

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5676**

Open Session

The Appeals Board meeting convened at 1:00 p.m., April 27, 2022, 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 March 16, 2022, 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 932 second-level appeals, and Field Office Administrative Law Judges (ALJ) resolved thousands of first-level appeals.

4. Board Member Reports:

Member Eng thanked PJ Wayland for accommodating him in the Pasadena Office of Appeals and wished her a happy one-year anniversary of becoming the Presiding Administrative Law Judge. Lastly, Member Eng thanked the IT department for their work enabling him to appear remotely.

Member Kent-Monning thanked the IT department for facilitating a hybrid board meeting.

5. Public Comment

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

Kathleen Devlin offered comments regarding her experiences as a claimant and representative before the Employment Development Department and Board.

6. Chief ALJ/Executive Director Report:

March 31 was the end of the DOL measurement year for time-lapse and case aging. Due to the pandemic, CUIAB did not meet DOL's performance metrics for field operations. As of March 31, CUIAB closed cases 6.9% of cases within 30 days and closed 9.4% of cases within 45 days. The average case age was 93 days. Appeal timeliness is a nationwide problem and nationwide the average case age was last reported as 165 days.

In March, the field offices issued nearly 28,000 decisions. CUIAB's executive staff continues to meet monthly with EDD to evaluate workload trends.

Since the Board's last meeting, there were two office closures due to COVID. The offices were cleaned and re-opened with no hearings missed.

The State's weekly testing requirements for unvaccinated state employees are ongoing.

CUIAB continues to recruit ALJs and support staff. The 11th cohort of ALJs will soon join their respective field offices.

There were no security incidents to report.

Executive Director Cutri recognized Presiding ALJ Hugh Harrison and Renee Erwin, subject-matter experts, for their work on the development and implementation of the California Appeals Management System (CAMS). Director Cutri also thanked the Fresno Office of Appeals for being the first field office to go live with this system.

Vice-Chair Reeves requested clarification on the number of ALJ's in the 11th cohort who are fully trained and eligible to conduct hearings. There have been 76 ALJ's hired since March 2020.

Member Eng thanked those involved in addressing audio recording deficiency issues and inquired about the online check-in process. Director Cutri advised that all CUIAB field offices have been successful in utilizing this.

Member Allen expressed his appreciation to CUIAB's staff for their work during the pandemic and efforts to enhance the public's access to CUIAB's appeals processes.

Member Kent-Monning expressed her appreciation for CUIAB's staff for their ongoing work through the pandemic.

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

Presiding Administrative Law Judge for Appellate Operations, Jodi Remke, reported that as of the end of the reporting year, AO met DOL's time-lapse standards. As of March 31, CUIAB closed cases 78.7% of cases within 30 days and closed 94.5% of cases within 45 days. PJ Remke continues to closely monitor and evaluate the workload trend.

Chair Block inquired about the comparison of California's DOL time-lapse standard to other states. PJ Remke will provide this information at the May 18 Board Meeting.

Vice-Chair Reeves inquired about the registration process with AO. PJ Remke explained the various processes and time required by them. Vice-Chair Reeves asked whether implementation of CAMS would reduce some time involved in the registration processes. PJ Remke advised that it likely would.

Member Eng inquired about ways to minimize instances of Board members receiving cases for adjudication on their 45th day. PJ Remke advised that AO will continue to minimize these instances, but they are likely to continue to occur on occasion. Member Eng inquired about the workload trend percentage of PUA UI Appeals with AO. Chief Cutri advised that the numbers of PUA Appeals are anticipated to decline throughout the year. Lastly, Member Eng inquired regarding EDD policies to monitor CUIAB's decisions that contain language regarding the potential availability of PUA benefits and asked whether statistics are available regarding this issue. Director Cutri advised that EDD has specific guidance from DOL requiring notification of potential eligibility for PUA benefits and has communicated the concern to EDD regarding notification of eligibility.

Member Allen inquired about the volume of cases in California compared to the rest of the states. Chief Cutri advised that California carries approximately 20% of cases in the nation.

Member Kent-Monning thanked the Board for their contribution in expeditiously

resolving the cases at the second-level appeals.

8. Chief Information Officer, Jeff Willoughby Report:

Chief Willoughby reported that the online check-in process continues; however, a recent technical issue arose which IT is currently working with the Department of Technology to resolve.

CUIAB has finalized the acceptance testing for CAMS and staff training is underway in the Fresno Office of Appeals. IT has migrated approximately 3,500 appeals into CAMS. During the 3rd week of May, claimants whose appeals are managed within CAMS will have access to an online portal and will be able to review their case documents electronically before the hearing.

As a result of an effort with EDD, CUIAB has been able to receive approximately 15,000 cases digitally from EDD since the beginning of April.

IT continues to work on improving the network speed and reliability throughout the various field offices.

Chair Block commended IT for their work on the development and implementation of CAMS.

Vice-Chair Reeves inquired about the rollout of CAMS to other field offices. CIO Willoughby advised that staff and ALJs in Fresno are currently being trained on new business processes for CAMS. After the staff is fully trained, IT will review feedback and begin to train and roll out CAMS to each office. Vice-Chair Reeves asked for clarification on which cases will be migrated to each field office. CIO Willoughby advised that cases currently scheduled for hearing would remain in CUIAB's existing system, with new and uncalendared cases implemented in CAMS. Vice-Chair Reeves inquired about an anticipated date to roll out the new system to the next field office. CIO Willoughby advised that depending on the evaluation of experiences in Fresno, CAMS could potentially be commenced with the next field office within 35-40 days.

Member Eng asked about the allocation of resources in the event issues arise in the field offices after CAMS is implemented in the office. At this time, CIO Willoughby does not believe this would require a significant shift in resources.

Member Allen asked about the potential timing for receiving additional digital files

from EDD. CIO Willoughby advised that EDD has several teams that continue to work on modernizing their internal programs, but is unable to determine a future timeline.

Member Kent-Monning inquired about the types of cases being electronically transmitted from EDD. CIO Willoughby advised that all appeals are currently being digitally transmitted from EDD to CUIAB.

9. Chief Administrative Services, Robert Silva Report:

Chief Silva reported six new ALJs recently trained with PALJ Bach and there are five new ALJs participating in the April training cohort. There have been 76 ALJs hired since the beginning of the pandemic; currently there are 174 ALJs statewide. A recruitment for ALJ II's recently closed. Chief Silva will provide the total number of ALJs hired during calendar year 2022. Chief Silva provided an update on support staff hiring.

Chief Silva continues to oversee CUIAB's weekly COVID-testing requirements and reports weekly data to CalHR regarding COVID illnesses.

Chief Silva reported on CUIAB procurements.

During May, CUIAB participates in the Bi-Annual Language Audit. Certified language speakers complete a time ladder to ensure the employees that receive additional bilingual pay are meeting the threshold of 10% or above use. 46 employees will be participating in the audit.

The Administration has authorized the Annual Leave Cash Out Program for state employees for Fiscal Year 2021/2022, therefore, most CUIAB employees will have the opportunity to receive payment at their regular salary rate in exchange for accrued vacation or annual leave.

Vice-Chair Reeves inquired about cost-of-living adjustments for job classifications in higher cost-of-living areas. Chief Silva advised that the Senior Legal Typists and Legal Support Supervisor positions include geographic cost-of-living adjustments. Vice-Chair Reeves asked whether CUIAB has encountered hiring difficulties due to the high cost of living in certain cities. Chief Silva advised that CUIAB has experienced some difficulty in hiring support staff in certain cities; but, was unable to confirm whether it is directly linked to the area's cost of living. Cost-of-living adjustments for certain job classifications are updated through collective bargaining.

Member Eng requested clarification on the number of positive COVID-19 cases for the month of April. Chief Silva advised there were seven positive COVID-19 cases.

Member Allen inquired about budgetary requests for the upcoming May 22/23 Budget Revise. CUIAB is working with EDD Fiscal Programs Division to finalize this. Member Allen thanked Chief Silva for his prompt responses to his requests for information on CUIAB attrition.

Member Kent-Monning recognized and thanked the administrative professionals throughout CUIAB for their work. Chair Block also expressed his appreciation for CUIAB's administrative professionals.

10. Consideration of amendments to Title 22, California Code of Regulations, Section 5000, et seq., to begin formal rulemaking:

Chief Counsel Mark Woo-Sam provided an overview of amendments to begin formal rulemaking to the California Code of Regulations, title 22, section 5000, et seq.

Vice-Chair Reeves asked about the Office of Administrative Law rulemaking process. Chief Counsel Woo-Sam explained the process.

Member Eng inquired about the proposed amendment's treatment of CUIAB receiving appeals directly from appellants. Chief Counsel Woo-Sam explained that as a result of discussions with the EDD and LWDA, the proposed regulations do not alter the existing provisions regarding this issue. Member Eng asked about the public comment process. Chief Counsel Woo-Sam advised that the formal public comment process would commence following the filing of the regulations with the Office of Administrative Law.

Member Allen asked for clarification on the reason for striking out "electronic hearings." Chief Counsel Woo-Sam explained the intent as providing greater flexibility to CUIAB to distribute workload and conduct electronic hearings throughout the state consistent with amendments to California's laws regarding electronic hearings. Member Allen provided clarity on the per-page cost

Member Kent-Monning requested confirmation of the goals of the regulations to increase access to justice, extend appeal deadlines and modernize language regarding electronic hearings. Chief Counsel Woo-Sam confirmed these as the goals of the proposed amendments.

Member Allen moved to begin formal rulemaking on the proposed amendments to Title 22, California Code of Regulations, Section 5000 et seq. The motion was adopted unanimously.

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