

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5661**

Open Session

The Appeals Board meeting convened at 1:00 p.m., January 21, 2021, 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 December 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 722 appeals in the past month.

Chair Block reported that a confirmation hearing for Members Allen and Kent-Monning has been scheduled for January 28, 2021, and wished them well.

4. Board Member Reports:

Members Allen and Kent-Monning recognized the efforts of the Board's staff during these challenging circumstances.

5. Public Comment

No public comment.

6. Chief ALJ/Executive Director Report:

Executive Director Cutri reported that during December, for the fourth consecutive month, appeals transmittals from the Employment Development Department were more than double pre-pandemic levels. CUIAB's open balance of unemployment insurance appeals is nearly triple the balance of that as of the beginning of September. CUIAB's field operations closed 14.5% of appeals within 30 days and 38.5% within 45 days. The average case age is approximately 63 days.

Appeal timeliness has become a nationwide problem and California has the highest first-level appeal workload in the nation. On a national level, as of November, 16% of appeals were resolved within 30 days and 29% percent within 45 days.

To address increases in appeals, in 2020, CUIAB brought on 22 new ALJs and 20 new support staff. Retired ALJs have also been brought on and CUIAB completed recruitment for 20 additional ALJs. ALJs have been hearing elevated caseloads and Presiding Judges continue to hear a large number of cases in addition to their other duties.

In January, CUIAB's Oxnard, Orange County and Inglewood field offices were closed due to positive COVID-19 cases.

Executive Director Cutri reported two general threats. Law Enforcement was involved and the issues have become stable.

Vice-Chair Reeves thanked Executive Director Cutri for his work in bringing on additional ALJs and support staff to CUIAB. He also thanked the staff for their hard work under these difficult circumstances.

Member Eng thanked Executive Director Cutri for his continued assistance in between meetings. Member Eng inquired about CUIAB's efforts regarding potentially fraudulent claims. Executive Director Cutri advised that CUIAB has internal measures to evaluate potential fraudulent claims and returns matters back to EDD for further investigation in situations where CUIAB cannot establish identities.

Members Allen and Kent-Monning thanked Executive Director Cutri for his hard work and frequent, timely communication.

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 December, AO resolved 95.9% of its cases within 45 days and 98.8% within 75 days. The average case age is 28.1 days.

To increase efficiency and assist in reducing average case age, CUIAB has modified Board appeal registration processes.

Member Eng thanked Presiding Administrative Law Judge Remke for the information and support provided regarding the Lost Wages Assistance program.

Members Allen and Kent-Monning thanked Presiding Administrative Law Judge Remke for her hard work and availability in addressing member questions.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby reported the Appeals Modernization Project continues to refine and focus on the Field Operations processes. CIO Willoughby encourages the organization to send their questions and input regarding the Appeals Modernization Project to IT. CIO Willoughby thanked the subject-matter expert group for their continued work on the development of the program and the entire organization for their work on this major change.

Member Allen thanked the IT staff for their assistance and inquired about software updates to the laptops. CIO Willoughby advised that the updates occur regularly.

Member Kent-Monning thanked CIO Willoughby and the IT staff for their regular updates on the Appeals Modernization project to promote its implementation in the organization.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported that nine of the recently-hired ALJs commenced training, four ALJs have scheduled start dates, and two are anticipated to have start dates in February. CUIAB's recruitment for 20 additional ALJs has closed and CUIAB is reviewing applications. CUIAB has hired four retired annuitant ALJs.

Chief Silva reported ten support staff positions have been filled and two retired

annuitant support staff positions have been filled.

Chief Silva reported approximately 25 support staff positions are pending, which include new and back-filled positions vacated through promotion. There are also various advertisements for Seasonal Clerks to assist with the anticipated increased workload.

Chief Silva reported that the field offices saw a significant increase in overtime use in November and December. The average overtime is currently 1,600 hours per month with an approximate monthly expenditure of \$62,000.

Chief Silva stated administrative services is currently working on the Budget Call Letters that will allow the field offices to submit their budget request for State Fiscal Year 21-22. Chief Silva reminded CUIAB to give special consideration to social distancing requirements in the offices when preparing budget requests.

Vice-Chair Reeves thanked Chief Silva for his assistance in hiring the new ALJs. Vice-Chair Reeves inquired about the assessment of social distance requirements in the field offices. Chief Silva advised that in April 2020, the field offices evaluated needs and submitted requests for and received additional resources to implement social distancing, including the installation of plexiglass barriers.

Member Eng thanked Chief Silva for providing the Language Survey results and inquired whether CalHR has informed CUIAB of their sufficiency. Chief Silva advised CUIAB has not received CalHR's findings.

Member Allen inquired about mask requirements in the offices. Chief Silva advised that employees are required to wear a mask while in shared areas. When eating or drinking employees are required to social distance. CUIAB purchases and provides masks and other personal protective equipment (PPE) upon request, and additionally reimburses employees for their purchases of these items. CUIAB purchases masks based on CalOSHA guidelines. Member Allen requested clarification on the overtime and whether the ALJs are considered overtime-exempt under the Fair Labor Standards Act. Chief Silva advised ALJs are exempt, and the overtime usage applies to support staff classifications.

Member Kent-Monning inquired about the ability of the CUIAB staff in the field offices to receive the COVID-19 vaccine. Executive Director Cutri stated CUIAB is currently in communication with Labor Workforce Development Agency regarding this.

Closed Session:

The Board discussed pending litigation with legal counsel.

Open Session:

The Board returned to open session and announced that no reportable action was taken during closed session.

Adjournment