

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5670**

Open Session

The Appeals Board meeting convened at 1:00 p.m., October 27, 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 September 22, 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. During the past month, the Board resolved 726 second-level appeals and Field Office Administrative Law Judges resolved thousands of first-level appeals.

Chair Block reported 86% of CUIAB's workforce has provided proof of vaccination. Under State policy, employees who have not provided proof of vaccination will be required to submit weekly COVID-19 test results as a condition to working in CUIAB facilities.

Chair Block recognized and thanked Lori Kurosaka for her work with CUIAB over the past 12 years, and for the State of California for 40 years.

4. Board Member Reports:

Member Eng thanked Lori Kurosaka for her years of service. Member Eng also

thanked the CUIAB organization for its work implementing COVID mitigation efforts to promote the safety of its employees and the public.

Member Allen thanked Lori Kurosaka for her contributions to CUIAB over the years. He also thanked the CUIAB staff for their assistance over the past month.

Member Kent-Monning thanked Lori Kurosaka for her support in their work together. Member Kent-Monning thanked the Information Security Office for the continuous information received during October's Cyber Security Awareness month and congratulated Member Allen and his family on the newest addition to his family.

5. Public Comment

Richard Miller commented on his efforts to obtain employment with CUIAB.

6. Chief ALJ/Executive Director Report:

Executive Director Cutri expressed his deep appreciation for Lori Kurosaka's work during the past year as she assisted in his transition to his role as Executive Director.

During September, daily appeal transmittals from the Employment Development Department fell to within 29% above pre-pandemic periods in contrast to 300% higher at its peak.

In September, the field offices closed nearly 26,000 cases. For that month, CUIAB closed 3.8% of cases within 30 days and 4.8% of cases within 45 days. CUIAB prioritizes resolving oldest cases and its average case age is approximately 103 days, compared to a national average case of 134 days.

CUIAB continues to recruit and train new staff. Training for the newest cohort of ALJ's will conclude shortly with supplemental training to follow. Executive Director Cutri expressed his and PJ Bach's gratitude to all for their assistance with coordinating and implementing the training efforts.

One CUIAB field office closed due to a positive COVID-19 case. The office was cleaned and re-opened shortly thereafter.

CUIAB is now in the 2nd full week of COVID-19 testing for the employees who have not provided proof of vaccination.

The Executive Order suspending the right to in-person participation in CUIAB's

hearings expired on September 30, 2021. To facilitate in-person hearings where required, offices will be receiving upgraded air filtration systems and practices will conform to OSHA protocols.

Vice-Chair Reeves re-affirmed the importance of language clarity in CUIAB's decisions and avoiding the use of the double-negative, "not ineligible." He thanked Director Cutri for his work on this.

Member Eng thanked Vice-Chair Reeves for his work on improving the clarity of CUIAB's decisions and inquired about the status of CUIAB's proposed regulatory changes. Director Cutri advised that the proposed regulatory changes are under review by the Labor and Workforce Development Agency. The LWDA is evaluating the potential fiscal impact of the regulatory changes prior to CUIAB submitting the proposed changes to the Office of Administrative Law to commence formal rulemaking.

Member Allen thanked Director Cutri for his work and also Vice-Chair Reeves for his ongoing efforts to promote clear language in CUIAB's decisions.

Member Kent-Monning thanked Director Cutri for his ongoing work and her colleagues for their attention to promote clarity in CUIAB's decisions.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during September, AO resolved 83.5% of its cases within 45 days and 93% within 75 days. To date, AO has resolved 74.5% of its cases within 45 days.

Vice-Chair Reeves thanked PJ Remke and the AO ALJ's for their swift work in issuing decisions, which has assisted CUIAB to comply with DOL timeliness standards.

Member Eng thanked PJ Remke for her work and assistance in complicated cases.

Member Allen thanked PJ Remke and the AO ALJ's for their ongoing work.

Member Kent-Monning thanked PJ Remke and all for their work in the cross-training program.

8. Chief Information Officer, Jeff Willoughby Report:

CIO Willoughby advised that CUIAB is currently in Sprint 9 of the appeals modernization project and Sprint 10 will commence shortly after. CIO Willoughby recognized the subject-matter experts and Presiding Judge Hugh Harrison for their time and dedication to the project.

IT continues to work with field offices and Presiding Judges to refine the online hearing “check-in” process. CUIAB is hopeful utilization of this will continue to increase.

CIO Willoughby reminded that October is National Cybersecurity Month.

Vice-Chair Reeves thanked CIO Willoughby for his work with the appeals modernization project and efforts regarding cybersecurity.

Vice-Chair Reeves and Member Eng thanked CIO Willoughby for his continued IT support.

Member Allen inquired about user acceptance testing of the appeals modernization program prior to its going live. CIO Willoughby confirmed this will occur.

Member Kent-Monning thanked CIO Willoughby for his continuing work improving CUIAB’s IT resources.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva provided details on the implementation of the State’s COVID-19 testing program and provided information regarding State and county indoor mask requirements.

Chief Silva reported on the status of hiring. Since the last Board meeting, CUIAB hired four new support staff with seventeen new hires pending. An ALJ recruitment will be commenced shortly.

Chief Silva reported on the waiting period for Retired Annuitants. In 2020, Executive Order N-25-20 suspended the statutory 180-day period that newly retired persons must wait before re-commencing work as a retired annuitant. Though this suspension had expired, recently issued Executive Order N-12-21 reimplements the suspension of the 180-day waiting period. This will allow CUIAB to engage recently retired ALJ’s more quickly.

In preparation for conducting in-person hearings, CUIAB is in the process of purchasing additional equipment including air filters, plexiglass dividers, and face shields.

In November, CUIAB will conduct an audit of employees receiving bilingual to ensure their use of bilingual skills qualifies for the pay differentials provided to certain classifications.

Chief Silva thanked Lori Kurosaka for her invaluable years of work and dedication to CUIAB.

Vice-Chair Reeves inquired about the employee COVID testing requirements. Chief Silva advised the testing is weekly, the process used and described the quarantine and notification protocols in the event of positive test results.

Member Eng inquired about requirements concerning employees who have not provided proof of vaccination. Chief Silva advised employees are not required to provide reasons for failing to receive vaccination and are only required to provide proof of vaccination if they do not wish to undergo weekly testing. Member Eng inquired about guidelines regarding booster COVID-19 vaccinations. Chief Silva advised that the State has not implemented booster shot requirements but that Administrative Time Off is available for employees who choose to receive a COVID-19 booster.

Member Allen inquired when Chief Silva anticipates sending a budget update to the Board and requested the most recent budget report. Chief Silva advised that an update can be presented at the next Board meeting and will provide the most recent budget report.

Member Kent-Monning thanked Chief Silva for his report and assistance with ensuring the safety of CUIAB's staff.

Closed Session:

There was no Closed Session.

Adjournment