

**MINUTES
FOR THE REGULAR MEETING
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
Docket No. 5521**

1. Opening of Meeting:

The Appeals Board convened at 10:30 a.m., February 9, 2010, in Sacramento, with Chairwoman Bonnie Garcia presiding.

2. Roll Call: Members

	<u>Present</u>	<u>Absent</u>
Bonnie Garcia, Chair	X	
George Plescia, Vice Chair	X	
Ann Richardson	X	
Liz Figueroa		X
Cindy Montañez	X	
Sharon Runner	X	

3. Approval of the Minutes:

The January 12, 2010, and January 26, 2010, minutes were approved by all members present. Chair Garcia abstained from approving the minutes of the January 26, 2010 meeting because she was not present at that meeting.

4. Chair's Report:

Chair Garcia reported Member Figueroa is sick today. It is her birthday and all wished her a happy birthday and hope she recovers quickly.

5. Board Member Reports:

Member Runner stated staff is doing a great job and keeps us all informed of what is going on especially after the budget meeting.

Member Richardson welcomed the Presiding Judges.

Chair Garcia welcomed all. We are looking forward to sharing a lot of the exciting news of what we are planning for this fiscal year. She thanked the ALJs for inviting us to their meeting in the Bay Area this past week. Our Board meeting schedule for the year has been published and we will be conducting Board meetings every other month in our field offices.

6. Assistant Secretary, Labor and Workforce Development Agency, Stephen Egan Report:

Assistant Secretary Stephen Egan reported although we heard the numbers that

the job reports are optimistic his reading indicates we should probably take those with a grain of salt because some of the hiring is due to the 2010 census and workers are generally employed for less than a year. Also, the number of post holiday retail layoffs has gone down significantly but it appears that is attributable to the fact that the retailers, in anticipation of soft retail, did not take on as many workers so there were fewer to lay off.

7. Chief ALJ/Chief Executive and Acting Executive Director Report:

Chief ALJ/Acting Executive Director Alberto Roldan reported on February 4, 2010, DOL submitted to us the random list of 20 cases it was requesting for the 2010 national appeals quality review. This actual sample is due to DOL by March 10, 2010. Despite our heavy workload and great number of new ALJs, the overall quality of our individual cases is holding up and that is attributable to the work of the Presiding Judges and our Chief Trainer Lillian Waters and the mentors to ensure that the approximately 103 judges hired recently are actually being prepared to do the day-to-day work of hearings. We are anticipating the formal report from DOL. We are having continued success in using temporary facilities for conducting large mass calendars.

Chief ALJ/Acting Executive Roldan reported we are planning our next Administrative Law Judge Academy for March 8th and we are also focusing on doing two regional conferences and a full judicial conference.

As of January 31, 2010 our open balance was 88,772 cases in all categories (UI, DI, and Tax). This is an increase in the number of cases we had at the close of December 2009. We had a record influx of new cases for the last two months including an all time high of 39,381 cases in January 2010 alone. For the last 2 weeks we have returned to reducing open inventories of our cases. UI balance was at 76,301 cases, (49,214 appellants) as of January 31, 2009. We closed almost 22,000 over the last 2 weeks. The Temporary Typing Hub continues to be in very good shape; the backlog is currently below 900 decisions sitting in the Field Operations Typing Hub.

We have been online with the Sacramento Office of Appeals whose hearing rooms have been opened since January 25. We are moving forward with the San Jose Office of Appeals whose tenants have vacated the 2nd floor so we are now able to begin the construction of that particular facility.

Chief ALJ/Acting Executive Director Roldan made a quick point that he read the article in the Sacramento Bee and the focus was on EDD and talked about what they described as timeliness of appeals and case aging. He looked at our most recent federal numbers and found that the numbers the article were wrong. At the direction of the Board, Chief ALJ/Acting Executive Director Roldan is going to contact the Bee and give them the correct numbers.

8. Assistant to the Executive Director, Lori Kurosaka Report:

Assistant to the Executive Director, Lori Kurosaka updated the Board on four of the technology projects they are working on. On the transfer of electronic appeal decisions, we are working with EDD to design a solution to transfer all appeal decisions to EDD for faster processing and faster payment of benefits. We should be testing with AO decisions for Board decisions by about mid-March to late March and following that moving on to the Field first level appeal.

On the Digital Imaging project, we have drafted a statement of work for consultants. EDD is estimating that the contracting process will take about 2 months and we will be using the Department of General Services Multiple Service Award process so that we can bring on a consultant much quicker than usual. EDD anticipates it will take the consultants about four months to complete the current business flow and business designs,

Assistant to the Executive Director Kurosaka reported on the archive document conversion project she would like to thank Joyce Bernatzke and Martha Diaz for helping the Orange County office with inventorying and boxing the archive files for the vendor. We are well on our way on that project as well.

9. Chief ALJ, Appellate Operations Branch, Jorge Carrillo Report:

Chief ALJ, AO, Jorge Carrillo reported they registered 3470 new appeals which was pretty close to our fiscal year average; issued 2210 decisions. Our open balance in cases is 3177 that is 9% below our fiscal year average. Our case aging is 35 days and that is well below the DOL's requirement of 40 days or less. We've been meeting that standard now for approximately 6-7 months. Our time lapse numbers are fairly good. We are inching closer to DOL's requirement of closing 50% of our dispositions within 45 days of the board appeal date. We were at 43% last month and we met the other two standards. We were able to close 93% of our cases within 75 days of the appeal date and 99.6% of our cases within 150 days. The regulations would take effect April or early May and at that point the parties would receive notice of the Board appeal right with the ALJ decision and they will have to exercise those rights if they file an appeal. That would eliminate 80 days that we currently wait or send the letters and at that point inform of the Board appeal right. He hopes that will help us tip the scale in helping us with the time lapse.

In addition he included a monthly report that was requested by the Board that shows the productivity of each appellate judge for the month of January and how many cases were assigned to each judge and also he added some comments to show if they were taking time off or taking special assignments such as training ALJ in particular area for the Board's review. He also included the monthly report of the time it takes to transmit board appeals from the field offices.

Chief ALJ/AO Carrillo reported we are scheduling training for all the judges on

Dragon Naturally Speaking in March.

10. Chief Information Officer, Rafael Placencia Report:

Chief Information Officer Rafael Placencia reported he would like to zero in on our Wide Area Network (WAN) projects because they are important for establishing the improvements and infrastructure which we hope will improve the speed of information travelling to our network. The expansion of the information technology infrastructure is well on the way of implementation and we are working with the vendor to make sure that the facilities can handle the additional circuits that we will bring in. The other WAN project is the Wide Area Acceleration Services (WAAS) which would speed up the movement of information in addition to what we have in place today.

We are moving on Suppression of Social Security Numbers (SSN) from mail correspondence and we are targeted for release tonight and tomorrow which will introduce a new business process for mailing of decisions and the printing of SSN. We would only print the SSN in correspondence to EDD and Child Support Services.

CIO Placencia reported that the Voice Over IP project has been assigned and is in the works. It is going to completely eliminate our long distance calls and it also involves replacing our existing phone systems.

Regarding the ALJ Mobility Pilot, we are providing the necessary hardware so an ALJ can perform their business pretty much anywhere. We are identifying the target group and then we will be ready to go.

CIO Placencia reported we are also introducing wireless networks to each field office which will provide the connectivity seamlessly to the users. It would be convenient for the person with the laptop.

The last new project is inter access to SCDV which is a single client database system to access the information. There will be an additional cost for accessing the system over at the Office of the Information Technology.

11. Deputy Director, Administrative Services Branch, Pam Boston Report:

Deputy Director Pam Boston reported Personnel has changed the way it sends applications to our hiring supervisors. We are conducting a promotional Office Technician exam. It is a continuous file exam where employees can submit applications when they become eligible and at a certain point in time when we have 5-10 applications we will do the exam.

We recently sent out the Budget Call Letters to establish our 2010-11 budget. The Budget Advisory Committee will be meeting here in the next month or so to start working on the 2010-11 budget.

Deputy Director Boston stated the packet includes the Overtime Report (Attachment) through December 2009. As of December 2009, we spent a total of \$823,000 in overtime.

12. Chief Counsel's Report:

Staff Counsel Kim Hickox reported the Board members had an average of about 32 cases a day. As far as litigation is concerned, five cases were opened this month and six case were closed. The Notice and Comment period regarding our regulations ends on Monday. We anticipate bringing the regulations back to the Board for the March 9th meeting and you can adopt them.

13. Unfinished & New Business

2009/10 Budget – No adjustments needed this month

Status of Decision Review pursuant to CUIC 406(b)

Chief ALJ/Acting Executive Director Roldan reported he wanted to work with Ralph Hilton in terms of clarifying what duties should fall under 406(b) and what duties fall under 413 in research and we prepare the final report that there were amendments made in 1984. He has not been able to figure out what the legislative intent was of each particular amendment and had challenges in figuring out what duties fall under 413 and 406(b).

New Employee Orientation Program

Deputy Director Boston showed the Board a shorter version of the presentation.

Regional Support Unit Restructure

Chief ALJ/Acting Executive Director Roldan reported this is added as an agenda item and it is the beginning of a discussion as to how we can utilize our existing format or consider as described the reorganization.

14. Public Comment:

Presiding Judge Marcus Gunkel commented on a concern regarding identify theft from the use of copiers and that we should consider this issue in terms of policy for Agency.

15. Closed Session:

The Board went into closed session. No votes were reported.

Adjournment