

**MINUTES**  
**FOR THE REGULAR MEETING**  
**CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD**  
**Docket No. 5657**

**Open Session**

The Appeals Board meeting convened at 1:00 p.m., September 16, 2020, via Zoom conferencing 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	
Laura Kent-Monning	x	

**2. Approval of the Minutes:**

The August 19, 2020, Meeting Minutes were approved unanimously.

**3. Chair's Report:**

Chair Block reminded viewers that most of the Board's work is not done during the meetings, but in-between meetings. The Board resolved 947 appeals in the past month.

**4. Board Member Reports:**

Member Eng thanked CUIAB staff for their hard work during these challenging times. He also thanked the ALJs for their work addressing new issues law and advised that the appeals modernization progress updates have been helpful.

Member Kent-Monning reported that she and Member Allen are continuing work on the CUIAB Newsletter.

**5. Public Comment**

No public comment.

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

Interim Executive Director Cutri reported that CUIAB's field operations closed 56.4% of appeals within 30 days and 82.6% within 45 days. The average case age is currently 28.9 days.

From March through August, the volume of Unemployment Insurance, along with Pandemic Unemployment Assistance appeals, averaged 36% higher monthly, compared to pre-pandemic levels of regular Board appeals. During August and September to date, appeals increased by 50% per month over pre-pandemic levels. CUIAB has received nearly 9,000 PUA appeals since May. In August, PUA appeals comprised approximately 27% of CUIABs workload as compared to approximately 18% in July. The field offices are currently hiring support staff to keep up with workload and an ALJ recruitment is forthcoming.

CUIAB continues to utilize its workload management group, which meets weekly to distribute cases among field offices to maximize resources and efficiency.

On August 28, CUIAB received notification of a positive COVID-19 case in a field office. The office was closed until deep cleaning could be scheduled on September 4, 2020. During the closure, phone calls were re-directed to the Virtual Call Center and approximately 90% of the hearings went forward as scheduled. The office re-opened on September 8, 2020, and operations have continued. Interim Executive Director Michael Cutri expressed his gratitude for the work of CUIAB staff in maintaining operations.

Wildfires have impacted CUIAB, requiring the Sacramento office to close early once due to the smoke and air quality. The Pasadena field office has had partial closures since September 11. Hearings, decisions, and calendaring have continued without interruption.

CUIAB has implemented two pilot programs in select field offices—one enabling remote registration of appeals, and the second enabling parties to submit certain documents via email. Interim Executive Director Michael Cutri anticipates implementing both programs in additional field offices in the coming months which will improve CUIAB efficiency and public access.

Interim Executive Director Cutri reported a security concern regarding threatening and harassing phone calls. Both matters have been addressed and no further action will be taken.

Vice-Chair Reeves thanked Interim Executive Director Cutri and all of the CUIAB

staff for their work and efforts. Vice-Chair Reeves inquired whether CUIAB has observed untimeliness in appeals resulting from delays in mail service and expressed concern with potential negative impacts on parties' due process rights. Interim Executive Director Cutri reported that the field offices are aware of delays and have implemented steps to minimize impacts on parties.

Member Eng asked if the Board Members would receive the results of the appeals modernization program survey. Chief Information Officer Willoughby advised that the survey data is being compiled and will be reported to the Board when aggregated.

Member Kent-Monning thanked CUIAB staff for all of their hard work and dedication on the pilot programs.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke reported that AO has improved in meeting DOL's timeliness standards and resolved 55% of its cases within 45 days during August. The average case age is 26.2 and the improvement is due in large part to the work of retired annuitant ALJs.

Member Eng inquired about the availability of data for other states in meeting DOL timeliness standards. Interim Executive Director Cutri advised that this data is available and could be provided.

Member Kent-Monning inquired about the workload monitoring group's interaction with appellate operations caseloads. Presiding Administrative Law Judge Remke advised that the workload monitoring group distributes first-level appeals among field offices and does not impact second-level appeals.

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

CIO Willoughby reported that after the appeals modernization survey closes on September 18, the results will be summarized and reported.

The appeals modernization project has commenced. The next step will be to begin task-based sprints which implement the validated system requirements. CIO Willoughby thanked the subject-matter experts for their work.

CIO Willoughby reported there is a new and improved trouble ticketing system. Training on this will be available soon.

CIO Willoughby thanked IT staff for their quick provision of services to support Labor and Workforce Development Agency staff.

CIO Willoughby reported that CUIAB has had positive results with its technology pilot programs. In addition to other pilots, the hearing check-in pilot program has been implemented, and has deflected approximately five to twenty phone calls per day. This pilot can be expanded to additional offices.

Member Eng asked about the email document submission pilot for identity cases. CIO Willoughby advised that there are currently three field offices participating in this. Interim Executive Director Cutri advised that it will be implemented in additional field offices and could potentially be implemented in appellate operations. Member Eng expressed his support for the program and implementing it in additional offices.

Member Kent-Monning asked about the process of the pilot program for the electronic check-in and whether information on its availability is provided to parties in their mailed hearing notices. CIO Willoughby affirmed that it is.

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

Chief Silva reported that since the last Board Meeting, CUIAB advertised for three additional support staff positions, and anticipates a large influx of staff in the coming weeks.

Due to the pandemic and leaves of absences of several employees, during the first two months of the State Fiscal Year 20/21, the field offices have utilized Retired Annuitants equivalent to two positions, and overtime equivalent to seven positions to process the current workload.

CUIAB hired 16 ALJs between June 22 – August 1. Since State Fiscal Year 20/21, four ALJs have separated from CUIAB, and three additional ALJs are anticipated to separate soon. CUIAB will be issuing an advertisement to hire additional ALJs.

CUIAB will be inputting its Language Survey data into CalHR's database. Based on this, CalHR will provide feedback regarding the requirements for communications to be issued in languages other than English and Spanish. Additionally, Chief Silva advised that CUIAB is in the process of administering Mandarin and Vietnamese language fluency exams.

Chief Silva reported that enrollment for CalPERS Health Benefits is open September 23 – October 16.

Chief Silva reported that CUIAB is preparing a final budget for the State Fiscal Year 20/21, which will be presented to the Board for vote at the October 21, Board Meeting.

Vice-Chair Reeves thanked Chief Silva for his work, commended him on his efforts on the Language Survey and work administering additional language fluency examinations

Member Eng asked about data regarding language assistance and how demand for communication in select languages is assessed. Chief Silva stated he can provide this information.

Member Allen asked for clarification of the classification levels of the newly hired ALJs. Chief Silva advised that the last recruitment was for ALJ Is and the upcoming recruitment is also intended to be at the ALJ I level.

**Closed Session:**

During closed session, the Board conducted interviews for and deliberated on the selection of the Executive Director/Chief ALJ.

**Open Session:**

The Board returned to open session and announced that it had voted 5-0 to select Michael Cutri as Executive Director/Chief ALJ, subject to applicable administrative requirements.

**Adjournment**