

**MINUTES**  
**FOR THE REGULAR MEETING**  
**CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD**  
**Docket No. 5658**

**Open Session**

The Appeals Board meeting convened at 1:00 p.m., October 21, 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 September 16, 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 810 appeals in the past month.

Chair Block thanked and complimented Members Allen and Kent-Monning, and CUIAB staff Lori Kurosaka, Mariluz Worden, Mirella Gomez, and all the contributors for their hard work and high quality of the CUIAB Newsletter.

Chair Block recognized Executive Director/Chief ALJ Michael Cutri on his outstanding work providing the Board Members with information regarding CUIAB's appellate caseloads and the status of Pandemic Unemployment Assistance legislation.

**4. Board Member Reports:**

Vice-Chair Reeves thanked Members Allen and Kent-Monning for their work on the CUIAB Newsletter. He also thanked PALJ John Martin for his hospitality while working from Southern California and for the birthday card sent to him.

Member Eng thanked Members Allen and Kent-Monning and all the contributors for their work on the CUIAB Newsletter. He also thanked Executive Director Michael Cutri for his informative presentation.

Member Allen thanked Chief Counsel Mark Woo-Sam for his cello performance and all of the contributors to the CUIAB Newsletter.

Member Kent-Monning thanked the CUIAB staff for their continued flexibility during these unprecedented times and expressed appreciation to Member Allen for inviting her to assist with the CUIAB Newsletter and the CUIAB staff who worked on it

## **5. Public Comment**

No public comment.

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

Executive Director Cutri thanked the CUIAB staff and Board Members for their work on the CUIAB newsletter and its outstanding quality.

Executive Director Cutri reported that during September, CUIAB's field operations closed 52.6% of appeals within 30 days and 79% within 45 days. The average case age is currently 26.4 days and on a year-to-date basis, CUIAB is meeting the Department of Labor's timelapse standards.

During the first weeks of September, appeals averaged 50% higher compared to pre-pandemic levels. In contrast, from April through August, CUIAB's volume of appeals had averaged 30% higher. From September 20 through October 4, EDD processed a large volume of backlogged appeals, resulting in an average daily increase of 117% in transmittals to CUIAB compared to pre-pandemic levels. Approximately 25% of those appeals are significantly delayed in arriving at CUIAB, which may impact CUIAB's timelapse performance. CUIAB will closely monitor these cases and work to clear them. CUIAB's open case balance is approximately 87% higher than in March of this year. CUIAB is addressing this through measures including gathering all available staff to register incoming cases, enabling ALJs to volunteer for team calendars, and having presiding judges hear large volumes of cases in addition to their regular duties. CUIAB will focus on adjudicating the oldest cases as quickly as possible.

In response to Member Eng's inquiry regarding time-lapse performance nation-wide, Executive Director Cutri reported that the average 30-day performance was 27.8%

in August, which indicates that nation-wide, unemployment insurance appeal programs are struggling with record numbers of claims.

CUIAB continues to move forward with additional ALJ and support staff recruitment.

During the week of September 14, the Pasadena field office was partially closed due to the Bobcat wildfire and fully closed on September 25, due to a positive COVID-19 case. The office received multiple deep cleanings before re-opening on September 30, and all hearings continued as scheduled during the closure. Executive Director Michael Cutri expressed his gratitude for the work of CUIAB staff in maintaining operations.

Executive Director Cutri reported that the remote appeal registration pilot program is successful and ongoing. A second pilot program enabling CUIAB to receive certain documents via email is being phased in statewide.

Executive Director Cutri advised there were no security incidents reported during the past month.

Vice-Chair Reeves asked Executive Director Cutri about his plans allocating resources to address workload increases and assigning newly-hired ALJs caseloads. Executive Director Cutri advised that the training for recently-hired ALJs has been completed and they are participating in hearing cases. For the next round of hirings, CUIAB will involve additional staff in the trainings to minimize loss of productivity while bringing employees on board.

Member Eng inquired about the potential impact of the upcoming ending of the pandemic unemployment assistance benefits on CUIAB's caseload. Executive Director Cutri advised that absent new legislative extensions, there will likely be an increase in appeals resulting from determinations that benefits have been exhausted.

Member Allen inquired about the process of assigning new ALJ caseloads. Executive Director Cutri explained that new ALJs are assigned reduced numbers of hearings and reach a full caseload within approximately three months. Member Allen asked whether CUIAB is utilizing mass calendars to address workload. Executive Director Cutri advised that they were throughout the state.

Member Kent-Monning noted that she has listened to hearings conducted by the new ALJs and was very pleased with the ALJs' professionalism and grasp of the issues. She commended the individuals who worked on the pilot programs to modernize CUIAB's operations.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke reported that AO has improved meeting DOL's timelapse standards and during September resolved 89.6% of its cases within 45 days. AO has closed 96.1% of its cases within 75 days. The current AO inventory is 275 cases and the average AO case age is 27.8 days.

Vice-Chair Reeves thanked Remke for her assistance discussing the federal Pandemic Relief program and inquired about the increase in cases remanded by the Board due to technical problems with the recording of audio in the ALJs' telephonic hearings. Presiding Judge Remke advised that the technical issue regarding the audio was caused by a Windows update and has been rectified.

Member Eng thanked Remke for the presentation given on the pandemic assistance program.

Members Allen and Kent-Monning thanked Remke for her work.

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

CIO Willoughby addressed Vice-Chair Reeves' concern regarding the audio during telephonic hearings and confirmed that the issue arose from a Windows update. CIO Willoughby personally ensured that the issue was corrected for each ALJ and implemented measures to prevent this from arising again.

CIO Willoughby reported that the Appeals Modernization Project is moving forward and that Presiding Judge Hugh Harrison is taking on the role of product owner, providing a wealth of knowledge and support for the system.

CIO Willoughby reminded the Board and members of the public that October is National Cyber Security Awareness Month.

CIO Willoughby advised that training on the new trouble ticketing system is available.

Vice-Chair Reeves thanked CIO Willoughby for his rapid assistance in resolving the hearing audio issue and for his work on the modernization project.

Member Eng inquired about the appeals modernization survey results. CIO Willoughby advised the results are being gathered and will be shared as soon as they become available. Member Eng thanked the Help Desk for their quick

assistance with a recent technical issue.

Member Allen asked whether the estimated completion date of the modernization program is Summer 2021. CIO Willoughby confirmed that is the goal. Member Allen inquired about the meaning of the term “sprints” in the project delivery. CIO Willoughby explained that it is a term of art within the project delivery methodology and described how it relates to the process of completing discrete phases of the project.

Member Kent-Monning thanked CIO Willoughby and the IT department for their work and for the training she recently attended.

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

Chief Silva reported that in addition to the 8 ALJs hired at the end of Fiscal Year 19/20, CUIAB hired 8 ALJs at the beginning of Fiscal Year 20/21. CUIAB anticipates hiring 15 more ALJs.

CUIAB has hired 11 support staff since the beginning of Fiscal Year 20/21, three additional support staff will start November 1. Additionally, CUIAB has extended 4 offers of employment for support staff with potential starting dates of November 1.

#### **10. Action Item - Review and Approval of 2020-2021 Fiscal Year Budget:**

Chief Silva gave the 2020/2021 Budget Proposal via PowerPoint presentation.

Vice-Chair Reeves inquired about CUIAB’s Operations Fund and the process for securing necessary resources. Chief Silva advised that CUIAB operates under the Governor’s Budget Authority and that the federal Department of Labor provides approximately 91% of CUIAB’s funding based on workload projections.

Member Eng thanked Chief Silva for the report and inquired about the State’s repayments to the federal government for loans to pay unemployment insurance benefits. Chief Silva advised that the Employment Development Department administers this and could research questions about the State’s repayments. Member Eng inquired about the proposed budget’s 3% increase in interpreter services for the 2020/21 Budget. Chief Silva advised that the proposed increase takes into account amounts that were not expended in the prior fiscal year, and so the projected expense is an approximate 25% increase over amounts actually expended last year. Member Eng additionally inquired about data on languages for which CUIAB provides services. Chief Silva advised that the 2018 biennial language data survey has been provided to the Board and the 2020 survey data should be

available in approximately one month. Lastly, Member Eng inquired about the additional time which may be needed in hearings involving translation. Chief Cutri advised that while hearings involving translation are scheduled in the same manner as other cases, measures are implemented to ensure that cases that take longer will not negatively impact hearing other cases.

Member Allen inquired about the involvement of CUIAB staff in the budgetary process. Chief Silva advised that managers solicit the input of their staff in developing their budgetary requests.

Member Kent-Monning thanked Chief Silva for his presentation and inquired about the proposed budget's monthly description of personnel costs. Chief Silva advised that the proposed budget reflects maximum staffing and that each month, CUIAB reviews actual personnel costs for each office.

The Board unanimously approved the 2020/21 Fiscal Year Budget as presented.

#### **11.Action Item – Amendments to Appeals Board Policy Statement No. 20**

Chief Counsel Woo-Sam reported that SEIU no longer wished to meet and confer on the impact of the proposed changes and there are no other unions that have requested to meet and confer on it.

Chair Block inquired whether there is any opposition to the Board adopting the policy change. Chief Counsel Woo-Sam and Executive Director Cutri advised that CUIAB has not received any opposition.

Member Eng inquired whether state facilities are subject to existing laws prohibiting weapons on state property. Chief Counsel Woo-Sam confirmed that existing laws do prohibit this and advised that it is common practice for state agencies to adopt policies prohibiting weapons at worksites similar to Policy Statement No. 20.

Member Allen asked whether the policy applies solely to workspaces in state-owned or leased facilities and whether the policy applied to associated parking lots. Chief Counsel Woo-Sam confirmed that the policy applied to state-owned or leased spaces and advised that because the policy does not specifically describe its application to varieties of parking lots, structures, or facilities connected with the state-owned or leased worksites, questions involving this would be addressed on a case-by-case basis.

Member Kent-Monning thanked Chief Counsel Woo-Sam for the work on modifications to the policy.

The Board voted to unanimously approve the proposed amendments to Appeals Board Policy Statement No. 20.

**Closed Session:**

There were no Closed Session items.

**Adjournment**