

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5668**

Open Session

The Appeals Board meeting convened at 1:00 p.m., August 18, 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 July 13, 2021, Meeting Minutes were approved unanimously.

3. Chair's Report:

Chair Block reminded that most of the Board's work is not done during the meetings, but in-between meetings. The Board resolved over 600 appeals in the past month.

4. Board Member Reports:

Member Eng expressed his appreciation for CUIAB's staff for making the arrangements needed to enable the Board to conduct its July 13, in-person meeting, as well as all who continue to perform CUIAB's vital in-office work during the pandemic.

Member Allen thanked CUIAB's staff for their work and dedication. Member Allen expressed his appreciation to Executive Director Cutri for arranging a presentation to the Sonoma County Bar by a CUIAB ALJ, providing an overview of CUIAB's policies and procedures.

Member Kent-Monning commended Presiding Administrative Law Judge Rebecca

Bach for her efforts to improve CUIAB's language accessibility by attending a training on "Doing Justice Through Court Interpreting," and providing information received to CUIAB's ALJs.

5. Public Comment

"Yvonne" offered comments regarding her mother's experience as a claimant before the Employment Development Department and the Board.

George Warner, Staff Attorney for Legal Aid at Work, offered comments on language access issues in a recent matter.

6. Chief ALJ/Executive Director Report:

During July, daily appeal transmittals from the Employment Development Department fell to within 5% above pre-pandemic periods.

In July, CUIAB closed 5.9% of cases within 30 days and 7.7% of cases within 45 days. CUIAB prioritized resolving oldest cases and its average case age is approximately 90.2 days, compared to a national average case of 126 days.

CUIAB continues to move forward with the recruitment and training of new staff. Executive Director Cutri expressed his gratitude to Presiding Judge Bach for training over 50 Administrative Law Judges. The judges are excelling and resolving high levels of appeals. Judge Bach continues to seek out additional training opportunities for CUIAB's judges regarding interpreting, quality review, and other issues such as extensions and developing federal programs.

Executive Director Cutri thanked Judge Theresa Brehl for her work conducting the presentation to the Sonoma County Bar Association. Judge Brehl has also contributed to the training of CUIAB's new and existing judges on the various programs implemented during the pandemic.

In July, the field offices closed nearly 30,000 cases through increased case assignments, team calendars, as well as volunteer efforts. CUIAB's pop-up identity verification project has been successful with approximately 60% of the invitees providing requested documentation. However, due to the increasing infection rates of the COVID-19 Delta variant, CUIAB must proceed cautiously.

CUIAB had no COVID-19 related office closures in the past month.

On July 27, CalHR announced new vaccine verification and testing protocols for all State employees. As of August 3, CUIAB verified a 70% vaccination rate among staff. Employees who have not verified their vaccination status will be required to test weekly for COVID-19. CUIAB is awaiting further information regarding the implementation of this testing.

On August 3, a CUIAB supervisor received multiple threatening calls. Law enforcement intervened and the situation was resolved.

Member Eng inquired about workload forecasts. Director Cutri advised that CUIAB engages in monthly discussions with EDD regarding its existing and deferred workloads. Based on this, CUIAB does not currently project a new onslaught of elevated numbers of appeals. Member Eng inquired about the language assistance material provided by Judge Bach and training on this. Director Cutri advised that these materials bolster existing training to the ALJs regarding language assistance and contained useful practice tips. CUIAB's hearings are governed by the Department of Labor's Quality Review guidelines and the information and training provided by Judge Bach regarding language assistance are consistent with these federal standards.

Member Kent-Monning thanked Director Cutri for his continued work with the pop-up identity verification events. Member Kent-Monning inquired about processing time increases for paid family leave and disability cases. Director Cutri advised that there are approximately four to five cases that have been delayed in transmission from EDD to CUIAB, that have disproportionately skewed the cycle time report. CUIAB is investigating to determine whether the case ages have been incorrectly entered, and the reasons for the delay in transmission to expedite their resolution.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during July, AO resolved 78.2% of its cases within 45 days and 85.6% within 75 days. To date, AO resolved 70.6% of its cases within 45 days.

Vice-Chair Reeves inquired about workload forecasts for the next quarter. PJ Remke advised that during the pandemic, AO has not received increases in appeals comparable to the field office level. AO does not anticipate a change in this during the next quarter.

Member Kent-Monning thanked PJ Remke for her ongoing work in ensuring timely

dispositions of appeals.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby advised that CUIAB is meeting with the vendor in CUIAB's appeals modernization project to define the rules surrounding the public-facing portal.

IT continues to work with field offices in implementing the online hearing "check-in" process. CUIAB anticipates rolling out the new process statewide in September.

Member Eng inquired about Sprints 8 and 9 of the modernization project. CIO Willoughby advised that Sprints 8 and 9 consist of the bulk of the work for the public portal which will enable parties to view their case-related documents online, rather than waiting to receive them through US Mail.

Member Allen thanked IT for their assistance with recent technical issues.

Member Kent-Monning thanked Matt, Aldo and Frank of IT for their assistance with her recent technical challenges.

Chair Block thanked IT staff for their assistance with his technical issues.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported on the status of hiring. Ten new ALJs will begin employment with CUIAB on August 23, with an additional three currently in the hiring process. Since the last Board meeting, CUIAB hired seven new support staff with twenty-two new hires pending.

Member Kent-Monning thanked Chief Silva for the continuous efforts with hiring additional ALJs and support staff.

10. Action Item - Review and Approval of 2021-2022 Fiscal Year Budget:

Chief Silva provided the proposal for the CUIAB 2021/2022 Budget.

Vice-Chair Reeves inquired about the number of planned new ALJs and support staff hires. Chief Silva described CUIAB's staffing requests processes and advised there are 118 new positions planned in the budget. The classifications and locations of positions will depend on office workloads.

Member Eng inquired about reductions in rent expenses and space requirements. Chief Silva advised that CUIAB closed certain outstation hearing facilities at the beginning of the pandemic and that CUIAB has evaluated options to reduce lease footprints with the increase in telework. Member Eng requested clarification on increased expenditures for interpreter service and whether some expenditures are directed to interpretation of CUIAB's forms transmitted to parties. Chief Silva clarified that the budgeted increase pertains to private interpreter services utilized during hearings rather than costs to translate CUIAB's forms. CUIAB's most recent language survey results indicated that CUIAB has a need to translate documents only into Spanish. If the next scheduled language survey indicates the need for the availability of form documents in additional languages, CUIAB can address this at that time.

Members Allen and Kent-Monning thanked Chair Silva for the informative presentation.

The Board unanimously approved the 2021/22 Fiscal Year Budget as presented.

Closed Session:

The Board adjourned the open session to convene a closed session to discuss pending litigation.

Open Session:

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

Adjournment