

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5659**

Open Session

The Appeals Board meeting convened at 1:00 p.m., November 18, 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 October 21, 2020, Meeting Minutes were approved unanimously.

3. Chair's Report:

On behalf of CUIAB, Chair Block attended an event for Stewart Knox, Undersecretary of Labor and Workforce Development Agency, to express his gratitude for his support to CUIAB throughout the years. Chief Counsel Woo-Sam also extended his gratitude to Mr. Knox.

Chair Block reminded viewers that most of the Board's work is not done during the meetings, but in-between meetings. The Board resolved 437 appeals in the past month.

4. Board Member Reports:

Member Eng thanked the CUIAB staff for their hard work and dedication throughout this unprecedented year.

Member Allen reported on his meeting with the Senate Rules Committee staff and expressed his appreciation for the work of CUIAB's staff. Member Allen commended

his Board colleagues for their diligence and care in resolving appeals.

Member Kent-Monning reported that she is also undergoing the Senate Confirmation process and expressed her appreciation of CUIAB's work and accomplishments responding to the challenges of the past year.

Chair Block acknowledged that Members Allen and Kent-Monning are great candidates for confirmation and wished them well in their process.

5. Public Comment

No public comment.

6. Chief ALJ/Executive Director Report:

Executive Director Cutri reported that during October, CUIAB's field operations closed 42.2% of appeals within 30 days and 75.3% within 45 days. The average case age is approximately 37 days, due in large part to the influx of cases in the past six weeks.

Following EDD's suspension of new claim filings from September 20 through October 4, EDD transmitted a large number of cases to CUIAB, exceeding 100% of CUIAB's March pre-pandemic workload. As a result, CUIAB's open, uncalendared, case balance is approximately two and one-half times larger than in March. CUIAB is addressing this through measures including gathering all available staff to register incoming cases, implementing statewide the ability to electronically submit identity evidence, and having presiding judges hear large volumes of cases in addition to their regular duties. CUIAB continues to focus on adjudicating the oldest cases as quickly as possible.

Interviews for the ALJ and support staff recruitments have concluded, which will allow CUIAB to increase its capacity to schedule, hear, and resolve cases in an accelerated manner.

On November 13, the Orange County field office was closed due to a positive COVID-19 case. The office received a deep cleaning before re-opening on November 17. Executive Director Cutri expresses his gratitude for the dedication of CUIAB's staff who continue to report to the field offices and work to keep one another safe.

Executive Director Cutri announced that on November 12, Judge Catriona Morrison

was appointed as Presiding Judge of the San Diego Office of Appeals. He thanked PJ Catriona Morrison for her hard work and dedication.

Executive Director Cutri reported two employee security incidents. The first involves a former employee who continues to contact current employees on an unwanted basis. In another incident, a caller threatened an employee staffing the Virtual Call Center. Law Enforcement was contacted on both occasions and both have stabilized.

Executive Director Cutri reported there was a break-in at CUIAB's Concord facility on November 9. The suspect was apprehended in the facility by local law enforcement and there was no report of lost or stolen items. Executive Director Cutri thanked the Concord Police Department for their quick action.

Vice-Chair Reeves thanked Executive Director Cutri for his particular attention and dedication to resolving the identity cases.

Member Eng thanked Executive Director Cutri for the report and his availability to the Board Members in between Board Meetings.

Member Allen confirmed that CUIAB will have gained a net of approximately 30 new ALJs after its recent hires and inquired about the current caseloads for new ALJs. Executive Director Cutri reported the new ALJs currently have a full caseload and are excelling. Member Allen thanked Executive Director Cutri for his availability to the Board Members.

Member Kent-Monning thanked Executive Director Cutri for his report, as well as the CUIAB staff that continue to report to the field offices.

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 time-lapse standards. During October, AO resolved 89.8% of its cases within 45 days, and 94.5% of its cases within 75 days.

The AO inventory as of the end of October was 314 cases and the average AO case age was 20.6 days. The drop in inventory is due in large part to the increased utilization of retired annuitants and a drop in the number of Board appeals.

Vice-Chair Reeves inquired about national average performance in meeting DOL's

time-lapse standards in comparison to California's performance. Executive Director Cutri informed that in September, the national average was 28.4% cases closed within 30 days and 42.8% within 45 days. California's compliance performance is higher than the national average.

Member Eng inquired about the prioritization of cases impacting time-lapse performance and offered his assistance in ensuring time-lapse measures are met.

Member Allen thanked Remke for her assistance in analyzing and adjudicating cases. Member Allen inquired about utilizing Retired Annuitants. Remke advised the retired annuitants may be utilized full-time and are currently focused on regular unemployment insurance cases.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby reported there was a 63% response rate for the Appeals Modernization Project employee survey. Based on the feedback, IT will work with the Organizational Change Management Team to implement changes and provide additional training on Microsoft products.

The first functional parts of the Appeals Modernization Project have been developed and demonstrated to the subject-matter expert group. Development sprints continue and the progress will be shared with the entire organization.

CIO Willoughby reminded on the importance of security and advised that additional training will be made available in the coming months.

Member Eng thanked CIO Willoughby for his update and requested a copy of the survey results. Member Eng also thanked CIO Willoughby for his assistance responding to the recent phishing e-mails he received and inquired whether CUIAB has been negatively impacted by phishing attempts. CIO Willoughby advised that he could not report on that during this meeting but could describe CUIAB's response protocols regarding phishing attempts.

Members Allen and Kent-Monning thanked CIO Willoughby and staff for their assistance and patience in the conversion to the use of the Chrome web browser.

Chair Block also commented the IT Help Desk has been very helpful, responding with speed and accuracy.

9. Chief Administrative Services, Robert Silva Report:

CUIAB hired eight support staff who reported November 1, and five additional support staff are scheduled to start December 1. CUIAB recently posted a recruitment for seasonal clerk positions in three field offices.

Chief Silva thanked the Legal Support Supervisors in the Field Offices for their work conducting interviews while managing increasing workloads.

CUIAB is in the process of hiring 15 additional ALJs, two of which will commence work in November and December.

Chief Silva reported the monthly average overtime from July to October was 1,270 hours with a monthly average expenditure of \$47,000.

Chief Silva advised that in November, CUIAB's employees will be completing audit reports to ensure their bilingual use meets the required threshold to receive bilingual pay differentials. There are currently 43 employees participating in the audit.

In response to Member Eng's inquiry during the October Board Meeting regarding the findings from the CalHR Language Survey, CalHR has not yet provided feedback to CUIAB.

Chief Silva reported that following the Board's adoption of the budget, operating expenses and equipment procurement efforts are moving forward and have been communicated to CUIAB's operations.

Chief Silva reported that LWDA recently reached out to CUIAB for assistance with procurements for a newly-funded COVID-19 outreach program. Victor Saldana volunteered and was essential in securing contracts. Chief Silva thanked Mr. Saldana for his work on the project.

Vice-Chair Reeves thanked Victor Saldana for his service.

Member Eng thanked Chief Silva for his sensitivity to the language needs of CUIAB's constituents and requested a copy of the language audit results. Chief Silva advised he could make this available to the Board in December. Member Eng also inquired when the CalHR Language Survey response would be available. Chief Silva advised that CUIAB's survey provided to CalHR did indicate language deficiencies,

but CUIAB must await CalHR's review. Silva will contact CalHR to find when CalHR's response may be anticipated. Lastly, Member Eng inquired whether the language survey revealed differences associated with the Pandemic Unemployment Assistance cases. Chief Silva advised that the language needs reported in the August 2020 survey, office-by-office, did not significantly differ from the results of the 2018 survey.

Member Allen thanked Chief Silva for his report and the information on the LWDA's COVID-19 program. Member Allen requested a copy of the reports to share with local public officials.

Member Kent-Monning thanked Chief Silva and Victor Saldana for their work. She also requested a copy of the language reports.

Closed Session:

There were no Closed Session items.

Adjournment