

**MINUTES  
FOR THE REGULAR MEETING  
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD  
Docket No. 5641**

**Open Session**

The Appeals Board convened at 1:00 p.m., April 17, 2019 in Sacramento with Chair Marty Block presiding.

<b>1. Roll Call: <u>Members</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Marty Block, Chair	X	
Dan Reeves, Vice Chair	X	
Mike Eng	X	
Michael Allen	X	
Ralph Lightstone	X	

**2. Approval of the Minutes:**

The March 20, 2019 Meeting Minutes were approved unanimously.

**3. Chair's Report:**

Chair Block reported the April meeting was not live streamed but would be videotaped and then posted to the CUIAB website. He noted contracts for livestreaming were still under review. Chair Block stated livestreaming Board meetings provides transparency and allows people to see the Board at work. He reminded viewers that although the Board only meets once a month the majority of the work is done between meetings, as they adjudicate appellate cases. Chair Block reported the Board reviewed and resolved 1,149 appellate cases in the past month.

Chair Block reported Executive Director Gonzales's mother passed away. Chair Block extended his condolences on behalf of the Board and the entire agency to Executive Director Gonzales and her family.

Chair Block reported the monthly Labor and Workforce Development Agency (LWDA) meeting has been postponed to April 22, 2019. He stated the agency will send senior executive staff representation on his behalf.

Chair Block reported he attended the National Association for Unemployment Insurance Appeals Professionals (NAUIAP) Board of Director's meeting. The meeting was held in San Diego. They discussed future locations for the NAUIAP annual conferences. He suggested the conference location alternates every three years, between East Coast to Midwest to West Coast. Chair Block noted the first NAUIAP conference he attended was in Seattle. Last years' conference was held in Annapolis and this year will be held in Indianapolis. Next year the conference is scheduled for Denver, Colorado. Chair Block suggested San Diego for a West Coast conference in the future.

Chair Block reported Member Allen and he had upcoming senate confirmations.

#### **4. Board Member Reports:**

Vice Chair Reeves echoed Chair Block's sentiments regarding the passing of Executive Director Gonzales' mother. He commented that by all accounts her mother was a very special person, and that our thoughts and prayers are with her and her family.

Vice Chair Reeves reported, pursuant to his request, Executive Director Gonzales did a detailed research on the high number of turnaround times for disability and paid family leave appeals in two of the field offices, Fresno and Pasadena. She asked the presiding administrative law judges (PALJ) to focus on lowering the turnaround time for disability and paid family leave appeals. He noted that some delay was due to EDD not timely assigning appeal cases. In one case it took 451 days to process a case. Vice Chair Reeves commented that under no circumstances should it ever take that long. He stated that, in this instance, the reason it took so long was because it took EDD 381 days to assign the case to CUIAB. He acknowledged the staff in the Field Offices as well as Appellate Operations work very hard to turn cases around in a timely fashion.

Chair Block thanked Vice Chair Reeves for working with Executive Director Gonzales. He will bring up the matter with EDD at the next monthly LWDA meeting.

Member Eng thanked everyone for the warmth and assistance extended to him being the newest member. He appreciated the help from all levels. He has been truly inspired by the AO decisions. He recognized the detail and the meticulous research put into each one. He commented on bad hearing recordings resulting in remand decisions and hoped this could be looked into.

Chair Block noted there is new audio equipment in all of the hearing rooms in the Field.

PALJ Remke responded that Appellate Operations (AO) tracks all audio problems in the Field. She noted the new audio equipment is working well and that most problems are due to human error. The numbers of cases remanded due to bad audios have been reduced significantly since the upgrade.

Member Lightstone echoed Member Eng's sentiments regarding the friendly welcome and the quality of work produced by the agency at all levels.

Member Allen commented that he never takes it for granted when an organization is running smoothly, having been in many situations where they did not. He expressed his thanks to all levels of the organization. He acknowledges it is teamwork that makes the agency successful. He would not want viewers to think we do not realize the huge effort which has to come forth from all levels of the organization. Member Allen complimented his new colleagues on their diligence in adjudicating the appeal cases.

Member Allen suggested the April Board meeting be adjourned in memory of Executive Director Gonzales' mother. Chair Block and the Board concurred.

## **5. Public Comment**

No Public Comment.

## **6. Chief ALJ/Executive Director Report:**

PALJ/AO Remke reported on behalf of Chief ALJ/Executive Director Gonzales.

PALJ/AO Remke reported on the Performance Indicator Reports for Field Operations. She was pleased to report the agency met all of the Department of Labor (DOL) standards in March, even more importantly FO met DOL performance year-end standards as well. She noted that for the year end the percentage of cases closed under 30-days was at 67%. The percentage of cases closed under 45-days was 89.8%. Although there were a couple of months where FO fell short of meeting the 30 day goal, overall FO did in fact make the year end goals. She acknowledged it was really great news and was also the seventh consecutive year the agency has maintained compliance with the federal standard. She explained if the agency does not meet the federal standard it goes into a Corrective Action Plan. It is essential to stay above the standards as CUIAB has done. She reported

the average age of pending cases is 18.8 days which sets the Field up for continued success in meeting the 30-day standard.

Chair Block commented there are several agencies in the NAUIAP family which do not meet the federal yearly standards. He acknowledged CUIAB has been doing exceptional the past seven years and that not all agencies have done as well, which is a tribute to our judges in the field and the agency as a whole.

PALJ/AO Remke reported there were no security incidents to report.

#### **7. Presiding ALJ of Appellate Operations, Jodi Remke Report:**

PALJ/AO Remke reported AO also had good news in meeting the DOL year-end standards. The percentage of cases closed in 45-days or less is at 91%. For the 75-day guideline AO is at 98.4%. Case aging is a good indicator of the future for AO with the average case age being 21.8 days. She noted AO should continue to perform well. A lower case load helps keep the numbers good but she also credited the changes made to streamline the processes in AO. She acknowledged that both the Field Offices and AO have done an excellent job.

Chair Block thanked Assistant Director Kurosaka for helping AO by heading up the streamlining process for the last couple of years.

#### **8. Chief Information Officer, Jeff Willoughby Report:**

CIO Willoughby reported IT has exchanged out nearly 200 computers for the Technology Refresh Project. Oxnard field office was the latest office to be complete. IT has seven offices remaining with approximately 350 computers slated to be refreshed. The project will be ongoing through June. He acknowledged the dedicated IT crew working on the conversions along with other IT Support. Lastly, he thanked the presiding judges along with their staff in the field offices for making the conversions relatively painless.

CIO Willoughby reported the video streaming procurement was nearly complete. He anticipated word on the contract within the next few weeks. IT is prepared to support the interim effort through June.

CIO Willoughby reported the Department of Industrial Relations (DIR) has reached out to the agency for information regarding our research for vendor selection. DIR would also like to live stream their public meetings for transparency. He thanked Assistant Director Kurosaka for leading the effort.

CIO Willoughby reported the Appeals Systems Modernization Project has engaged a Project Management resource from the Department of Technology (DOT) who began this week. He will begin interviewing the business stakeholders and analyzing all of CUIAB's processes to move the agency's systems solidly into the 21<sup>st</sup> century. This will satisfy stage two of the state's projects approval lifecycle.

CIO Willoughby reported the DOT Security Audit starts next week. DOT staff will be on site approximately three weeks and will examine the time span between 2016 and 2018. He stated they will be looking at our state retroactively and interviewing subject matter experts mostly in the IT Fields. He anticipates DOT's findings towards the end of summer. At that point, the ISO and he will prepare a plan of action that will be shared with the Board.

CIO Willoughby reported the network group from IT will be traveling to each of the field offices to perform a major technology refresh replacing old and obsolete equipment. He acknowledged the IT staff for all of their after-hours and weekend work and efforts completing this project. This project is in anticipation of a major network change out to improve the speed at all CUIAB sites.

Member Allen thanked the IT department for the new phone feature which allows voicemail messages to be transcribed and sent as an email.

## **9. Chief Administrative Services, Robert Silva Report:**

Chief Silva discussed the Monthly Overtime and Lump Sum Payout report set forth in the meeting packets.

Chief Silva reported the agency is doing well on overall personnel expenditures. Collectively through January 31, which represents 58% of the fiscal year, CUIAB has expended 52% of its personnel dollars.

Chief Silva gave an update on fiscal procurement deadlines. He was happy to report all contract requests, as well as contract amendment requests, were completed by the March 29 deadline. He expects to sign final purchase order requests for non-IT equipment before the May 10 deadline. He noted IT plans to submit their purchase order requests by the end of April, well before deadline.

Chief Silva reported they have secured an Architectural Revolving Fund Account for the Bay Area Office of Appeals in Oakland. This is for a modular reconfiguration project. Department of General Services (DGS) has walked the property to finalize

the scope and project the cost. Chief Silva reported they will be submitting the paperwork to Fiscal Programs Divisions ahead of the April 30 deadline.

Chief Silva reported they just entered into an eight-year lease renewal for the Salinas outstation facility. CUIAB Facilities Liaison, Doug Mattes, will do the final project walk-through for the tenant improvements on April 25.

Chief Silva reported an announcement for the presiding administrative law judge (PALJ) exam has been circulated and applications are now being accepted. The current PALJ list expires on April 27. The final filing date for the new exam is April 29. The exam will be administered in the early part of May.

Chair Block inquired as to the status of the ALJ reemployment list.

Chief Silva responded that heading into the 2020 fiscal year, they do not know what positions will become available until July 1. He expects five temporary (2 year) positions will drop off when the Tax Budget Change Proposal (BCP) expires. He anticipates the October 2018 revise will reflect a reduction in UI case work resulting in a position reduction. Additionally, workload reports indicate possibly even more reductions in UI positions as CUIAB comes into the next fiscal year. He is cautious about back filling positions until it is known how many positions will be available, sometime closer to the start of next fiscal year.

Chair Block clarified his question by asking if we had exhausted the reemployment list.

Chief Silva responded that the reemployment list still exists and is not exhausted until 2022. Currently, there are people on that list that have previously declined offers of employment with CUIAB, through retirement or other reasons. He noted that technically the list is not cleared. Should CUIAB need to hire at the ALJ level the names on the list would have to be re-cleared before hiring from outside of the list.

Member Allen asked if the agency had a contingency plan should the economy go into a recession and we need to add staff rapidly.

Chief Silva replied that only when the projection figures go up are we able to have more positions awarded to our agency. Speaking specifically about the history of ALJs, there is a reemployment list of judges who have left the agency through the SROA process that would gladly come back in that event. Additionally, a list will be created after the ALJ II exam, so that if needed we can ramp up quickly.

Lastly, Member Allen commented on succession planning, and that organizational memory is not enough; things change all the time. He noted that in other organizations he has worked with they have always had a contingency plan. It is somewhat like a cookbook to instruct specifically what to do in order to be ready for the contingency. He never makes an assumption that the people in the room are going to be the same people who will have to deal with the emergency.

Chief Silva acknowledged Member Allen's comment regarding succession planning.

**Closed Session:**

The Board adjourned Open Session at 1:29 p.m. The Board commenced a Closed Session at 1:30 p.m. Closed Session was adjourned at approximately 2:00 p.m.

**Open Session:**

The Board reconvened in Open Session at approximately 2:00 p.m. Chair Block reported that no votes were taken in Closed Session and that there was nothing further to report.

Chair Block adjourned Open Session at 2:05 p.m. in memory of Maria Gonzales, beloved mother of Executive Director, Elena Gonzales. Maria Gonzales passed away April 19, 2019.

**Adjournment**