

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5672**

Open Session

The Appeals Board meeting convened at 1:00 p.m., December 15, 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 November 17, 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 approximately 500 second-level appeals, and Field Office Administrative Law Judges (ALJ) resolved thousands of first-level appeals.

Chair Block commended the Bay Area Office of Appeals on their 100% vaccination rate.

4. Board Member Reports:

Member Kent-Monning recognized the CUIAB organization for their hard work and dedication throughout the past year.

5. Public Comment

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

6. Chief ALJ/Executive Director Report:

During November, daily appeal transmittals from the Employment Development Department (EDD) fell to within 37% above pre-pandemic periods.

In November, the field offices issued nearly 23,000 decisions. For that month, CUIAB closed 2.9% of cases within 30 days and 3.8% 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 133 days.

CUIAB continues to recruit and train new staff. CUIAB has hired nearly 60 new ALJs since the onset of the pandemic. On December 16, Executive Director Cutri and Presiding Administrative Law Judge (PALJ) Bach will conclude their meetings with all of the new ALJs. Executive Director Cutri thanked PALJ Bach and all contributing trainers for their assistance in transitioning the new ALJs to a full caseload. CUIAB is truly grateful for the new ALJs who chose to accept the ALJ position during these crucially important times in public service.

Due to EDD's workload forecast, CUIAB will be initiating additional recruitments for staff and ALJs. The Board also anticipates an increased workload, therefore, the need for additional staff and ALJs will be factored into the recruitments.

CUIAB currently has an 87.8% rate of workforce who has provided proof of vaccination. The San Diego field office briefly closed for cleaning due to a positive COVID-19 case. The Inland field office closed for two days and has subsequently reported additional positive tests. Hearings continued as scheduled for both field offices.

Executive Director Cutri thanked Chief Information Officer (CIO) Willoughby and his team for continuing to keep the modernization project moving despite all the challenges that CUIAB has faced during the pandemic. Executive Director Cutri also thanked the subject-matter-expert group, led by Assistant Chief Harrison, for their tireless efforts.

CUIAB has been working with EDD and the Labor and Workforce Development Agency to address the impacts of the proposed regulation changes. Executive Director Cutri is hopeful to have recommendations for the Board at the January 12 board meeting.

Executive Director Cutri reported that since the last board meeting, there have been

two major security incidents. On November 19, an Orange County field office employee was specifically threatened. On December 2, a caller threatened to bomb the San Diego field office. Law enforcement was promptly involved, and the investigations are on-going.

Vice-Chair Reeves inquired about CUIAB's leave request policy for staff and ALJs during this critical time. Executive Director Cutri stated there are ongoing discussions with the individual field offices regarding methods for employee leave requests and workload production. Due to the increase in leave requests during the holiday season, the ALJs are volunteering to hear additional cases prior to their leave. As the cases continue to soar and CUIAB staff continues to work tirelessly, Executive Director Cutri encourages CUIAB staff to utilize their leave credits. Nevertheless, the weekly case production continues to rise.

Member Eng thanked Executive Director Cutri for visiting each of the field offices. Member Eng also inquired about the status of the proposed regulation changes and if there is an additional plan should the proposed regulation change request be denied. Executive Director Cutri stated CUIAB is working with EDD to determine what impact the regulatory change could have on the appeal process. Executive Director Cutri explained that CUIAB has possibly identified various methods to digitally receive the appeal directly from the claimant and transmitting to EDD, or vice-versa, which would not require a regulatory change but would require commitment from CUIAB and EDD. Member Eng also inquired about the issues with the audio recordings from the telephonic hearings. Executive Director Cutri is aware of the situation and has deferred to CIO Willoughby for a response during his report.

Member Allen asked Executive Director Cutri to confirm the total amount of ALJs with CUIAB. Currently at the field level, there are 61 ALJs I, 66 ALJs II and several retired annuitants that account for nine additional full-time ALJ positions. At the appellate level, there are five ALJs. Executive Director Cutri added that several ALJs from field operations have been cross trained for Appellate Operations (AO) should AO need to utilize additional ALJs. Member Allen inquired about the details of hiring support staff when hiring an ALJ. Executive Director Cutri stated CUIAB does not have a formula for the hiring process of support staff compared to ALJs, however, Administrative Services is very conscious of the additional support staff work created when an ALJ is hired. CUIAB has hired an extensive amount of support staff due to the growing need for additional ALJs.

Member Kent-Monning commended Executive Director Cutri for traveling to each

field office to meet with individuals in-person. She also thanked Executive Director Cutri, PJ Remke and IT for their rapid assistance with the recent audio issue.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that during November, AO resolved 88.6% of its cases within 45 days and 94.8% within 75 days. To date, AO has resolved 76.9% of its cases within 45 days.

Vice-Chair Reeves and Members Eng, Allen, and Kent-Monning thanked PJ Remke for her continuous and ongoing assistance.

8. Chief Information Officer, Jeff Willoughby Report:

In response to Member Eng's concern regarding the audio issue, CIO Willoughby stated IT has been working on resolving this issue. On the rare occasions the audio does not successfully patch through, IT has creatively figured out a way to resolve the issue. Member Eng asked if the new modernization program will resolve the audio issue. CIO Willoughby stated it would.

CIO Willoughby reported that CUIAB is currently in Sprint 10 of the appeals modernization project. As CUIAB moves into the final phases of the development, it continues to work on system performance, security optimization, and testing. Upon completion of Sprint 10, CUIAB will move into the User Acceptance Testing.

Implementation of the online hearing "check-in" process continues and there have been over 6,000 individuals who have utilized this.

CUIAB and EDD are now electronically exchanging documents for a narrow set of cases. When the process becomes fully capable of exchanging all documents, change will be required from CUIAB and EDD.

Vice-Chair Reeves is hopeful the change in audio settings will avoid further impacts to the audio recordings from the hearings.

Member Eng inquired about a video chat option for claimants during a hearing. CIO Willoughby stated it is an anticipated effort for the future, however, it is not part of the first launch product. Member Eng also thanked CIO Willoughby and IT for their assistance.

Member Allen inquired about the process of converting the residual paper transmittals into an electronic database. CIO Willoughby stated the document would be scanned into the online portal.

Member Kent-Monning reminded the Board that if a software program is not properly functioning, such as the audio issue, to check-in with IT so they become aware of the situation and can begin assessing and correcting the problem.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported that an ALJ I recruitment has recently opened, with a final filing date of January 12, 2022. CUIAB hopes to hire 15 ALJs from this recruitment. There are currently 17 support staff positions pending. Since April 2020, CUIAB has hired 65 ALJs and 75 support staff.

In response to Member Allen's question regarding the ratio of ALJs to support staff, Chief Silva stated there are multiple variations, therefore, it depends on the individual office staff. Some offices have several retired annuitants, whereas some offices have seasonal clerks. Some ALJs type their own decisions. There are continuous conversations with the PALJs and LSSs in the field offices to determine the ratio of support staff to an ALJ.

Chief Silva reported on his recent quarterly meeting with EDD's Fiscal Programs Division. In one quarter of FY 21/22, CUIAB expended 18.4% of the allocation for salaries and wages and in the same quarter 13.8% in the operating expenses and equipment budget. The main facility item for FY 21/22 is the reconfiguration project of the Bay Area Office of Appeals. Should the purchase orders not be finalized by January, CUIAB will concurrently prepare a request for an architectural revolving account in order to secure current year funding.

The replacement postage machines are beginning to arrive at the field offices.

The Bi-Annual Language Audit was completed in November. All required time-ladders have been submitted, minus one, from the Northern California offices. There are several outstanding time-ladders to be submitted from the Southern California offices. The time-ladders that have been received meet the 10% threshold.

Currently, CUIAB is at an 88% vaccination rate. Despite issues with entering the results in the "Color" at-home COVID-19 testing program, it is now running efficiently. Chief Silva reports COVID-19 related testing data to the Government Operations

Agency every Monday, and he is proud to report that the individuals that require weekly testing have been able to enter their test results into the Color system.

Per California Department of Public Health, each individual is required to wear a mask indoors regardless of vaccination status, from December 15, 2021 through January 15, 2022.

Vice-Chair Reeves asked for clarification on the amount of ALJs hired since the beginning of the calendar year. Chief Silva stated 65 ALJs have been hired since April 1, 2020, however, 60 ALJs are still employed with CUIAB. Prior to the pandemic, there were approximately 90-100 ALJs with CUIAB. Vice-Chair Reeves inquired about the necessity of retired annuitants. Chief Silva stated CUIAB is relying heavily on retired annuitants. Due to the COVID-19 related work that is being completed by retired annuitants, they are able to exceed the 960-hour limit.

Member Eng inquired about the number of employees who have not submitted their language time-ladder. Chief Silva stated he can provide the information to the Board shortly after the Board meeting.

Member Allen asked if there was data showing the employees who have received their 3rd dose of the COVID-19 vaccine. Chief Silva stated because the 3rd dose is not a requirement, the information is not provided.

Member Kent-Monning requested confirmation on the consequences of the employees who do not submit their time-ladder for the bi-annual language audit. Chief Silva stated the non-compliance of submitting the time-ladder would result in removal of the employees' bilingual pay differential.

Closed Session:

There was no Closed Session.

Adjournment