10% increase in our fees last year. This is the first one since I have had a contract 17 years. Cost of doing business has increased much more than this.
- 152** The local ODAR office continues to make policies that deter VEs from participating, such as refusing to mail us the CDs and requiring us to come into the office and review the CDs onsite. The MEs, on the other hand, are mailed the CDs.
- 153** In addition to the low pay, I have yet to be paid in the last 4 months since the new BPA was issued even though I've followed all their instructions on submitting the materials. I expect to quit sooner than the new BPA if they don't get this worked out very soon.

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- 154** This really depends on what happens with other work. I used to do a lot of VA work but they went to a national contract. I therefore accepted a lot of SSVE work to make up for the drop in VA referrals. Looks like the VA will contract out again. As this happens I will reduce the amount of SSVE work. So it is always a balance with other work and referrals. I like doing SSVE work. There is also ample time to do other rehab work when I have a no show or cancellation so this helps to make up for the low pay. WE DO NEED RATE INCREASE!
- 155** Higher volumes of cases make it more cost effective for me to do the work, because it reduces the per case travel costs. As I stated above, I would not be able to continue to do ODAR work if I did not have profit from my business. until we received the 10% increase in pay earlier this year, there has not been an increase in the 22 years I have done the work. I think that a significant increase is appropriate and would also like to see ODAR eliminate the 1st Hearing of the Day/Other Hearing of the Day differential in pay.
- 156** I am delighted they recently raised fees. That certainly helps.
- 157** I took only a few cases each month because it wasn't cost effective. I focused on my private practice since the hourly rates are higher. I eventually stopped doing the VE work as I was just turning them down too often when they called with referrals.
- 158** I can no longer afford to work for the SSA. It costs me money to do so. It has benefit of the Federal government considering me an "expert" but I can make so much more money in my practice it is not worth the trouble.
- 159** I really enjoy my work at ODAR, especially my colleagues, judges and staff. It's nice to know my opinion is valued. The Minneapolis office runs quite smoothly based on my observations.
- 160** I live in Rhode Island and provide most of my ss vocational expert testimony ' for the Providence RI ODAR. Also provide ssve testimony for ODAR in New Haven, CT. I am a Licensed Vocational Rehabilitation Counselor (LRC) in Massachusetts. Most of vocational expert testimony over the past 15 years has been for SSA, with some very limited private practice testimony. However, I do provide vocational rehabilitation services for other entities.
- 161** Several years ago I reduced my availability to just one day per week.
- 162** I think the recent increase for cases is not enough of an increase. I have worked as a VE for ten years without an increase. The increase should have been about 25% instead of the 10% increase on cases.
- 163** I just obtained my contract with ODAR this year. However, I have a private vocational consulting practice with my father and he has been a SSVE for well over 30 years. He indicated to me that prior to his year's compensation increase of approximately 10% he had not received a raise since the 1980s. This seems ridiculous to me. I believe it would be reasonable to at least provide SSVE's with a cost of living adjustment wage increase on an annual basis in the future.

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- 164** First of all, after all we went through this round [what a mess], why is this only good until 10/2010? Second, why doesn't SSA have some type of formal program to recruit and train V.E.'s? Where are the new ones to come from? Third, see my comment above re: parity with the way M.E.'s are paid. Many of my subsequent cases require more work than the first case of the day. This isn't rational [of course, it is gov't.].Fourth, I am not sure I would favor an hourly rate. Some ALJ's take 30 to 45", some take 3 hours. So it depends on the luck of the draw as well as the case.
- 165** The Vocational Expert Testimony I provide on litigated cases is much more involved than what I provide for informal ODAR hearings. However, I believe the rate should be increased but not to the level of litigated professional rates. My regular vocational case management rate ranges from \$75 to \$95 per hour. The hearing monitors are allowed to bid on their rates and some receive almost as much per case. We should receive periodic increases.
- 166** From 1991 – 2001, I was essentially a f/t VE, but I took a f/t job working 4 days/days per week and so, I'm normally only available to do one day of hearings per week. On travel reimbursement, I think that mileage and parking fees should be reimbursable even if less than 50 miles one way particularly in a major metropolitan area such as Atlanta where parking fees can be high.
- 167** I am of retirement age presently, so I have cut back on my involvement. I see the ODAR hearings as part of my retirement employment.
- 168** Thank you for asking for VE input.
- 169** Rates need to be raised and scheduling refined. Travel needs to be compensated. Advance notice needs to be made-I have had multiple calls in attend a hearing in less than a weeks time and occasionally a call for the next day-this tells me other VE are backing out too I have reduced my hearings as it is not cost effective-I attend just enough to keep the BPA active
- 170** I am old and this is all I do for a living these days.
- 171** I did not renew my BPA this year. My reasoning was the low compensation rates , which seemed even more unreasonable given the difficulty in accessing file information, having to go in and copy files for review, etc.
- 172** The issue is not that there are not enough Ves the issue really is that we have a much higher payment schedule for other professional work. Although most of us entered social service type of work not to become rich but to provide service that can help people. Many of us continue to do the work because we feel that it is an important service and we attempt to be team players and do not want to let down those who count on us. However, most of us have at least a Master's degree and could make more money in the private sector. We too have families that rely on us. Therefore, we must take more work that pays higher rates in order to stay afloat in this economy.

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- 173** Scheduling VE's who live outside the Salt Lake City area and serve sites where the judges must travel such as Pocatello, Idaho Falls, Twin Falls, etc., has been a source of continuing frustration. At one point I could count on being the person to be contacted first for those dockets as I had experience in those areas and I did not get anywhere close to the hearings given to the VE's in the Salt Lake Area (they typically work most of the month), I would get a docket every month or two for a week of hearings. Those hearings started to be shared with the VE's from Salt Lake and although I could travel to Salt Lake (at my expense) in order to get hearings there, I am seldom contacted. So they get to compete for my hearings, but I cannot for theirs. This of course is not the VE's fault; it is in the way the scheduling is done at the SLC office. It has, incidentally, been in constant flux over the years...always changing depending on the chief judge or the scheduling person or how much pressure the local VE's in SLC can exert... which is considerable, because they are there all the time.
- 174** Regulation requiring SSVE's to be actively working as a vocational counselor to qualify for renewed BPA in 2008 precluded my eligibility because I had retired from private practice. This regulation is absurd and contrary to customary practice in the private sector. Moreover, in Alaska there were, essentially, no VE's willing to take SSVE assignments, necessitating use of SSVE's from out-of-state. How does such a policy serve claimants applying for benefits? In addition, federal employees in Alaska receive a 25 percent COLA; not so for SSVE's.
- 175** Stopped as VE in May 2009 after 27 years. Now I rep claimants where one case is equal to a full month of hearings as a VE.
- 176** Region V uses more telephonic hearings now from the VE's office location telephonically so availability easier as can be in office when participating by phone. With this as option, can continue with same rate as more convenient, no travel and easier to coordinate with office work.
- 177** I do not understand why our fees vary. Our fee should be for all cases, whether a remand or whether its the first or second hearing of the day. There should be one fee for all work. I also do feel that travel needs to be considered for all VES regardless of the miles to and from local offices. I now work in Jericho/ Long Island as well as Jamaica Queens. I reside in Westchester County. The cost of commuting/ tolls/ parking should be considered.
- 178** I am currently updating my BPA. I have found that some schedulers do not rotate VEs appropriately when scheduling VEs. I usually hear from a scheduler when a VE is needed ASAP. This practice has not been a major issue since SSA VE contract work in not my primary occupation.
- 179** My situation is different, however, I feel that SSVE pay should definitely be increased. We are required to have the necessary tools to provide testimony. Plus, we are not reimbursed for travel unless we travel 100 miles or more to/from the hearing site. \$83.00 per case is insufficient, considering cancellations, errors in scheduling and sometimes not being paid for studies, even though entitled.
- 180** I refuse 95% of the referrals because the bill rates are so low and the travel time to the SSA office is 1 hour which I don't get paid.
- 181** Currently V. E.'S in Alabama /Georgia get \$37.00 per hearing appearance and the hearing recorders get \$60. They, the recorders have been able to negotiate their bids on an annual basic and the V.E. rate has remained constant for 30 years with the exception of the small increase last year.

APPENDIX 3-Narrative Responses- Additional Comments

- 182** I have a very successful and busy practice outside of ODAR. Other than gaining some valuable live testimony experience, there is no financial incentive for me to accept this work. However, from an ethical perspective, I would be willing to very occasionally accept 3-5 cases per month as long as they are scheduled on the same day.
- 183** We just got a 10% increase. Not much, but it's something. My economic needs are not great. I enjoy the work, so accept what I am offered whenever possible.
- 184** rates for hearings are no longer on par with what can be obtained in my private practice – I take seriously my responsibility at the hearings knowing that what I say impacts individual lives – I really enjoy the work – but when raising a family I need to do what is best for them and cannot justify a continued decrease in revenue.
- 185** Comparing hourly rates with SSA semi-cost plus fixed fee rates is not a comparable equation. SSA provides virtually all office services needed to review a case. A complete exhibit file is provided, computers, hearing rooms, billing assistance, forms, copy machines, paper, etc. Cases vary in complexity from very simple to very complex based on the nuisances of different ALJ's and attorney reps and case dynamics. I estimate that 60% are simple and repetitive. Time factors range from 15 minutes to 2-3 hours, again, because of ALJ differences. Private practice very costly and requires higher fee structure to cover costs.
- 186** A lot of the cases now are paid OTR---so, that means the cases that go to hearing are a lot of work pre-hearing and can be very difficult during the hearing with multiple hypos and X by the reps. The rate essentially has been the same since 1981 when I started as a VE. Days get dropped due to scheduling errors, cases get postponed, etc etc. Some days I have a 3 hour break in the middle of the day as the Judge wants a long lunch. It is a very difficult and demanding job with lots of importance placed on our testimony-We should be paid commensurate with our importance.
- 187** I agree to road trips knowing how many cases I have. If cases are canceled while I am on the road I feel I should still get paid the full amount since I am already there & unable to schedule my time to fill the space.
- 188** It ridiculous to think that a person with my experience will work for the little money paid. I am called by different offices and don't accept because I can't make a living for what they pay.I take a number of days per month because it looks good on my CV but I it. IF they paid 200 per case it would go a long way to increasing my availability.
- 189** As my children are grown I can afford to live with less income. That is the only reason I accept the cases at this fee.
- 190** I am too new to answer many of these questions. However, I feel that the rates are far below those of the private sector for the same services. This is a second job for me. I am not sure if I would be able to be a SSAVE without another source of income.
- 191** However, I will continue to look for other work and possibly not be available as often.
- 192** The hearing reporters receive only \$18. less than we (Ves) and yet, they have NO case reviews and NO responsibility for testimony. It is a slap in the face to know that these individuals are being paid almost as much as we (those that have spent many years studying and acquiring a degree and years of experience).
Something WRONG with this picture!!!!!!!!!!!!!!

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- 193** I would renew; however, I feel that the rate should increase as this would be an incentive for more VE to take on additional assignments.
- 194** Rate is inadequate
- 195** We are still under compensated for the services we offer. Also, there is a need for a few more VE services at least at this juncture.
- 196** My comments for average during the past 12 months are not really accurate since I just started with the current ODAR office after a 2.5 year hiatus. Prior to that I worked in another region.
- 197** Yes, we certainly are in need of a raise for the services that we render.
- 198** While I don,t believe SSA would or should pay my private professional rate, I would like to see a fee increase of an additional 20% with a cancellation notice of at least 5 business days.
- 199** Hearing offers do not appear to be equally distributed between VEs ie rotation not followed) resulting in irregular number of offers/month. Hearing notification errors seem to be increasing (ie incorrect scheduling, incorrect information about location and time)
- 200** I am new and support efforts to increase rates as they are not competitive and the mileage and lack of travel time is also a disincentive. OWCP work is paid for miles and time traveled.
- 201** Regional SIX is not getting paid within the proper time frames pursuant to our BPA contracts. According to the contracts, we are supposed to have our invoices processed in NO MORE than 10 business days after receipt. It is taking 3 weeks OR MORE to get these processed and sent to DOF. There is ONE PERSON in the office Downtown Dallas that processes our VE/ME invoices. When she got sick we were told that we have to "be patient" and wait until she gets back to get the invoices processed!My BPA contract is with ODAR, not with an employee that is out ill and can't make it to work to process my invoice!That is another real slap in the face when you think that they still owe me \$12,000.00 in back pay from the screw up with my BPA contract! After repeated email requests, they are now giving our VE invoices to another lady who is in charge of the Hearing Reporter invoices. Well, our VE/ME invoices are not her first priority, so it takes 3 weeks to get these done through her. We have to REALLY stay on top of these cancellations, or they will just dock us the appearance money, and say that they told us the case was cancelled when they didn't. That's why I NEVER accept a docket over the telephone, and if there is a cancellation, the scheduler has to email me with that information, and I send them back a confirmation email that I have received that information. If someone cancels while we are in hearings (last minute) I email the hearing scheduler immediately, so they can't come back and say that I was somehow notified ahead of time and they try to dock me for the appearance.I think the schedulers get brownie points or something for seeing how much money they can save this way. One VE I know got into it with the scheduler when they would not pay her for a case that was cancelled with no notification. The judge tried to stick up for them and it became a big mess. The VE lost the battle and was told to drop it or they would be taken off of the rotation. They have since cut the number of dockets they are giving this VE.
- 202** I have not received payment for the last 2 months hearings!

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- 203** Due to my circumstances, I am likely to continue for same # of hearings (1 or 2 dockets per month) because of semi-retirement status. I must keep other work also on part-time basis, and I maintain contact with employers. If I have several legal reports and cases, then I don't take as many hearings that particular month.
- 204** I am pleased with the 10% raise. This is really not that hard of work compared to civil trial.
- 205** I currently reduce my availability due to the low contract rates. I would consider accepting more days if the contract rates were increased. Another issue I would like to see addressed is compensation matching more of a time frame rather than a case fee. Unfortunately, some judges spend much more than one hour on a hearing which further reduces the hourly rate and then it becomes a matter of whether taking hearings for a particular judge is worth a day away from other private work or work with a different (more productive) judge.
- 206** VE hearings are becoming more demanding with educated attorneys who asking more hypothetical's and conducting more extensive cross-examination than in the past. ODAR needs to have qualified and experienced VE's to be able to answer such questions to better assist the adjudication process. VEs need to be compensated at fair market values for our knowledge and expertise.
- 207** I have maintained by BPA should the rates increase at some point. As noted, however, I do not take on any cases.
- 208** Something needs to be done about hearing dates with only 1-3 hearings. Totally undermines my productivity
- 209** Since the meager increase in compensation decision I reduced my availability by one day per week; allowing for only 3 days per week (Tues, Wed, Thurs), as I am available, for hearings. The next 3 months I only had 3 days per month free. I really enjoy this work and the people with whom I work, however, it is getting harder to justify travel + a full day away from a lucrative practice at the current rate.
- 210** SSA will not change unless we join the Judges Union and ask for the same benefits as an organization of Professional VE's
- 211** I am closely approaching retirement (actually I turn 65 in 9 days), so I am grateful for any work that can supplement my income before fully retiring. Nonetheless, when all my overhead is taken into account as well as the long elapsed time since the last raise (not counting the recent 10%), a further rate increase seems to be indicated. At the very least, our travel time should be paid. Any other work I have ever done included paid travel time either at the full hourly rate or at a minimum, ½ the hourly rate. The only reason I tolerate it is because I get a full docket when I travel, sometimes up to 8 hearings in a day.
- 212** I think that it is ridiculous that hearing fees for VE's has remained static for decades, as we all know jobs typically increase wages at a rate of 2-4%. Either we were horribly overpaid during the past twenty-five plus years or are currently receiving less than fair market value.

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- 213** I have noticed a decrease in my scheduled hearings since the new BPA primarily due to schedulers wanting a full five day availability when I usually can only give four days for out of town hearings. I use to get scheduled for anywhere between one to five days for a docket. But have been told lately when an ALJ has a five day docket, they want the same VE for the whole week. It is getting to where I am not always available for a five day docket. I have also made it a policy not to travel for less than three or more cases per day. I will only do one case a day if in my home town (Lafayette) as the court is only five minutes from my office and I can run back and forth pretty easily.
- 214** Our office provides us with a proposed 6 month schedule that we are expected to honor. This schedule does not tell us which ALJ we are working with. We are not allowed to accept dockets directly from other offices or turn down a docket if we don't want to work with a particular ALJ. It is my opinion that all hearings can and should be conducted via telephone from our home office, especially since the agency is so slow in paying.
- 215** Another consideration should be the amount of breaks and lunch time SSVE get with the docket. I have gone more than 7 hours without a break during the hearings to use the restroom or to eat. I do not schedule anymore hearings with that judge. Another consideration is the length of the hearings. Also the length of the hearings is something to consider. As contractors, we get a fee per case, but hearings that are consistently lasting an hour and a half to two hours is not cost effective for my private practice.
- 216** With rates, essentially, not changing for the last 25+ years, it is increasingly a disincentive to accept hearings.
- 217** I would appreciate the SSA providing us with compensation for services at rates they had proposed on or about Aug/Sept 2008. That proposed new fee schedule could begin October, 2010.
- 218** My region uses unqualified Ves. One has a degree in Business, BA level. Takes too long to get paid. Some judges schedule 8 hearings in a morning and you are out of there and can work private practice in afternoon. Some take all day, 1 -1 ½ hours per hearing to do 5-6 hearings.
- 219** The fee schedule is a professional insult –if I were younger I would not waste my talent –also I believe a CRC should be the minimum requirement to testify on disability and job – having non CRC's testify dilutes our certification
- 220** My firm does many more hearings than I do personally. I take more hearings as business allows. If rates do not increase I will likely pursue other types of business and my firm will decrease availability by 25% to 50%
- 221** I already accept a limited number of hearings per month but am decreasing availability in Oct, Nov and Dec
- 222** SSA needs to better compensate experts to ensure long term availability. In the past I have only used Social Security Hearings as filler work when other better paying work is unavailable.
- 223** I feel we should be paid the same as medical experts. Yes, They have a lot of medical records to review, but we are Often the pivotal witness. We also draw on many years of varied experiences in order to testify with authority.
- 224** I am happy to work with ODAR and enjoy it very much.

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- 225** I believe SSA needs to realize that SSVE's who are reputable and in demand due to the quality and integrity of their work, have many other chances to make 2-3 times the money to evaluate, prepare cases, write reports for Attorneys and Judges, and appear to testify in different venues. I have said, truthfully, that being an SSVE is the most difficult and challenging VE work that I do, yet it pays the least amount in fees. I actually LOSE money some days when functioning as SSVE ...if I have to prepare, travel to appear, pay for gas, wait for the parties to be ready, then see the Judge cancel hearings at the last minute. The sad part is that SSA does not need mediocre VE's... it needs the best VE's in the area. Some of the VE's who were willing to do this work for the low fees still in effect are known as the worst ones among peers.
- 226** Many offices of ODAR have recently requested my VE Testimony via telephonic means and this, I feel, reduces my travel and "wear & tear & mileage on my vehicle". Also, if an ODAR office has hearings for one week or more --- there should be a means for providing for per diem expenses "up-front" instead of incurring these expenses and then obtaining reimbursement from ODAR after a month or longer.
- 227** Thanks so much for voicing the concerns of VE's over the years. Hope this survey and your efforts will result in some changes!
- 228** The study time and professional time to prepare a "vocational exhibit" which many ALJ's require, significantly increases the approximate HOUR (plus)of actual VE testimony per case and additionally, the VE is not compensated for travel or clerical time. SSA dockets and the current fee schedule is only competitive (professionally) for those FEW ALJ's that do NOT require/request Voc. Exhibits and schedule 6-8 hearing dockets lasting (45) minutes or less.
- 229** Having done this work for such a long time, I am very frustrated that we haven't received a significant raise in at least 20 or more years. The small 10% increase helped. I find it frustrating that when rates increase to what they should be, new people will be inclined to seek BPAs, thus decreasing my income. There will be more people wanting to do this work, so fewer cases for me. This bothers me a lot, since I've worked for this low rate for so long. Some of the hearing monitors are making just a little less than I do, and they are basically semi-skilled workers. Anyway, I believe an increase is in order, and has been for a long time.
- 230** I have been a VE since Oct of 1980. The one training session a number of years ago, the first question was "when are we going to get a raise?". The response was there are many people lined up waiting for these positions, if you don't like it, some one will be happy to take your place. The same stands true for ALJ's. They can lower the standards and get people to do the job cheaper. But they claim they want "Qualified Candidates". If they really want Qualified VE's they need to recognize experience, education and credibility. If not, then shut the program down and just award everyone benefits
- 231** A 10% raise over 30 years along with the elimination of travel & parking reimbursement is incredibly unreasonable and unprofessional.
- 232** Another 20% fee raise, training for active SSVE, newsletters

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