

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5654**

Open Session

The Appeals Board convened at 1:00 p.m., June 17, 2020, via Zoom conferencing with Chair Marty Block presiding.

1. Roll Call: <u>Members</u>	<u>Present</u>	<u>Absent</u>
Marty Block, Chair	x	
Dan Reeves, Vice-Chair	x	
Mike Eng	x	
Michael Allen	x	
Laura Kent-Monning	x	

2. Approval of the Minutes:

The May 20, 2020, Meeting Minutes were approved unanimously.

3. Chair's Report:

Chair Block reported the official last day of Executive Director Chief ALJ Elena Gonzales as of June 17, 2020. In the interim will be Presiding Judge, Michael Cutri.

Chair Block reminded the viewers that most of the work is not done during the meetings but is done between meetings. The Board has resolved 863 appellate cases in the past month.

Chair Block met with the Labor Agency on June 16, 2020, and informed them that on March 18, 2020, business dramatically changed from conducting hearings in-person to conducting telephonic hearings, in response to COVID. Chair Block reported since moving to telephonic hearings, attendance has increased. Approximately 41% of CUIAB's workforce is currently telecommuting, and one-half of the judges are conducting phone hearings from their homes.

Additionally, CUIAB established a virtual call center, enabling employees to field calls from their homes. The call center is responding to approximately 2,000 calls per week on average and will soon have the ability to route callers to other social service agencies. Chair Block thanked the employees who are staffing the calls.

Chair Block reported to the Labor Agency that CUIAB has not had any employees report positive test results for COVID.

Chair Block reported there is about a six to eight-week delay between a claim for benefits being filed with EDD and reaching CUIAB for an appeal. Through May 31, 2020, CUIAB's caseload has risen about 30% and Chair Block anticipates it further increasing. Traditionally, field offices hear about 10% of all claims that are filed with EDD. In previous years, two million claims filed with EDD. Currently, there are approximately six million claims filed with EDD. Lastly, Chair Block reported that CUIAB is hiring additional ALJs to serve the public in a fast and fair manner.

4. Board Member Reports:

Vice-Chair Reeves thanked Chair Block for establishing the virtual call center. and staff for being able to move from in-person to telephonic hearings. He also thanked Executive Director Gonzales for her outstanding leadership over the years and Presiding ALJ Michael Cutri for taking on the challenge of serving as Interim Executive Director during the State's extraordinary circumstances.

Member Eng thanked Chair Block for establishing the virtual call center and staff for handling calls. He thanked Mrs. Vandeleur for her hard work. Member Eng thanked and welcomed new CUIAB staff, Kristin Songcayauon, and Interim Executive Director, ALJ Michael Cutri.

Member Allen acknowledged and thanked Cathy Vandeleur and Lori Kurosaka for their long work and contributions to CUIAB, and suggested that the Board recognize individuals who are retiring within the organization on future Board Meeting agendas.

Member Kent-Monning thanked the ALJs and staff for their ongoing work despite the challenges of converting to telephonic hearings. Member Kent-Monning wished a farewell to Executive Director Gonzales. She also congratulated Cathy Vandeleur and Lori Kurosaka on their retirement and thanked them for all of their service to CUIAB. Lastly, Member Kent-Monning welcomed and thanked Presiding ALJ Michael Cutri to his new position.

5. Public Comment

George Warner, Staff Attorney for at Legal Aid at Work, offered comments on ways the Board might improve access to its processes.

Emma Hyndman, also on behalf of Legal Aid at Work, offered comments regarding improving remote hearing experiences for claimants such as enabling the submission of documents through email.

Kelly Dukat informed the Board of her experience erroneously receiving appeal information regarding another individual's claim and expressed her appreciation for CUIAB's attention in resolving this. Ms. Dukat further expressed concerns over the application of the federal CARES act and Pandemic Unemployment Assistance for certain types of workers.

Jennifer Olson offered comments regarding her positive experience in hearing with an ALJ, but the challenges she experienced submitting documents by mail in connection with her appeal.

6. Interim Chief ALJ/Executive Director Report:

Interim Executive Director/Chief ALJ Michael Cutri thanked Executive Director Elena Gonzales for her leadership and continued support during the transition.

Interim Executive Director Michael Cutri stated Ms. Dukat's concerns had been brought to his attention, and the issues raised are being worked on.

Interim Executive Director Michael Cutri reported that as a result of the steep increase in unemployment claim filings with EDD due to the pandemic, CUIAB's caseload has increased by approximately 1/3 and is anticipated to continue to grow. Regarding performance metrics, the field closed 71.8% of the cases within 30 days in May, and 93% within 45 days. The average case age is currently 24.9 days. Executive Director Elena Gonzales previously established a workload group to help manage workload among CUIAB's offices.

Interim Executive Director Michael Cutri reported that CUIAB has hired 17 new ALJs, with the first group starting the week of June 22, 2020. He also reported that the agency received its first Pandemic Unemployment Assistance appeals in May and expects to continue receiving claims involving it. Because it is a new law, training and resources have been made available to assist the ALJs.

Interim Executive Director Michael Cutri reported on the impact of civil unrest on CUIAB's operations. On June 1, 2020, the Governor's Office and the California Highway Patrol instructed CUIAB to temporarily close eight of eleven field offices. The Los Angeles and Bay Area offices remained closed for about one week. Support staff and management in the Los Angeles and Bay Area offices moved operations to nearby facilities and continued operations. Telephonic hearings took place as scheduled. However, due to a nationwide cellular phone outage, some hearings were impacted and cases that could not be heard were rescheduled.

Interim Executive Director Michael Cutri stated that Executive Director Gonzales implemented the Virtual Call Center on May 18, 2020, utilizing Microsoft Teams. A group of 12 employees has averaged responding to 2,000 calls per week.

Interim Executive Director Michael Cutri reported on an incident involving a repeat harassment caller. Special Investigator, Carl Vega is working with CHP to resolve the situation.

Member Kent-Monning requested a list of the new ALJs. Interim Executive Director Cutri stated he will provide the list of the ALJs that are known at this point and their start dates.

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

PALJ/AO Remke reported that AO continues to experience a decline in meeting DOL's standards. PALJ Remke advised that changes have been implemented, including bringing in retired annuitants and increasing AO ALJ caseloads. She will continue to monitor performance and take additional measures if necessary to ensure that AO meets DOL's yearly standard.

Chair Block asked for an estimated date by which AO will meet DOL's standards. PALJ/AO Remke advised that she anticipates reaching the standards by the August Board Meeting.

Members Allen and Kent-Monning thanked the staff for their work.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby reported that CUIAB received a response to its request for offers from the vendor community regarding CUIAB's appeals modernization system. The response was reviewed, scored and CUIAB anticipates sending a letter of intent to award a contract this week. It is anticipated that the vendor will commence work two to three weeks following that.

Chair Block asked about the ability to submit documents via e-mail or electronically in the new system. CIO Willoughby advised that the system is intended to include a user portal by which parties may submit documents electronically. Chair Block asked for an estimated date of completion of the system and was informed that the anticipated time is May 2021.

Vice-Chair Reeves inquired about design and access considerations with the new

system, including fonts, text, and availability of documents in foreign languages. Vice-Chair Reeves further asked if there will be opportunity for input to the design of the website. CIO Willoughby stated the public website and the new design of the portal for appellant access are related but separate. The redesign of the public site is currently being undertaken to conform with the Department of Technology and Department of Rehabilitation standards for accessibility.

Member Eng asked about the field offices' ability to conduct hearings using videoconferencing platforms such as Zoom. CIO Willoughby advised that the capability for field offices to conduct hearings via videoconference has not yet been implemented. Member Eng would like to assess options for this and evaluate costs.

Chair Block noted that conducting video hearings could improve the hearing experience over teleconference; however, not all parties may have videoconference access.

Member Allen thanked CIO Willoughby and IT staff for their service. Member Allen indicated he would like CUIAB to engage in beta testing with users for certain information technology changes before deployment.

Member Kent-Monning thanked CIO Willoughby for his update and asked about how CUIAB would address input from the stakeholders. CIO Willoughby advised that CUIAB will use an internal user group and a focus group to provide feedback.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported on budget reduction to the Labor Agency in the May revise and advised that the Department of Industrial Relations will bear the bulk of this reduction. The May revise included a dollar and position increase for EDD, which CUIAB falls within budgetarily.

Chief Silva also reported on CUIAB's March and April expenditure reports as received from EDDs Fiscal Program Division. For the current fiscal year, CUIAB is spending within our allocations in personnel and operating expenses. Chief Silva noted that he has identified errors in the operating expense reports received, but is confident they will be corrected timely.

Chief Silva reported that on May 22, 2020, EDD resubmitted the updated Supplemental Budget Request. U.S. Department of Labor responded that they will be releasing the funding for the Federal Pandemic Unemployment Compensation program, however, change requests were made to the Pandemic Unemployment Assistance and the Pandemic Emergency Unemployment Compensation programs,

related to the call centers and hardware implementation. On June 12, 2020, EDD resubmitted the Supplemental Budget Request for the Pandemic Unemployment Assistance and the Pandemic Emergency Unemployment Compensation programs.

DOL has advised that PUA claims are excluded from DOL's first payment promptness timing standards, and CUIAB is confirming they are also excluded from appeals time lapse standards.

Chief Silva reported the CalCard has been temporarily turned off and purchase orders will not be accepted over the next few weeks.

Chief Silva reported that eight new ALJs will start in June, and four new ALJs will start on July 6, 2020. Additionally, CUIAB has started the process of hiring retired annuitants.

Chief Silva reported that on June 5, 2020, CalHR's Office of Civil Rights notified departments that they must complete the 2020 Language Survey no later than October 1, 2020. CUIAB will undertake this survey for two consecutive weeks in August. The survey responses will be used to determine the languages to be used in forms transmitted in specific counties. Currently, the forms are sent in Spanish.

Member Eng inquired about differences between the legislature's budget and the Governor's May revise allocation for EDD. Chief Silva advised there is no change regarding CUIAB's federal funding allowance in the May revise.

Closed Session:

No reportable actions taken.

Adjournment