

WORKLOAD NARRATIVE

FIELD OPERATIONS

January 2016

Workload: In January, intake for all cases [17,776] was 8% below the average for this fiscal year. In fact, this was only the third time in **10 years** in which there were fewer than 18,000 new cases verified. The verifications last month were less than one-half the number we had in January 2013. Dispositions [17,072] followed the same trend and were 9% below the monthly average this fiscal year. The open balance [28,622] is 6% higher than the average for the fiscal year.

UI. In January, the number of new UI cases [16,472 cases; 9,982 appellants] was 8% below the average for the fiscal year. This was only the third time in almost **11 years** in which there were fewer than 17,000 new cases verified. The number of closed cases [15,904 cases; 9,638 appellants] was 9% below the norm for the fiscal year and represented the lowest output in **nine** years. The open balance [17,568 cases; 10,646 appellants] grew slightly and remained 6% above the fiscal year average. Once again, the entire shortfall in dispositions last month was for regular UI as the inventory of extension cases continued to fall. The intake and output of extension cases represented less than 4% of the total UI activity in January.

DI. In December, intake [861] was below 1000 for the fourth consecutive month and 14% below the monthly average for the fiscal year. Dispositions [927] were 6% below the average but outnumbered new cases for the third time in four months. The open inventory [1,605] is at its lowest level since July, though only 3% smaller than the average for the fiscal year.

Tax, Rulings, Other. January was the eighth straight month in which the number of new tax cases [127] exceeded the number of dispositions [121], although the difference was the smallest it has been during that time frame. The open inventory [4,580] rose to a four year high. With intake of ruling cases [292] 31% above the fiscal year average, and output [89] 44% below the norm, the open inventory [4,840] is now 8% greater than the average for the fiscal year.

Case Aging and Time Lapse. For January, 30-day time lapse [55.8%] missed the DOL standard for the second straight month. 45-day time lapse [76.5%] missed the federal requirements for the first time in eleven months. Average case age [30.8 days] also did not meet expectations. It should be noted that all of the figures were better than in January 2015. Moreover, all of the timeliness measures for extension cases improved last month and are getting ever closer to parity with the regular UI workload. For extension cases, 52.1% of the cases were resolved within 30 days; 73.5% were resolved within 45 days, and the average case age was 33 days.

BAY AREA

New UI cases [3,579 cases; 2,169 appellants] were 3% fewer than the average for the fiscal year. UI dispositions [3,259 cases; 1,975 appellants] were the most since September, but still 4% below the monthly average for the fiscal year. Despite sending some cases to other offices, the open inventory [4,596 cases; 2,785 appellants] rose for the second straight month and is 22% above the fiscal year average. The open inventory for DI cases [269] was static and remains 1% smaller than the average this fiscal year. As a group, these offices missed all timeliness standards with 30-day time lapse at 49.3%; 45-day time lapse at 65.9%; and average case age at 34.9 days.

Oakland: The number of new UI cases [1,253 cases; 759 appellants] was almost identical to the number in December and 5% greater than the average for the fiscal year. Dispositions [998 cases; 605 appellants], however, fell back below 1000. The open inventory [1,512 cases; 916 appellants] is 24% above the fiscal year average and at its highest level in a year. Work was slow in DI and the open inventory [77 cases] is 9% smaller than the average for the fiscal year. All timeliness measures suffered in January with 30-day time lapse at 51.1%; 45-day time lapse at 69.3%; and an average case age of 36.4 days.

San Francisco: San Francisco was the only office in January where the number of UI dispositions [1,113 cases; 674 appellants] was higher [6%] than the average for the fiscal year. Verifications [991 cases; 601 appellants] were 7% below the fiscal year norm and trailed output. The open inventory [1,116 cases; 676 appellants] hit a four month low and is right back to average levels. Due to few new cases, the DI inventory [51] fell to its lowest level since March 2014 and is 31% below average size for the fiscal year. All of the timeliness measures were missed with 56.1% of the UI cases resolved within 30 days; 77.3% within 45 days; and an average case age of 33.6 days.

San Jose: In January, San Jose had the greatest output of UI decisions [1,148 cases; 696 appellants] since September, and yet the total was 8% less than average size for the fiscal year. Verifications [1,335 cases; 809 appellants] were 6% below the norm and exceeded dispositions substantially. By sending cases out for hearing, the open inventory for UI [1,968 cases; 1,193 appellants] only rose by six cases, but is 38% above the fiscal year average as output has exceeded intake for six consecutive months. In DI, intake exceeded output for the fifth time in six months. As a result, the open inventory [141] is now 25% greater than its average size

for the fiscal year. This office missed all timeliness measures in January with 30-day time lapse at 40.7%; 45-day time lapse at 51.0%; and an average case age of 34.7 days

CENTRAL

In January, the number of new UI cases [3,425 cases; 2,076 appellants] was 7% below the average for the fiscal year and represented the smallest intake since February 2015. Meanwhile, the number of closed cases [3,205 cases; 1,942 appellants] represented the smallest output since **July 2006**. It should be noted, however, that if December and January are combined, this group actually had more dispositions than verifications and that the increase in the open inventory [3,572 cases; 2,165 appellants] during those two months was strictly due to taking on cases from other offices. The DI inventory [305] hit a four month high, but remains 12% below the fiscal year average. In January, this group missed the 30-day time lapse standard [58.0%], but was above the 45-day mandate [81.6%] and below the average age requirement [28.8 days].

Fresno: New UI cases [1,055 cases; 639 appellants] were 4% below the fiscal year average, while dispositions [1,047 cases; 634 appellants] were 7% below the norm. While intake and output were virtually identical, the open inventory [1,215 cases; 736 appellants] grew by eight cases to hit its highest level since October 2014. With the DI output 59% below the fiscal year average level, the open balance there [84] is now 71% greater than average, though in absolute terms it remains quite manageable. The office missed a time lapse standard for the first time in a year as the 30-day percentage dropped almost 15 percentage points to 46.8%. 45-day time lapse [80.1%] and average case age [29.6 days] met DOL mandates.

Oxnard: In January, the number of new UI appeals [1,163 cases; 705 appellants] was right at average levels for the second straight month. Dispositions [1,046 cases; 634 appellants] were 9% below the fiscal year. This was the third consecutive month in which the open inventory [1,238 cases; 750 appellants] went higher, and it is now 10% greater than the average for the fiscal year. The DI inventory [144] fell to its lowest level since March 2015 and is 18% smaller than average for the fiscal year. 30-day time lapse [53.9%] improved from December but remain substantially below DOL mandates. 45-day time lapse [79.4%] slipped below requirements for the first time in 13 months. Average case age [28.2 days] remained in compliance.

Pasadena: Like most offices, Pasadena had relatively light UI intake with the number of new cases [1,207 cases; 731 appellants] 13% below the average for the fiscal year. However, dispositions [1,112 cases; 674 appellants] were 25% below the norm and represented the smallest output since May. However, this followed a December with the highest output in 2015 and if the last two months are combined, Pasadena had more decisions than verifications. With only 54% of the average number of dispositions for DI, that inventory [77] rose. Nevertheless, the DI caseload remains 36% smaller than the fiscal year average. Pasadena met all timeliness standards for the fourth straight month with 30-day time lapse at 73.3%; 45-day time lapse at 85.3%; and average case age at 28.7 days.

BASIN

The number of new UI cases [4,608 cases; 2,792 appellants] was 11% below the monthly average for this fiscal year. The number of closed UI cases [5,004 cases; 3,032 appellants] was the greatest since October, but still 3% below the fiscal year norm. This was the only sister city group where the open inventory [4,667 cases; 2,828 appellants] fell in January (despite taking on cases from other offices), and the only group where that inventory is actually smaller than fiscal year average [2%]. In DI, intake [287] was almost exactly the same as in December and 5% below the fiscal year average. However, output [367] hit a ten month high, pushing the open inventory to its lowest level since July and 9% below the fiscal year average. This group has taken on the most cases from other offices, many of which were older. As a result, the time lapse numbers have suffered lately with both 30-day [50.1%] and 45-day [76.6%] below DOL regulations. However, average case age [30.0 days] improved last month and is now right at the maximum acceptable level.

Inglewood: New UI cases [1,650 cases; 1,000 appellants] were virtually the same as in December and only slightly smaller than in November. Closed UI cases [1,812 cases; 1,098 appellants] hit a three month high but were still 3% below the fiscal year average. With cases from other offices, the open UI caseload [1,602 cases; 971 appellants] rose slightly but is 2% below the average for the fiscal year. In DI, output [115] was 29% greater than the fiscal year average pushing the open inventory [115] to its lowest level since June. This was the first time in a year in which Inglewood failed to meet all timeliness measures, and, in fact, last month all measures were missed with 30-day [50.6%] and 45-day [74.8%] time lapse both below

DOL requirements, and average case age [30.7 days] above federal standards.

Los Angeles: In January, the number of new UI cases [1,523 cases; 923 appellants] was 15% below average levels for the fiscal year. The number of closed cases [1,701 cases; 1,031 appellants] was 5% below the norm but exceeded intake for the second straight month. The open UI inventory [1,709 cases; 1,036 appellants] hit a four month low and is now 4% below the average this fiscal year. With the number of dispositions for disability cases substantially higher than average, the open DI inventory [214] was pushed to 7% below its norm for the fiscal year. Like its sister city offices, Los Angeles has received a significant number of older cases for hearing, and has not been able to keep up with the timeliness requirements. 30-day time lapse [46.3%] and average case age [32.1 days] both improved from December but remain significantly out of compliance. 45-day time lapse [69.0%] tanked in January.

Orange County: For Orange County, January looked relatively average. The number of new UI cases [1,435 cases; 870 appellants] was 2% below the fiscal year average. The number of closed cases [1,491 cases; 904 appellants] was 1% below the norm. The open inventory [1,356 cases; 822 appellants] is now 2% higher than the fiscal year average. The DI inventory [181] has fallen for two straight months and is now 8% below the fiscal year average. As with Inglewood and Los Angeles, Orange County has taken work from elsewhere and as a result its 30-day time lapse percentage [53.4%] has suffered recently. However, here the impact has not been as severe in the other measures as 45-day time lapse [86.0%] and average case age [27.1 days] are within federal standards.

CORNERS

The number of new UI cases [4,860 cases; 2,945 appellants] was 9% smaller than the average for the fiscal year and represented the smallest intake in eleven month. Dispositions [4,436 cases, 2,688 appellants] were 14% below normal and represented the smallest output since **July 2006**. The disparity between new and closed cases was tempered by the transfer of cases to other offices. As a result, although the open inventory [4,733 cases, 2,868 appellants] rose, it is only 1% above the fiscal year average. Intake of disability cases [221] also was weak and represented the fewest new cases since last May. The open inventory [521] fell for the second straight month, but remains 8% higher than the average for the fiscal year. For the second straight month, this was the only group that collectively met

all timeliness measures with average case age at 28.8 days; 30-day time lapse at 65.7%; and 45-day time lapse at 81.4%.

Inland: Inland has been a beacon of consistency this fiscal year. Although there have been some ups and downs in both intake and output, the open inventory of UI cases [1,633 cases; 990 appellants] has changed very little over the past seven months and is currently right at the average for that time period. In January, new UI cases [1,898 cases; 1,150 appellants] were 9% smaller than the fiscal year average but exceeded the number of dispositions [1,816 cases; 1,100 appellants] for the first time in three months. The DI inventory [229] rose by nine cases last month and has been relatively flat for the last five months. However, the office fell behind in DI last summer and the open caseload remains 12% above average size for the fiscal year. Inland met all DOL timeliness requirements for the 12th straight month with an average case age of 22.6 days, 30-day time lapse at 66.6% and 45-day time lapse at 80.9%.

Sacramento: New UI appeals have been relatively static for six months. In January, the number of verifications [1,560 cases; 945 appellants] was 4% smaller than the average for the fiscal year. Unfortunately, dispositions [1,185 cases; 718 appellants] were 16% below the fiscal year average and represented the smallest output since at least **2000**. Although this was the 7th consecutive month in which there was more work coming in than going out, the office again sent some cases south. The open inventory [1,818 cases; 1,102 appellants] rose “only” modestly and is 11% larger than average for the fiscal year. DI inventory [231] hit a three month low, but remains very large due to a huge fraud case. Sacramento met both the 30-day [73.5%] and 45-day [82.9%] time lapse standards, but missed average case age [34.2 days].

San Diego: January was slow in San Diego. The number of new UI cases [1,402 cases; 850 appellants] was 14% below the fiscal year average and represented the smallest input since **December 2005**. The number of closed UI cases [1,435 cases; 870 appellants] was also 14% below the fiscal year average and represented the smallest output since **July 2006**. The open inventory [1,282 cases; 777 appellants] fell for the third straight month and is 10% smaller than the fiscal year average. The DI inventory [61] also fell for the third consecutive month and is now 23% smaller than the average for the fiscal year. In January, San Diego worked on average case age [29.6 days] and brought that into compliance for the first time since October. However, as a result, time lapse suffered with the 30-day percentage [57.1%] dipping below federal guidelines and the 45-day result [80.4%] falling but still just over the mandated threshold.

OFFICE OF TAX PETITIONS

The number of new tax petitions [124] was 39% below the average for the fiscal year. Although dispositions [85] were 18% higher than the average for the fiscal year, output trailed input for the eighth consecutive month. January was the third straight month with a significantly higher than average number of tax ruling cases [147 petitions]. As a result, the open inventory at OTP [2,414] is at its highest level in a year.

ALL PROGRAM FY TRENDS - FO

NEW OPENED CASES

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	33,820	39,560	35,059	38,330	32,377	27,469	35,188	32,990	35,462	34,280	35,060	30,208	409,803	34,150		
13/14	31,649	31,789	26,509	29,993	24,703	26,488	30,651	25,592	27,945	32,463	28,565	26,278	342,625	28,552	84%	-5,598
14/15	26,130	23,655	23,363	22,861	17,201	21,439	18,740	17,502	21,282	23,417	19,659	21,153	256,402	21,367	75%	-7,185
15/16	21,735	20,095	18,915	20,481	17,478	18,717	17,776						135,197	19,314	90%	-2,053
Multi	47	6														
													14/15	90%	88%	
													13/14	68%	67%	
													12/13	57%	56%	
														chg 15-16 avg	chg 15-16 YTD	

All Programs registrations to date are down 12% from 14/15, down 33% from 13/14, and down 44% from 12/13
 All Programs registrations monthly average is down 10% from 14/15, down 32% from 13/14, and down 43% from 12/13

CLOSED CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	32,226	37,179	31,752	41,106	34,450	33,674	34,777	34,753	39,525	30,992	31,139	27,467	409,040	34,087		
13/14	37,227	35,005	31,214	29,718	25,437	24,098	27,304	26,789	28,051	28,143	28,600	26,672	348,258	29,022	85%	-5,065
14/15	27,086	25,897	22,225	25,206	18,498	20,377	20,925	22,273	22,494	21,249	20,206	20,759	267,195	22,266	77%	-6,755
15/16	21,282	19,088	18,743	20,234	16,605	18,285	17,072						131,309	18,758	84%	-3,508
Multi			7/20		6/38											
													14/15	84%	82%	
													13/14	65%	63%	
													12/13	55%	54%	
														chg 15-16 avg	chg 15-16 YTD	

All Programs dispositions to date are down 18% from 14/15, down 37% from 13/14, and down 46% from 12/13
 All Programs dispositions average is down 16% from 14/15, down 35% from 13/14, and down 45% from 12/13

BALANCE OPEN CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	TOTAL	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	45,980	48,183	51,402	48,515	46,318	40,048	40,368	38,419	34,291	37,401	41,214	43,875		43,001		
13/14	38,202	34,844	30,062	30,217	29,380	31,701	34,463	33,209	33,026	37,269	37,183	36,725		33,857	79%	-9,144
14/15	35,656	33,331	34,401	31,980	30,632	31,633	29,381	24,557	23,290	25,400	24,815	25,127		29,184	86%	-4,673
15/16	25,470	26,422	26,541	26,756	27,619	27,986	28,622							27,059	93%	-2,124
Multi	69	64	43	43	1		9									
													14/15	93%	83%	
													13/14	80%	83%	
													12/13	63%	59%	
														chg 15-16 avg	chg 15-16 YTD	

All Programs balance to date is down 17% from 14/15, down 17% from 13/14, and down 41% from 12/13
 All Programs balance monthly average is down 7% from 14/15, down 20% from 13/14, and down 37% from 12/13

RULING-OTHER FY TRENDS - FO
Program Codes 9, 13, 14, 19, 21, 22, 40, 44

NEW OPENED CASES

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	229	418	209	315	51	108	292	280	201	234	589	585	3,511	293		
13/14	432	380	219	89	135	112	156	223	402	791	601	228	3,768	314	107%	21
14/15	231	217	190	119	71	133	97	152	329	464	396	294	2,693	224	71%	-90
15/16	247	254	123	144	228	380	316						1,692	242	108%	17
													14/15	108%	160%	
													13/14	77%	111%	
													12/13	83%	104%	

Ruling/Other registrations to date are up 60% from 14/15, up 11% from 13/14, and up 4% from 12/13
Ruling/Other registrations monthly average is up 8% from 14/15, down 23% from 13/14, and down 17% from 12/13

chg 15-16 avg																

CLOSED CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	239	323	170	334	434	171	242	250	424	278	254	248	3,367	281		
13/14	329	322	574	598	162	223	204	383	288	130	156	113	3,482	290	103%	10
14/15	174	106	269	209	160	284	116	139	915	243	286	206	3,107	259	89%	-31
15/16	271	176	196	193	186	95	120						1,297	177	68%	-82

Ruling/Other dispositions to date are down 6% from 14/15, down 49% from 13/14, and down 35% from 12/13
Ruling/Other dispositions monthly average is down 32% from 14/15, down 39% from 13/14, and down 37% from 12/13

chg 15-16 avg																

BALANCE OPEN CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	4,466	4,563	4,602	4,582	4,199	4,133	4,182	4,212	3,988	3,943	4,275	4,613		4,313		
13/14	4,716	4,776	4,423	3,914	3,887	3,776	3,724	3,566	3,667	4,329	4,775	4,892		4,204	97%	-109
14/15	4,914	5,022	4,942	4,851	4,761	4,597	4,580	4,591	4,002	4,221	4,332	4,420		4,603	109%	399
15/16	4,396	4,473	4,398	4,349	4,387	4,673	4,869							4,506	98%	-96

Ruling/Other balance to date is down 6% from 14/15, up 8% from 13/14, and up 3% from 12/13
Ruling/Other balance monthly average is down 2% from 14/15, up 7% from 13/14, and up 4% from 12/13

chg 15-16 avg																

TAX FY TRENDS - FO
 Program Codes 15, 17, 18, 32, 45, 46, 47, 48, 49

NEW OPENED CASES

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	253	229	254	200	215	214	223	245	299	199	243	321	2,895	241		
13/14	233	264	247	242	307	411	232	320	285	230	222	217	3,210	268	111%	26
14/15	217	234	255	178	253	253	124	197	271	194	189	300	2,665	222	83%	-45
15/16	247	235	177	136	268	270	127						1,460	209	94%	-14
													14/15	94%	96%	
													13/14	78%	75%	
													12/13	86%	92%	

Tax registrations to date are down 4% from 14/15, down 25% from 13/14, and down 8% from 12/13
 Tax registrations monthly average is down 6% from 14/15, down 22% from 13/14, and down 14% from 12/13

CLOSED CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	236	290	284	357	234	195	299	222	475	590	375	301	3,858	322		
13/14	214	263	352	231	151	185	208	265	232	129	257	300	2,787	232	72%	-89
14/15	200	149	195	174	145	120	81	150	143	212	252	272	2,093	174	75%	-58
15/16	196	93	64	76	81	139	121						770	110	63%	-64
													14/15	63%	72%	
													13/14	47%	48%	
													12/13	34%	41%	

Tax dispositions to date are down 28% from 14/15, down 52% from 13/14, and down 59% from 12/13
 Tax dispositions monthly average is down 37% from 14/15, down 53% from 13/14, and down 66% from 12/13

BALANCE OPEN CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Avg.	% Chg of Avg	Yr-Yr AvgChg	
12/13	3,931	3,871	3,841	3,683	3,664	3,683	3,606	3,629	3,453	3,062	2,930	2,949	3,525			
13/14	2,967	2,965	2,861	2,872	3,028	3,253	3,276	3,328	3,381	3,482	3,447	3,363	3,185	90%	-340	
14/15	3,379	3,463	3,523	3,523	3,633	3,766	3,808	3,854	3,979	3,961	3,897	3,923	3,726	117%	541	
15/16	3,969	4,112	4,223	4,283	4,470	4,574	4,580						4,316	116%	590	
													14/15	116%	120%	
													13/14	135%	142%	
													12/13	122%	115%	

Tax balance to date is up 20% from 14/15, up 42% from 13/14, and up 15% from 12/13
 Tax balance monthly average is up 16% from 14/15, up 35% from 13/14, and up 22% from 12/13

	chg 15-16 avg	chg 15-16 YTD

DI FY TRENDS - FO
Program Codes 7, 10, 11, 12, 16 & 20

NEW OPENED CASES

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	1,206	1,122	1,233	1,069	845	754	982	811	995	971	970	884	11,842	987		
13/14	982	811	995	971	970	884	1,043	991	1,046	1,086	941	945	11,665	972	99%	-15
14/15	1,352	1,027	1,113	1,102	815	1,062	1,104	990	1,035	1,085	1,019	1,141	12,845	1,070	110%	98
15/16	1,205	1,158	1,004	992	871	921	861						7,012	1,002	94%	-69
													14/15	94%	93%	
													13/14	103%	105%	
													12/13	102%	97%	
														chg 15-16 avg	chg 15-16 YTD	

DI registrations to date are down 7% from 14/15, up 5% from 13/14, and down 3% from 12/13
DI registrations monthly average is down 6% from 14/15, up 3% from 13/14, and up 2% from 12/13

CLOSED CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	1,079	1,220	999	1,452	938	1,039	1,083	906	1,186	734	758	860	12,254	1,021		
13/14	1,026	1,098	1,223	1,298	749	822	835	891	958	927	1,047	1,038	11,912	993	97%	-29
14/15	1,024	1,101	1,241	1,165	965	1,073	1,144	1,230	1,376	1,045	939	978	13,281	1,107	111%	114
15/16	1,149	1,052	906	1,034	850	964	927						6,882	983	89%	-124
													14/15	89%	89%	
													13/14	99%	98%	
													12/13	96%	88%	
														chg 15-16 avg	chg 15-16 YTD	

DI dispositions to date are down 11% from 14/15, down 2% from 13/14, and down 12% from 12/13
DI dispositions monthly average is down 11% from 14/15, down 1% from 13/14, and down 4% from 12/13

BALANCE OPEN CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2,005	1,906	2,139	1,755	1,663	1,379	1,277	1,182	991	1,227	1,437	1,462		1,535		
13/14	1,481	1,374	1,198	986	1,177	1,300	1,469	1,536	1,557	1,788	1,830	1,922		1,468	96%	-67
14/15	2,250	2,176	2,048	1,984	1,834	1,823	1,782	1,542	1,198	1,237	1,318	1,480		1,723	117%	255
15/16	1,534	1,639	1,737	1,694	1,715	1,672	1,605							1,657	96%	-66
														14/15	96%	83%
														13/14	113%	129%
														12/13	108%	96%
														chg 15-16 avg	chg 15-16 YTD	

DI balance to date is down 17% from 14/15, up 29% from 13/14, and down 4% from 12/13
DI balance monthly average is down 4% from 14/15, up 13% from 13/14, and up 8% from 12/13

UI FY TRENDS - FO

Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

NEW OPENED CASES

FY	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	32,132	37,791	33,363	36,746	31,266	26,393	33,691	31,654	33,967	32,876	33,258	28,418	391,555	32,630		
13/14	29,941	30,154	24,997	28,576	23,320	25,020	29,259	24,091	26,279	30,284	26,654	24,702	323,277	26,940	83%	-5,690
14/15	24,330	22,177	21,805	21,462	16,062	19,991	17,415	16,163	19,647	21,674	18,055	19,418	238,199	19,850	74%	-7,090
15/16	20,036	18,448	17,611	19,209	16,111	17,146	16,472						125,033	17,862	90%	-1,988
Multit	47	6														
UI registrations to date are down 13% from 14/15, down 35% from 13/14, and down 46% from 12/13																
UI registrations monthly average is down 10% from 14/15, down 34% from 13/14, and down 45% from 12/13																
														14/15	90%	87%
														13/14	66%	65%
														12/13	55%	54%
														chg 15-16 avg		chg 15-16 YTD

CLOSED CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	30,672	35,346	30,299	38,963	32,844	32,269	33,153	33,375	37,440	29,390	29,752	26,058	389,561	32,463		
13/14	35,658	33,322	29,065	27,591	24,375	22,868	26,057	25,250	26,573	26,957	27,140	25,221	330,077	27,506	85%	-4,957
14/15	25,688	24,541	20,520	23,658	17,228	18,900	19,584	20,754	20,060	19,749	18,729	19,303	248,714	20,726	75%	-6,780
15/16	19,666	17,767	17,577	18,931	15,488	17,087	15,904						122,420	17,489	84%	-3,238
Multit			7/20		6/38											
UI dispositions to date are down 18% from 14/15, down 38% from 13/14, and down 48% from 12/13																
UI dispositions monthly average is down 16% from 14/15, down 36% from 13/14, and down 46% from 12/13																
														14/15	84%	82%
														13/14	64%	62%
														12/13	54%	52%
														chg 15-16 avg		chg 15-16 YTD

BALANCE OPEN CASES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	35,578	37,843	40,820	38,495	36,792	30,853	31,303	29,396	25,859	29,169	32,572	34,851		33,628		
13/14	29,038	25,729	21,580	22,445	21,288	23,364	25,994	24,779	24,421	27,670	27,131	26,548		24,999	74%	-8,629
14/15	25,113	22,670	23,888	21,619	20,404	21,447	19,211	14,570	14,111	15,981	15,268	15,304		19,132	77%	-5,867
15/16	15,571	16,198	16,183	16,430	17,047	17,067	17,568							16,581	87%	-2,552
Multit	69	64	43	43	1		9									
UI balance to date is down 25% from 14/15, down 32% from 13/14, and down 54% from 12/13																
UI balance monthly average is down 13% from 14/15, down 34% from 13/14, and down 51% from 12/13																
														14/15	87%	75%
														13/14	66%	68%
														12/13	49%	46%
														chg 15-16 avg		chg 15-16 YTD

APPELLATE OPERATIONS - REPORT SUMMARY

APPELLATE	Jan	Feb	March	April	May	June	July	Aug	Sep	Oct	Nov	Dec	Average	AO Current Mo. % of Avg.	TOTAL	Appellants Current Mo.	Estimate	
WORKLOAD																		
Registrations																		
UI TL	937													937	100%	937		
DI	41													41	100%	41		
Ruling & T-R	2													2	100%	2		
Tax	9													9	100%	9		
Other	0													0	0%	0		
Total	989	0	0	0	0	0	0	0	0	0	0	0	989	100%	989	587		
Multi Cases																		
Dispositions																		
UI TL	1,168													1,168	100%	1,168		
DI	39													39	100%	39		
Ruling & T-R	1													1	100%	1		
Tax	9													9	100%	9		
Other	0													0	0%	0		
Total	1,217	0	0	0	0	0	0	0	0	0	0	0	1,217	100%	1,217	680		
Multi Case/Ch																		
Balance - Open Cases																		
UI TL	713													713	100%	713		
DI	36													36	100%	36		
Ruling & T-R	3													3	100%	3		
Tax	19													19	100%	19		
Other	0													0	0%	0		
Total	771	0	0	0	0	0	0	0	0	0	0	0	771	100%	771	440	Estimate	
Multi Cases																		
FO to AO Appeal Rate																		
UI TL	5.5%													5.5%	100%			
DI	4.3%													4.3%	100%			
Ruling & T-R	2.8%													2.8%	100%			
Tax	6.5%													6.5%	100%			
Other	0.0%													0.0%	0%			
Overall Rate	5.4%													5.4%	100%			

APPELLATE OPERATIONS ~ REPORT SUMMARY

APPELLATE		July	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Average	AO Current Mo. % of Avg.	TOTAL	Appellants Current Mo.
WORKLOAD																	
Registrations																	
UI TL	1,583	1,480	999	1,070	1,114	1,142	937	41						1,189	79%	8,325	
DI	52	91	72	37	38	54	41	2						55	75%	385	
Ruling & T-R	0	9	7	2	2	5	2	9						4	52%	27	
Tax	6	5	10	5	2	4	9	0						6	154%	41	
Other	1	1	0	0	0	1	0	0						0	0%	3	
Total	1,642	1,586	1,088	1,114	1,156	1,206	989	0	0	0	0	0	0	1,254	79%	8,781	587
Multi Cases																	
Dispositions																	
UI TL	1,782	1,527	1,318	1,139	907	1,345	1,168							1,312	89%	9,186	
DI	80	56	101	87	34	55	39	1						65	60%	452	
Ruling & T-R	18	4	6	5	2	8	1	9						6	16%	44	
Tax	7	9	4	11	4	4	9	0						7	131%	48	
Other	1	1	3	0	0	1	0	0						1	0%	6	
Total	1,888	1,597	1,432	1,242	947	1,413	1,217	0	0	0	0	0	0	1,391	88%	9,736	680
Multi Case/CI																	
Balance - Open Cases																	
UI TL	1,394	1,342	1,021	949	1,161	943	713							1,075	66%		
DI	77	112	82	32	37	34	36	3						59	61%		
Ruling & T-R	2	7	8	5	5	2	3	19						5	66%		
Tax	24	20	26	20	19	19	19	0						21	90%		
Other	2	2	0	0	0	0	0	0						1	0%		
Total	1,499	1,483	1,137	1,006	1,222	998	771	0	0	0	0	0	0	1,159	66%		440
Multi Cases																	Estimate
FO to AO Appeal Rate																	
UI TL	8.2%	7.5%	5.6%	6.1%	5.9%	7.4%	5.5%							6.6%	83%		
DI	5.3%	7.9%	6.8%	4.1%	3.7%	6.4%	4.3%							5.5%	77%		
Ruling & T-R	0.0%	3.5%	4.2%	1.1%	1.1%	2.9%	2.8%							2.2%	126%		
Tax	2.2%	2.6%	10.8%	7.8%	2.6%	4.9%	6.5%							5.3%	121%		
Other	6.3%	6.3%	0.0%	0.0%	0.0%	6.3%	0.0%							2.7%	0%		
Overall Rate	7.9%	7.5%	5.7%	5.9%	5.7%	7.3%	5.4%							6.5%	83%		

APPELLATE OPERATIONS TL & Case Aging TRENDS

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Avg.
Standard Day 45-	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Standard Day 75-	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Standard Day 150-	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Standard Case Age	40	40	40	40	40	40	40	40	40	40	40	40	40
09/10 45-Day	42.4%	41.8%	39.5%	28.6%	35.6%	28.8%	29.2%	37.3%	40.6%	43.3%	59.4%	80.5%	42.2%
09/10 75-Day	76.2%	85.2%	69.7%	75.9%	78.5%	74.2%	83.2%	88.0%	92.9%	93.3%	91.3%	94.7%	83.6%
09/10 150-Day	82.6%	98.8%	96.7%	99.1%	99.3%	99.3%	99.0%	99.5%	99.6%	99.7%	99.8%	99.4%	97.7%
Case Aging	42	45	41	39	39	39	37	38	34	35	29	26	37
10/11 45-Day	83.1%	80.3%	80.9%	81.5%	83.4%	86.7%	85.9%	77.0%	48.1%	28.8%	11.4%	12.9%	63.3%
10/11 75-Day	97.5%	98.2%	97.5%	98.0%	96.9%	97.2%	98.4%	97.7%	95.6%	89.3%	88.1%	90.1%	95.4%
10/11 150-Day	99.8%	99.9%	99.9%	100.0%	99.4%	99.9%	99.7%	99.8%	99.7%	99.9%	99.6%	99.8%	99.8%
Case Aging	26	28	27	27	25	28	28	33	38	38	36	34	31
11/12 45-Day	5.2%	6.9%	4.6%	10.1%	10.6%	10.5%	11.6%	11.7%	17.2%	16.6%	47.9%	70.0%	18.6%
11/12 75-Day	89.2%	87.9%	60.8%	43.9%	40.0%	43.1%	72.7%	86.4%	89.5%	85.5%	91.0%	90.8%	73.4%
11/12 150-Day	99.7%	99.4%	99.4%	97.3%	98.9%	99.0%	98.9%	99.2%	99.5%	99.3%	99.3%	99.1%	99.1%
Case Aging	39	45	43	47	48	44	39	38	39	37	32	30	40
12/13 45-Day	66.4%	57.4%	20.5%	12.8%	28.7%	40.7%	25.5%	22.1%	14.3%	13.1%	24.0%	53.3%	31.6%
12/13 75-Day	94.0%	91.8%	81.7%	80.9%	80.6%	76.4%	75.4%	83.2%	75.3%	82.7%	76.6%	90.6%	82.4%
12/13 150-Day	99.3%	99.5%	99.4%	99.7%	99.2%	99.0%	99.0%	99.6%	98.3%	99.7%	99.8%	99.7%	99.4%
Case Aging	31	38	44	48	44	49	45	45	41	41	35	29.1	41
13/14 45-Day	62.3%	76.0%	72.4%	56.6%	77.4%	80.5%	74.5%	52.4%	52.5%	51.0%	59.1%	77.1%	66.0%
13/14 75-Day	92.1%	94.4%	90.7%	90.3%	94.8%	96.3%	97.3%	93.1%	92.3%	91.6%	93.3%	96.3%	93.5%
13/14 150-Day	99.7%	99.7%	99.8%	99.8%	99.6%	99.9%	99.9%	99.5%	99.6%	99.4%	99.6%	99.9%	99.7%
Case Aging	30.1	31.0	32.2	30.1	28.4	24.0	31.1	35.0	33.8	31.8	27.8	29.3	30.4
14/15 45-Day	77.9%	79.7%	69.8%	42.1%	48.6%	56.9%	38.5%	39.7%	42.4%	45.1%	20.5%	57.5%	51.6%
14/15 75-Day	96.9%	96.4%	95.7%	96.1%	90.6%	93.4%	91.3%	88.8%	82.1%	67.8%	77.4%	93.6%	89.2%
14/15 150-Day	99.2%	99.8%	99.8%	99.8%	99.7%	99.8%	99.5%	99.5%	99.0%	99.9%	99.8%	99.8%	99.6%
Case Aging	28.3	30.3	32.3	35.1	35.9	37.6	36.0	41.1	38.8	41.5	33.4	33.9	35.4
15/16 45-Day	43.2%	21.1%	35.1%	40.2%	69.0%	68.4%	82.5%	81.0%	73.4%	72.8%			58.7%
15/16 75-Day	92.4%	94.6%	87.9%	89.1%	95.3%	94.6%	96.4%	97.3%	97.6%	96.6%			94.2%
15/16 150-Day	99.6%	99.8%	99.8%	99.4%	99.8%	98.9%	99.4%	99.5%	99.8%	99.7%			99.6%
Case Aging	37.3	40.9	42.2	33.1	32.9	29.8	29.6	31.5	30.8	31.2			33.9

APPELLATE OPERATIONS TL & Case Aging TRENDS

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Avq.
Standard 45-Day	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Standard 75-Day	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Standard 150-Day	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
Standard Case Age	40	40	40	40	40	40	40	40	40	40	40	40	40
10/11 45-Day	83.1%	80.3%	80.9%	81.5%	83.4%	86.7%	85.9%	77.0%	48.1%	28.8%	11.4%	12.9%	63.3%
10/11 75-Day	97.5%	98.2%	97.5%	98.0%	96.9%	97.2%	98.4%	97.7%	95.6%	89.3%	88.1%	90.1%	95.4%
10/11 150-Day	99.8%	99.9%	99.9%	100.0%	99.4%	99.9%	99.7%	99.8%	99.7%	99.9%	99.6%	99.8%	99.8%
Case Aging	26	28	27	27	25	28	28	33	38	38	36	34	31
11/12 45-Day	5.2%	6.9%	4.6%	10.1%	10.6%	10.5%	11.6%	11.7%	17.2%	16.6%	47.9%	70.0%	18.6%
11/12 75-Day	89.2%	87.9%	60.8%	43.9%	40.0%	43.1%	72.7%	86.4%	89.5%	85.5%	91.0%	90.8%	73.4%
11/12 150-Day	99.7%	99.4%	99.4%	97.3%	98.9%	99.0%	98.9%	99.2%	99.5%	99.3%	99.3%	99.1%	99.1%
Case Aging	39	45	43	47	48	44	39	38	39	37	32	30	40
12/13 45-Day	66.4%	57.4%	20.5%	12.8%	28.7%	40.7%	25.5%	22.1%	14.3%	13.1%	24.0%	53.3%	31.6%
12/13 75-Day	94.0%	91.8%	81.7%	80.9%	80.6%	76.4%	75.4%	83.2%	75.3%	82.7%	76.6%	90.6%	82.4%
12/13 150-Day	99.3%	99.5%	99.4%	99.7%	99.2%	99.0%	99.0%	99.6%	98.3%	99.7%	99.8%	99.7%	99.4%
Case Aging	31	38	44	48	44	49	45	45	41	41	35	29.1	41
13/14 45-Day	62.3%	76.0%	72.4%	56.6%	77.4%	80.5%	74.5%	52.4%	52.5%	51.0%	59.1%	77.1%	66.0%
13/14 75-Day	92.1%	94.4%	90.7%	90.3%	94.8%	96.3%	97.3%	93.1%	92.3%	91.6%	93.3%	96.3%	93.5%
13/14 150-Day	99.7%	99.7%	99.8%	99.8%	99.6%	99.9%	99.9%	99.5%	99.6%	99.4%	99.6%	99.9%	99.7%
Case Aging	30.1	31.0	32.2	30.1	28.4	24.0	31.1	35.0	33.8	31.8	27.8	29.3	30.4
14/15 45-Day	77.9%	79.7%	69.8%	42.1%	48.6%	56.9%	38.5%	39.7%	42.4%	45.1%	20.5%	57.5%	51.6%
14/15 75-Day	96.9%	96.4%	95.7%	96.1%	90.6%	93.4%	91.3%	88.8%	82.1%	67.8%	77.4%	93.6%	89.2%
14/15 150-Day	99.2%	99.8%	99.8%	99.8%	99.7%	99.8%	99.5%	99.5%	99.0%	99.9%	99.8%	99.8%	99.6%
Case Aging	28.3	30.3	32.3	35.1	35.9	37.6	36.0	41.1	38.8	41.5	33.4	33.9	35.4
15/16 45-Day	43.2%	21.1%	35.0%	40.2%	69.0%	68.4%	82.5%	81.0%	73.4%	72.8%			58.7%
15/16 75-Day	92.4%	94.6%	88.0%	89.1%	95.3%	94.6%	96.4%	97.3%	97.6%	96.6%			94.2%
15/16 150-Day	99.6%	99.8%	100.0%	99.4%	99.8%	98.9%	99.4%	99.5%	99.8%	99.7%			99.6%
Case Aging	37.3	40.9	42.2	33.1	32.9	29.8	29.6	31.5	30.8	31.2			33.9
16/17 45-Day													#DIV/0!
16/17 75-Day													#DIV/0!
16/17 150-Day													#DIV/0!
Case Aging													#DIV/0!

**California Unemployment Insurance Appeals Board
Board Appeal Summary Report**

Average Days in Transfer from FO Received Date to Date Received at AO

	January, 2016	December, 2015	November, 2015	October, 2015
	Average Days in Transfer			
	Case Count	Case Count	Case Count	Case Count
Fr	1.42	2.11	2.97	1.78
Ing	0.89	4.47	2.20	2.28
Inl	1.36	2.01	4.90	2.79
LA	1.10	1.76	1.90	0.64
Oak	2.00	3.29	5.95	6.65
OC	0.69	1.60	1.26	0.55
Ox	1.24	0.31	1.10	0.27
Pas	5.29	9.83	10.48	11.44
Sac	1.94	1.66	1.26	1.82
SD	3.27	4.69	4.20	2.28
SF	1.26	2.26	2.49	1.36
SJ	3.10	4.85	1.00	0.95
Tax	2.00			0.50
Total	1.79	3.29	3.61	2.48
	511	1061	1182	1236

**California Unemployment Insurance Appeals Board
Board Appeal Summary Report**

Average Days in Transfer from Date Received at AO to Board Appeal Event Date

	January, 2016	December, 2015	November, 2015	October, 2015
	Average Days in Transfer			
	Case Count	Case Count	Case Count	Case Count
Fr	8.00	8.90	7.79	8.04
Ing	7.70	9.82	5.48	6.86
Inl	10.26	8.04	7.48	8.44
LA	8.64	7.81	7.10	7.52
Oak	6.44	7.75	5.23	7.45
OC	9.92	8.69	8.35	7.71
Ox	4.97	5.79	9.74	10.92
Pas	10.26	8.14	6.36	8.67
Sac	9.44	8.19	9.43	12.78
SD	7.73	7.88	10.15	11.50
SF	7.06	5.56	9.14	7.38
SJ	6.45	6.38	7.94	10.20
Tax	6.00			6.00
Total	8.54	8.02	7.60	8.58
	483	1061	1182	1235

ALL PROGRAM TRENDS-AO

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	2,789	2,721	3,003	3,403	2,735	2,082	2,057	2,055	2,359	2,377	1,612	1,665	28,858	2,405		
2014	1,681	1,666	1,620	1,959	1,623	1,812	1,847	1,729	1,636	1,873	1,298	1,417	20,161	1,680	70%	-725
2015	1,095	1,288	1,605	1,608	1,470	1,116	1,642	1,586	1,088	1,114	1,156	1,206	15,974	1,331	79%	-349
2016	989												989	989	74%	-342
													2015	74%	90%	
													2014	59%	59%	
													2013	41%	35%	

Registrations Jan to date down 10% from 2015, down 41% from 2014, and down 65% from 2013
 Registration monthly average down 26% from 2015, down 51% from 2014, and down 59% from 2013

chg to '14 avg

chg to '14 YTD

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	2,921	2,314	3,498	2,810	2,605	1,999	2,258	2,716	2,120	1,853	1,660	2,208	28,962	2,414		
2014	1,517	1,549	1,743	1,877	1,661	1,634	1,583	1,813	1,925	1,568	1,438	1,637	19,945	1,662	69%	-751
2015	1,415	1,377	1,269	1,346	1,320	1,798	1,888	1,597	1,432	1,242	947	1,413	17,044	1,420	85%	-242
2016	1,217												1,217	1,217	86%	-203
													2015	86%	42%	
													2014	73%	79%	
													2013	50%	42%	

Dispositions Jan to date are down 58% from 2015, down 21% from 2014, and down 58% from 2013
 Disposition monthly average down 14% from 2015, down 27% from 2014, and down 50% from 2013

chg to '14 avg

chg to '14 YTD

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	3,663	2,902	3,018	2,906	3,014	3,141	2,948	2,758	2,509	2,863	2,894	2,340	2,340	2,340	2,913		
2014	2,057	2,452	1,910	2,509	2,625	2,671	2,484	1,804	2,049	2,575	2,562	1,970	1,970	1,970	2,306	79%	-607
2015	1,783	1,690	2,028	2,290	2,436	1,752	1,499	1,483	1,137	1,006	1,222	998	998	998	1,610	70%	-695
2016	771														771	48%	-839
															2015	48%	43%
															2014	33%	37%
															2013	26%	21%

Open Balance Jan to date is down 57% from 2015, down 63% from 2014, and down 79% from 2013
 Open Balance monthly average down 52% from 2015, down 67% from 2014, and down 74% from 2013

chg to '14 avg

chg to '14 YTD

OTHER TRENDS-AO
Program Codes 9,13, 14, 19, 21,22, 40, 44

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2013	2	4	6	9	13	5	11	4	4	14	7	4	83	7			
2014	2	2	8	7	2	4	2	9	4	4	1	5	50	4	60%	-3	
2015	6	1	5	13	14	8	1	10	7	2	2	6	75	6	150%	2	
2016	2												2	2	32%	-4	
													2015	32%	33%		
													2014	48%	100%		
													2013	29%	100%		
																chg to '14 avg	
																	chg to '14 YTD

Other registrations Jan to date are down 67% from 2015 and equal to 2014, and equal to 2013
Other registration monthly average down 68% from 2015, down 52% from 2014, and down 71% from 2013

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2013	4	3	3	2	15	4	4	7	10	2	9	8	71	6			
2014	7	2	4	3	4	8	6	1	4	5	5	5	54	5	76%	-1	
2015	3	5	4	4	5	10	19	5	9	5	2	9	80	7	148%	2	
2016	1												1	1	15%	-6	
													2015	15%	33%		
													2014	22%	14%		
													2013	17%	25%		
																chg to '14 avg	
																	chg to '14 YTD

Other dispositions Jan to date are down 67% from 2015, down 86% from 2014, and down 75% from 2013
Other disposition monthly average down 85% from 2015, down 78% from 2014, and down 83% from 2013

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2013	0	2	2	5	2	11	18	13	7	19	19	13	13	9			
2014	1	1	9	13	11	7	3	11	11	10	6	7	7	8	81%	-2	
2015	10	6	7	15	24	22	4	9	8	5	5	2	2	10	130%	2	
2016	3													3	31%	-7	
														2015	31%	30%	
														2014	40%	300%	
														2013	32%	400%	
																chg to '14 avg	
																	chg to '14 YTD

Other balance of open cases is down 70% from 2015, up 200% from 2014, and up 300% from 2013
Other balance monthly average down 69% from 2015, down 60% from 2014, and up 68% from 2013

TAX TRENDS-AO
 Program Codes 15, 17, 18, 32, 45, 46, 47, 48

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	27	0	0	53	24	17	12	12	5	42	9	27	228	19		
2014	24	11	18	9	1	8	0	5	10	5	11	9	111	9	49%	-10
2015	3	8	9	5	6	1	6	5	10	5	2	4	64	5	58%	-4
2016	9												9	9	169%	4
Tax registrations Jan to date are up 200% from 2015, down 62% from 2014, and down 77% from 2013													2015	169%	300%	
Tax registration monthly average up 69% from 2015, down 3% from 2014, and down 53% from 2013													2014	97%	38%	
													2013	47%	33%	
													chg to '14 avg			chg to '14 YTD

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	25	11	15	16	15	10	28	38	18	20	13	39	248	21		
2014	8	16	12	7	13	32	6	10	0	5	7	5	121	10	49%	-11
2015	5	13	0	12	10	3	7	9	4	11	4	4	82	7	68%	-3
2016	8												8	8	117%	1
Tax dispositions Jan to date are up 60% from 2015, equal to 2014 and down 68% from 2013													2015	117%	160%	
Tax disposition monthly average up 17% from 2015, down 21% from 2014, and down 61% from 2013													2014	79%	100%	
													2013	39%	32%	
													chg to '14 avg			chg to '14 YTD

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	72	61	46	83	92	97	82	58	48	67	68	51	51	69		
2014	74	63	69	71	59	35	22	18	28	27	31	35	35	44	64%	-24
2015	33	28	37	30	26	25	24	20	26	20	19	19	19	26	58%	-19
2016	19													19	74%	-7
Tax balance of open cases Jan to date is down 42% from 2015, down 74% from 2014, and down 74% from 2013													2015	74%	58%	
Tax balance monthly average is down 26% from 2015, down 57% from 2014, and down 72% from 2013													2014	43%	26%	
													2013	28%	26%	
													chg to '14 avg			chg to '14 YTD

DI TRENDS-AO
Program Codes 7, 10, 11, 12, 16 & 20

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	52	121	55	118	84	46	37	61	74	88	55	43	834	70		
2014	35	45	36	60	48	57	55	39	59	69	52	71	626	52	75%	-17
2015	59	54	57	72	56	51	52	91	72	37	38	54	693	58	111%	6
2016	41												41	41	71%	-17
2015														71%	69%	
2014														79%	117%	
2013														59%	79%	

DI registrations Jan to date down 31% from 2015, up 17% from 2014, down 21% from 2013.

DI registration monthly average down 29% from 2015, down 21% from 2014, and down 41% from 2013.

2015	71%	69%
2014	79%	117%
2013	59%	79%

chg to '14 avg chg to '14 YTD

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	69	60	117	88	71	65	53	69	52	44	56	78	822	69		
2014	59	37	38	50	45	46	45	50	50	55	45	56	576	48	70%	-21
2015	59	74	53	59	74	52	80	56	101	87	34	55	784	65	136%	17
2016	39												39	39	60%	-26
2015														60%	57%	
2014														81%	24%	
2013														57%	57%	

DI dispositions Jan to date down 43% from 2015, down 76% from 2014, down 43% from 2013.

DI disposition monthly average down 40% from 2015, down 19% from 2014, and down 43% from 2013.

2015	60%	57%
2014	81%	24%
2013	57%	57%

chg to '14 avg chg to '14 YTD

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of Yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	51	110	50	78	91	72	55	49	71	116	115	79	79	78		
2014	52	61	60	68	71	82	92	81	91	106	112	127	127	84	107%	6
2015	127	107	111	125	109	106	77	112	82	32	37	34	34	88	106%	5
2016	36													36	41%	-52
2015														41%	28%	
2014														43%	69%	
2013														46%	71%	

Open Balance of DI Jan to date down 72% from 2015, down 31% from 2014, and down 29% from 2013.

Open Balance monthly average down 59% from 2015, down 47% from 2014, and down 44% from 2013.

2015	41%	28%
2014	43%	69%
2013	46%	71%

chg to '14 avg chg to '14 YTD

UI TRENDS-AO
Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

REGISTRATIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	2,708	2,596	2,942	3,223	2,614	2,014	1,997	1,978	2,276	2,233	1,541	1,591	27,713	2,309		
2014	1,620	1,608	1,558	1,883	1,572	1,743	1,790	1,676	1,563	1,795	1,234	1,332	19,374	1,615	70%	-695
2015	1,027	1,225	1,534	1,518	1,394	1,056	1,583	1,480	999	1,070	1,114	1,142	15,142	1,262	78%	-353
2016	937												937	937	74%	-325
													2015	74%	91%	
													2014	58%	58%	
													2013	41%	35%	

UI registrations Jan to date are down 9% from 2015, down 42% from 2014, and down 65% from 2013
 UI registration monthly average is down 26% from 2015, down 42% from 2014, and down 59% from 2013

DISPOSITIONS

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	2,823	2,240	3,363	2,704	2,504	1,920	2,173	2602	2040	1787	1582	2083	27,821	2,318		
2014	1,443	1,490	1,689	1,817	1,599	1,548	1,518	1,752	1,871	1,503	1,381	1,571	19,182	1,599	69%	-720
2015	1,348	1,285	1,212	1,271	1,231	1,733	1,782	1,527	1,318	1,139	907	1,345	16,098	1,342	84%	-257
2016	1,168												1,168	1,168	87%	-174
													2015	87%	87%	
													2014	73%	81%	
													2013	50%	41%	

UI dispositions Jan to date are down 13% from 2015, down 19% from 2014, and down 59% from 2013
 UI disposition monthly average is down 13% from 2015, down 27% from 2014, and down 50% from 2013

BALANCE OPEN CASES

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2013	1,933	2,279	1,809	2,336	2,432	2,491	2,329	1,684	1,923	2,373	2,360	1,827	1,827	2,148		
2014	1,994	2,106	1,936	1,986	1,979	2,166	2,432	2,349	2,047	2,340	2,181	1,937	1,937	2,121	99%	-27
2015	1,613	1,549	1,873	2,120	2,277	1,599	1,394	1,342	1,021	949	1,161	1,161	1,161	1,505	71%	-616
2016	713												713	713	47%	-792
													2015	47%	44%	
													2014	34%	36%	
													2013	33%	37%	

UI balance of open cases Jan to date are down 56% from 2015, down 64% from 2014, and down 63% from 2013
 UI balance monthly average is down 53% from 2015, down 66% from 2014, and down 67% from 2013

FY OTHER TRENDS-AO
 Program Codes 9,13, 14, 19, 21,22, 40, 44

REGISTRATIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	1	3	3	2	7	2	2	4	6	9	13	5	57	5		
13/14	11	4	4	14	7	4	2	2	8	7	2	4	69	6	121%	1
14/15	2	9	4	4	1	5	6	1	5	13	14	8	72	6	104%	0
15/16	1	10	7	2	2	6	2						30	4	71%	-2
													14/15	71%	97%	
													13/14	75%	65%	
													12/13	90%	150%	

Other registrations Jan to date is are up 3% from 14/15, down 35% from 13/14, and up 50% from 12/13.
 Other registration monthly average is down 29% from 14/15, down 25% from 13/14, and down 10% from 12/13.

chg 14/15 avg

chg 14/15 YTD

DISPOSITIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	1	0	5	3	1	7	4	3	3	2	15	4	48	4		
13/14	4	7	10	2	9	8	7	2	4	3	4	8	68	6	142%	2
14/15	6	1	4	5	5	5	3	5	4	4	5	10	57	5	84%	-1
15/16	19	5	9	5	2	9	1						50	7	150%	2
													14/15	150%	172%	
													13/14	126%	106%	
													12/13	179%	238%	

Other dispositions Jan to date are up 72% from 14/15, up 6% from 13/14, and up 138% from 12/13.
 Other disposition monthly average up 50% from 14/15, up 26% from 13/14, and up 79% from 12/13.

chg 14/15 avg

chg 14/15 YTD

BALANCE OPEN CASES

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2	5	3	2	8	1	0	2	2	5	2	11		4		
13/14	18	13	7	19	19	13	1	1	9	13	11	7		11	305%	7
14/15	3	11	11	10	6	7	10	6	7	15	24	22		11	101%	0
15/16	4	9	8	5	5	2	3							5	47%	-6
													14/15	47%	62%	
													13/14	47%	40%	
													12/13	144%	171%	

Other balance of open cases is down 38% from 14/15, down 60% from 13/14, and up 71% from 12/13.

Other balance monthly average is down 53% from 14/15, down 53% from 13/14, and up 44% from 12/13.

chg 14/15 avg

chg 14/15 YTD

FY TAX TRENDS-AO
 Program Codes 15, 17, 18, 32, 45, 46, 47, 48

REGISTRATIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2	13	11	9	44	6	27	0	0	53	24	17	206	17		
13/14	12	12	5	42	9	27	24	11	18	9	1	8	178	15	86%	-2
14/15	0	5	10	5	11	9	3	8	9	5	6	1	72	6	40%	-9
15/16	6	5	10	5	2	4	9						41	6	98%	0
													14/15	98%	95%	
													13/14	39%	31%	
													12/13	34%	37%	
														chg 14/15 avg	chg 14/15 YTD	

Tax registrations Jan to date are 5% down from 14/15, down 69% from 13/14, and down 63% from 12/13
 Tax registration monthly average is down 2% from 14/15, down 61% from 13/14, and down 66% from 12/13

DISPOSITIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	35	34	43	16	2	18	25	11	15	16	15	10	240	20		
13/14	28	38	18	20	13	39	8	16	12	7	13	32	244	20	102%	0
14/15	6	10	0	5	7	5	5	13	0	12	10	3	76	6	31%	-14
15/16	7	9	4	11	4	4	9						48	7	108%	1
													14/15	108%	126%	
													13/14	34%	29%	
													12/13	34%	28%	
														chg 14/15 avg	chg 14/15 YTD	

Tax dispositions Jan to date are up 26% from 14/15, down 71% from 13/14 and down 72% from 12/13.
 Tax disposition monthly average is up 8% from 14/15, down 66% from 13/14, and down 66% from 12/13.

BALANCE OPEN CASES

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	Avg.	% Chg of Avg	Yr-Yr AvgChg	
12/13	100	78	46	39	82	70	72	61	46	83	92	97	72			
13/14	82	58	48	67	68	51	74	63	69	71	59	35	62	86%	-10	
14/15	22	18	28	27	31	35	33	28	37	30	26	25	28	46%	-34	
15/16	24	20	26	20	19	19	19						21	74%	-7	
													14/15	74%	76%	
													13/14	34%	33%	
													12/13	29%	30%	
														chg 14/15 avg	chg 14/15 YTD	

Tax balance of open cases to date is down 24% from 14/15, down 67% from 13/14, and down 70% from 12/13
 Tax balance monthly average is down 26% from 14/15, down 66% from 13/14, and down 71% from 12/13

FY DI TRENDS-AO
Program Codes 7, 10, 11, 12, 16 & 20

REGISTRATIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	85	92	78	85	65	57	52	121	55	118	84	46	938	78		
13/14	37	61	74	88	55	43	35	45	36	60	48	57	639	53	68%	-25
14/15	55	39	59	69	52	71	59	54	57	72	56	51	694	58	109%	5
15/16	52	91	72	37	38	54	41						385	55	95%	-3
													14/15	95%	95%	
													13/14	103%	98%	
													12/13	70%	75%	

DI registrations Jan to date are down 5% from 14/15, down 2% from 13/14, down 25% from 12/13.
DI registration monthly average is down 5% from 14/15, up 3% from 13/14, and down 30% from 12/13.

14/15	95%	95%
13/14	103%	98%
12/13	70%	75%

chg 14/15 avg chg to 14/15 YTD

DISPOSITIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	79	95	79	87	77	71	69	60	117	88	71	65	958	80		
13/14	53	69	52	44	56	78	59	37	38	50	45	46	627	52	65%	-28
14/15	45	50	50	55	45	56	59	74	53	59	74	52	672	56	107%	4
15/16	80	56	101	87	34	55	39						452	65	1268%	9
													14/15	115%	126%	
													13/14	124%	110%	
													12/13	81%	81%	

DI dispositions Jan to date are up 26% from 14/15, up 10% from 13/14, down 19% from 12/13.
DI disposition monthly average is up 15% from 14/15, up 24% from 13/14, and down 19% from 12/13.

14/15	115%	126%
13/14	124%	110%
12/13	81%	81%

chg 14/15 avg chg to 14/15 YTD

BALANCE OPEN CASES

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	102	97	97	95	82	68	51	110	50	78	91	72		83		
13/14	55	49	71	116	115	79	52	61	60	68	71	82		73	89%	-10
14/15	92	81	91	106	112	82	127	107	111	125	109	106		104	89%	31
15/16	77	112	82	32	37	34	36							59	28%	-46
													14/15	56%	59%	
													13/14	80%	76%	
													12/13	71%	69%	

Open Balance of DI case to date is down 41% from 14/15, up 24% from 13/14, and down 31% from 12/13.
Open Balance monthly average down 44% from 14/15, down 20% from 13/14, and down 29% from 12/13.

14/15	56%	59%
13/14	80%	76%
12/13	71%	69%

chg 14/15 avg chg to 14/15 YTD

FY UI TRENDS-AO

Program Codes 1, 2, 3, 4, 5, 6, 8, 23, 24, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38, 41, 42

REGISTRATIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2,319	2,824	2,338	2,632	2,260	2,091	2,708	2,596	2,942	3,223	2,614	2,014	30,561	2,547		
13/14	1,997	1,978	2,276	2,233	1,541	1,591	1,620	1,608	1,558	1,883	1,572	1,743	21,600	1,800	71%	-747
14/15	1,790	1,676	1,563	1,795	1,234	1,332	1,027	1,225	1,534	1,518	1,394	1,056	17,144	1,429	79%	-371
15/16	1,583	1,480	999	1,070	1,114	1,142	937						8,325	1,189	83%	-239
													14/15	83%	80%	
													13/14	66%	63%	
													12/13	47%	48%	

UI registrations Jan to date are down 20% from 14/15, down 37% from 13/14, and down 52% from 12/13
 UI registration monthly average is down 17% from 14/15, down 34% from 13/14, and down 53% from 12/13

chg 14/15 avg chg 14/15 YTD

DISPOSITIONS

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2,538	2,958	2,582	2,235	2,247	2,512	2,823	2,240	3,363	2,704	2,504	1,920	30,626	2,552		
13/14	2,173	2,602	2,040	1,787	1,582	2,083	1,443	1,490	1,689	1,817	1,599	1,548	21,853	1,821	71%	-731
14/15	1,518	1,752	1,871	1,503	1,381	1,571	1,348	1,285	1,212	1,271	1,231	1,733	17,676	1,473	81%	-348
15/16	1,782	1,527	1,318	1,139	907	1,345	1,168						9,186	1,312	89%	-161
													14/15	89%	84%	
													13/14	72%	67%	
													12/13	51%	51%	

UI dispositions Jan to date are down 16% from 14/15, down 33% from 13/14, and down 49% from 12/13
 UI disposition monthly average is down 11% from 14/15, down 28% from 13/14, and down 49% from 12/13

chg 14/15 avg chg 14/15 YTD

BALANCE OPEN CASES

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2,744	2,578	2,363	2,727	2,722	2,199	1,933	2,279	1,809	2,336	2,432	2,491	2,384		
13/14	2,329	1,684	1,923	2,373	2,360	1,827	1,994	2,106	1,936	1,986	1,979	2,166	2,055	86%	-329
14/15	2,432	2,349	2,047	2,340	2,181	1,937	1,613	1,549	1,873	2,120	2,277	1,599	2,026	99%	-29
15/16	1,394	1,342	1,021	949	1,161	943	713						1,075	53%	-952
													14/15	53%	50%
													13/14	52%	52%
													12/13	45%	44%

UI balance of open cases to date are down 50% from 14/15, down 48% from 13/14, and down 56% from 12/13
 UI balance monthly average is down 47% from 14/15, down 48% from 13/14, and down 55% from 12/13

chg 14/15 avg chg 14/15 YTD

Monthly Board Meeting Litigation Report - January 2016

AGENDA ITEM 9

<u>LITIGATION CASES PENDING</u>	TOTAL = 149
SUPERIOR COURT: Claimant Petitions.....	110
Employer Petitions.....	16
EDD Petitions.....	0
Non-benefit Court Cases	6
APPELLATE COURT: Claimant Appeals.....	12
Employer Appeals.....	2
EDD Appeals.....	0
Non-benefit Court Cases	1
ISSUES: UI.....	119
DI.....	15
Tax.....	6
Non-benefit Court Cases	9

2016 CALENDAR YEAR ACTIVITY - Benefit & Tax Cases

<u>LITIGATION CASES FILED</u>	<u>YTD</u>	<u>January</u>
SUPERIOR COURT: Claimant Petitions.....	4	4
Employer Petitions.....	0	0
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	0	0
Employer Appeals.....	0	0
EDD Appeals.....	0	0
 <u>LITIGATION CASES CLOSED</u>	 <u>YTD</u>	 <u>January</u>
SUPERIOR COURT: Claimant Petitions.....	3	3
Employer Petitions.....	0	0
EDD Petitions.....	0	0
APPELLATE COURT: Claimant Appeals.....	0	0
Employer Appeals.....	0	0
EDD Appeals.....	0	0

2016 Decision Summary

<u>Claimant Appeals</u>		<u>Employer Appeals</u>		<u>CUIAB Decisions</u>		
Win: 0	Loss: 3	Win: 0	Loss: 0	Affirmed: 3	Reversed: 0	Remanded: 0

CUIAB 15/16 Fiscal Year Paid Overtime/Lump Sum Payout - SCO Report
July 2015 through December 2015

15/16 Fiscal Year-to-Date Overtime Expenditure									
Branch	T-D Decision Typing		FY Y-T-D CTU Typing		FY Y-T-D Registration		FY Y-T-D Other		Estimated Expenditures Over-/Under
	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Pay	
Appellate	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	6.40	\$129.80	-\$135.60
Admin	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$581.86
IT	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	172.50	\$8,702.90	-\$7,356.88
Exec	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00
Field	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$1,044.00
Total	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	178.90	\$8,832.70	-\$5,866.62

15/16 Fiscal Year-to-Date Total Overtime Expenditures											
Branch	15/16 FY Allocation		Year-to-Date Hours		Year-to-Date Position Equivalent		Year-to-Date Pay		CTO Expenditures		
	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Estimated Pay	
Appellate	6.40	\$124.00	6.40	\$129.80	0.01	-\$5.80	0.00	\$0.00	0.00	\$0.00	-\$135.60
Admin	0.00	\$1,269.00	0.00	\$0.00	0.00	\$1,269.00	7.00	\$343.57	7.00	\$343.57	\$581.86
IT	172.50	\$33,057.00	172.50	\$8,702.90	0.25	\$24,354.10	208.50	\$11,504.04	208.50	\$11,504.04	-\$7,356.88
Exec	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	\$0.00
Field Operations	0.00	\$1,044.00	0.00	\$0.00	0.00	\$1,044.00	0.00	\$0.00	0.00	\$0.00	\$1,044.00
Total	178.90	\$35,494.00	178.90	\$8,832.70	0.17	\$26,661.30	215.50	\$11,847.61	215.50	\$11,847.61	-\$5,866.62
Monthly Average Personnel Year										0.09	0.10

15/16 Fiscal Year-to-Date Lump Sum Payout July 2015 through December 2015										
Branch	Year-to-Date Hours		Year-to-Date Position Equivalent		Year-to-Date Pay		15/16 Allocation		Estimated Expenditures Over-/Under	
	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Pay	Hours	Pay
Appellate	290.90	\$11,459	0.14	\$0	\$164,018	\$152,559	\$3,459	\$3,459	\$141,099	\$3,459
Admin	0.00	\$0	0.00	\$0	\$7,544	\$77,874	\$76,904	\$76,904	\$14,061	\$14,061
IT	-1,422.00	-\$70,330	-0.68	-\$70,330	\$58,482	\$36,271	\$206,933	\$206,933	-\$361,362	-\$361,362
Exec	986.00	\$22,211	0.47	\$58,295	\$775,228	\$477,095	\$477,095	\$477,095	-\$125,840	-\$125,840
Field Operations	10,389.30	\$531,635	4.93	\$531,635	\$1,008,730	\$1,008,730	\$1,008,730	\$1,008,730	-\$125,840	-\$125,840
Total	10,244.20	\$531,635	4.93	\$531,635	\$1,008,730	\$477,095	\$477,095	\$477,095	-\$125,840	-\$125,840

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

JANUARY 2016 PERFORMANCE INDICATORS

FIELD OPERATIONS

MEETING DOL STANDARDS

UI TIMELAPSE CASES

Closed Cases	<u>Closed</u>	<u>DOL Standard</u>
% Closed in <= 30 Days	55.8%	≥60%
% Closed in <= 45 Days	76.5%	≥80%

Pending Cases	<u>Avg. Days</u>	<u>DOL Standard</u>
Case Aging	30.8	≤30

WORKLOAD	<u>UI</u>	<u>ALL</u>
Opened	16,472	17,776
Closed	15,911	17,079
Balance of Open Cases	17,561	28,615

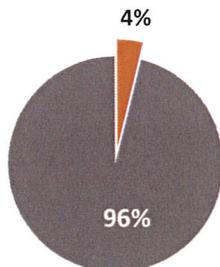
CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

	<u>Days</u>
UI Timelapse Appeals	42
DI Appeals (including PFL)	82
All Programs	51

UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

Regular UI Appeals as % of All UI	97%
UI Extensions as % of All UI	3%

UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 4% of UI Open Balance, and Regular UI cases made up 96%.

APPELLATE OPERATIONS

MEETING DOL GUIDELINES & STANDARDS

UI TIMELAPSE CASES

Closed Cases	<u>Closed</u>	<u>DOL Guideline</u>
% Closed in <= 45 Days	72.8%	≥50%
% Closed in <= 75 Days	96.6%	≥80%

Pending Cases	<u>Avg. Days</u>	<u>DOL Standard</u>
Case Aging	31.2	≤40

WORKLOAD	<u>UI</u>	<u>ALL</u>
Opened	937	989
Closed	1,168	1,217
Balance of Open Cases	713	771

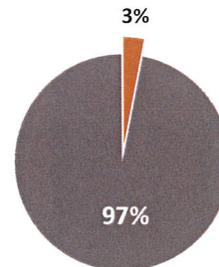
CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

	<u>Days</u>
UI Timelapse Appeals	43
DI Appeals (including PFL)	41
All Programs	43

UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

Regular UI Appeals as % of All UI	96%
UI Extensions as % of All UI	4%

UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 3% of UI Open Balance, and Regular UI cases made up 97%.

**California Unemployment Insurance Appeals Board
FO Cycle Time Summary Report
For Cases Closed in January 2016**

UI Timelapse CASES	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
Jurisdiction	Average	Average	Average	Average	Average
Fresno	45	4	22	15	1
Inglewood	40	6	11	15	2
Inland	36	3	8	17	1
Los Angeles	47	3	19	16	2
Oakland	46	6	18	15	0
Orange County	40	5	9	16	2
Oxnard	40	3	17	14	0
Pasadena	36	3	12	12	3
Sacramento	42	3	11	16	1
San Diego	43	6	15	15	1
San Francisco	44	4	21	14	1
San Jose	52	3	26	16	1
Statewide	42	4	15	15	1

ALL CASES	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
Jurisdiction	Average	Average	Average	Average	Average
Fresno	47	4	22	14	1
Inglewood	61	6	14	17	3
Inland	40	4	10	17	2
Los Angeles	51	4	22	16	2
Oakland	47	6	18	15	0
Orange County	47	5	12	17	2
Oxnard	45	4	21	14	0
Pasadena	38	3	12	12	3
Sacramento	47	3	15	16	2
San Diego	46	6	15	15	2
San Francisco	47	4	22	14	2
San Jose	53	3	27	17	1
Tax Office	515	N/A	N/A	36	350
Statewide	51	4	17	16	2

California Unemployment Insurance Appeals Board
FO Cycle Time Summary Report
For Cases Closed in January 2016

PFL CASES	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
Jurisdiction	Average	Average	Average	Average	Average
Fresno	N/A	N/A	N/A	N/A	N/A
Inglewood	57	12	16	14	2
Inland	87	5	47	16	5
Los Angeles	72	5	52	14	1
Oakland	55	6	36	13	2
Orange County	84	7	45	16	0
Oxnard	105	10	42	15	1
Pasadena	35	4	0	10	3
Sacramento	79	3	25	15	5
San Diego	61	9	20	18	8
San Francisco	73	6	42	14	5
San Jose	61	6	36	22	2
Statewide	66	7	33	16	3

DI CASES (No PFL)	Average Days to Process an Appeal	Case Creation Date to Verified Date	Verified Date to Scheduled Date	Scheduled Date to Hearing Date	Hearing Date to Decision Mailed Date
Jurisdiction	Average	Average	Average	Average	Average
Fresno	75	6	43	15	4
Inglewood	65	12	21	14	5
Inland	78	10	40	16	6
Los Angeles	91	7	57	15	3
Oakland	75	7	34	14	2
Orange County	91	11	43	16	7
Oxnard	96	8	55	16	1
Pasadena	47	6	7	12	4
Sacramento	125	6	63	19	8
San Diego	67	8	27	14	4
San Francisco	80	8	35	14	3
San Jose	75	8	31	19	2
Statewide	83	9	40	16	5

CALIFORNIA UNEMPLOYEMNT INSURANCE APPEALS BOARD POLICY NO. 17
TELECOMMUTING PROGRAM FOR APPELLATE OPERATIONS

This program is designed to provide a telecommuting work option for the administrative law judges (ALJs) assigned to perform appellate operations at the Appeals Board's office in Sacramento. This project is not applicable to field operations. There are many recognized benefits of the telecommuting program, including saving office space, parking space, commuting time, and alleviating peak traffic congestion.

The CUIAB has determined that the following policy will be in effect for those selected for the telecommuting program.

SELECTION

1. Subject to the provisions of any applicable collective bargaining provision, the Chief Administrative Law Judge/Appellate Operations (CALJ/AO) has the authority to select the participants for the telecommute program and the discretion to determine the amount of time applicants need to qualify for participation as well as the number of hours applicants may telecommute per week. Selection for the telecommute program will be made using the following factors:

- a) Completion of a period of work for Appellate Operations sufficient to demonstrate a clear understanding of the law and the procedures related to board appeals and a demonstrated ability to work independently without close supervision;
- b) Whether the applicant is willing to work as part of a telecommuting team and share an office,
- c) The staffing needs of the CUIAB,
- d) The applicant's history of completing work in a timely fashion,
- e) The overall productivity of the applicant (this factor includes special assignments as well as the number of cases an ALJ produces) and,
- f) An assessment of the applicant's ability to work at home effectively.
- g) Whether or not the ALJ is proficient and committed to using available technology tools to perform the work.

2. If there are more employees who want to participate in the project than can be accommodated, and if all the factors listed in section one are relatively equal for the involved employees, then employment seniority will be taken into consideration as a selection factor.

3. Participation in the telecommuting program is voluntary.

PROCEDURE

1. The maximum number of hours per week an ALJ can telecommute is twenty. (This applies to administrative law judges on either the 4/10/40 or the 5/8/40 work schedule.)
2. Telecommuting may be scheduled in full or partial days.
3. The Chief ALJ/AO will have the authority to allocate telecommuting day(s) to each person on the program, taking into consideration the on-site staffing needs, the shared office situation, specific meetings, and training.

TELECOMMUTER'S OBLIGATIONS

1. Telecommuters will be available by phone during all scheduled work hours, except for scheduled lunch and breaks. Telecommuters shall promptly notify the Chief ALJ/AO if they will be unavailable reached for any reason.
2. Telecommuters are required to observe all leave requests and time reporting responsibilities (including sick leave and vacation) which are otherwise applicable.
3. The Chief ALJ/AO will have the discretion to direct telecommuters to attend staff meetings, perform the reviewer and late reviewer assignment on a 5/8/40 work schedule, or perform other professional duties in the office when necessary, irrespective of prior approval to telecommute on a given day. Advance notice will be given whenever possible.
4. Telecommuters must be able to return a file to the office on a telecommute day if necessary or report to the office if required to complete a case assignment timely. Telecommuters are responsible for processing any expedite case promptly.
5. Files are often needed to respond to phone calls or other action. To avoid needless searches for files that are out of the office, telecommuters will be expected to keep a log of cases taken from the office each day. The log will be prominently left in view on the telecommuter's desk.
6. Telecommuters must be willing to share an office with one another if necessary. Every effort will be made to maintain the existing practice of assigning offices.
7. If a work-related accident occurs at home, the telecommuter is expected to report it promptly.

8. The telecommuter is expected to assume any costs related to commuting to and from the Board office. The telecommuter is also expected to assume any additional costs for office supplies over and above those normally supplied by the California Unemployment Insurance Appeals Board. If it is necessary for the telecommuter to call the office on a work-at-home day, the telecommuter may call collect. The telecommuter will be expected to make all toll calls relating to work on the days he or she is in the office. The telecommuter may bring home from the CUIAB for home use a dictation machine and any legal authorities necessary to complete assignments.

9. Telecommuters are obligated to timely advise their partner and/or back-up if they are going to be unable to move their own cases or will be unavailable to move the cases of their partner or back-up.

10. Telecommuters are expected to treat the cases of their partners or persons on telecommuting whom they back up as they would treat their own cases. Written dissents, corrections and PerCuiabs will be timely prepared and carried through to the mailing desk to meet critical "S" dates or "M" dates. If the back-up's workload prevents the back-up from meeting this obligation, the back-up will promptly advise the Chief ALJ/AO so the case can be reassigned or the author called into the office to complete the case promptly.

11. Telecommuters are expected to complete all assignments in a timely fashion. Failure to do so can result in cancellation of the privilege of participating in the program.

12. Telecommuters must regularly use technology tools to perform work and move cases, including but not limited to Decision Tools, voice-to-text software, E-dec, phone dictation, and paperless transmission of case files.

REMOVAL FROM PROGRAM

Accountability of the telecommuters is the responsibility of the Chief ALJ/AO.

The Chief ALJ/AO is authorized to remove a person from the telecommuting program for failure to complete assignments on time, failure to comply with the telecommuting policy (especially items No. 1, 9, 10, 11, and 12 under Telecommuter's Obligations), or other deficiencies reflecting the need for onsite supervision.

MODIFICATION OF PROGRAM AND ADDITIONAL REQUIREMENTS

The CUIAB retains the right to adjust the terms of selection and participation in the telecommuting program, and to modify the provisions of this policy, in accordance with the needs of the agency.

Also, the CUIAB may specify additional requirements for selection or participation consistent with the needs of the agency.

The CUIAB will evaluate and review the program annually for the continued mutual benefits of the CUIAB and participants in the program, which review shall be presented to the Board Members at its August meeting. Exceptions to the program format shall be brought to the CUIAB as a consent item for approval.

CONSENT

Before entering into the telecommuting program each person shall indicate by his or her signature below that he or she has read this policy, affirms that he or she will comply with its requirements, and recognizes that the policy remains at all times subject to modification by the CUIAB and/or Chief ALJ/AO.

UNION'S RIGHT TO NOTIFICATION

The Association of California State Attorneys and ALJs will be notified of any proposed modifications or amendments which are subject to the memorandum of understanding for bargaining unit 2 employees.

Signature: _____
Administrative Law Judge

Date: _____

TELECOMMUTE REPORT 2015

"It is the policy of the State of California to encourage the use of telecommuting as a management work option."

- California Government Code 14200-14203, authorizes state agencies, boards and commissions to establish telecommuting programs.
- "The results of the California Telecommute Pilot Project Report showed significant improvements in employee effectiveness and morale and significant reductions in transportation systems use."

The state's Telework Program is part of the ALJs' Memorandum of Understanding (MOU)

Section 6.4 of Unit 2 MOU(CASE) states:

- "The State and CASE recognize that telework has been proven to improve employee morale, reduce traffic congestion and improve productivity."
- "Employee requests to telework shall not be denied except for operational needs."
- If a request to telecommute is denied, employees may file a grievance that can be appealed to the 4th level of the grievance procedure.

CUIAB's policy relating to the telecommute program for Appellate Operations (AO) was adopted by the Board in 1994 as Policy #17.

Participation in CUIAB's Telework Program for Appellate Operations (AO) ALJs is as follows:

- All 11 of AO ALJs are currently participating in CUIAB's telework program.

Requirements for Participation in CUIAB's Telework Program for AO ALJs:

- ALJs are required to be accessible during core work hours and must advise the Chief ALJ/AO if they will be unavailable by phone or email during these hours.
- ALJs may be required to perform professional duties in the office when necessary, irrespective of prior approval to telecommute.
- Each ALJ has backup in office.
- Each ALJ must use technology when teleworking.
- ALJs are required to attend AO ALJ meetings and committee meetings, even if the meeting falls on their regular telecommute day.
- Permanent telework agreements limit the number of hours the AO ALJ can telecommute to 20 hours per week per Policy 17; however, temporary and informal agreements to allow an employee to telework over 20 hours have been allowed based on special circumstances

TELECOMMUTE REPORT 2015

- Failure to complete assignments on time or comply with the telecommuting policy can result in cancellation of the privilege of participating in the program.

Changes in FYs 14/15-15/16:

- Continuous improvements in new technology to maximize efficiencies.
- Development and implementation of the E-File Communication Tool for ALJs and Board Members to allow all those who work on a case to see all communications related to that case.
- Ongoing training of ALJs to utilize new technology to improve efficiency in working remotely.

Benefits of using Filebound:

- The implementation of a digital case processing system (Filebound) has made telework even easier.
- No longer need to remove and transport files outside the office.
- All electronic files are available to staff, ALJs and board members when needed and can be accessed from anywhere via secure internet connection.
- Eliminates concern over the file being lost.
- Higher security of confidential information.

All AO ALJs are technologically capable of preparing and moving cases to Typing and Board when teleworking:

- All 11 Telework ALJs use E-Dec to upload their decisions to typists.
- All 11 Telework ALJs use Filebound digital files.
- Some telework ALJs work in the office on close due dates.

Benefits of CUIAB Telework Program for AO ALJs, AO Management and AO Board Members:

- Improves productivity & efficiency (fewer distractions; work in lieu of commute time; less stress)
- Improves attendance (instead of taking day off for medical appointments, or pressing errands, ALJs can work around them)
- Saves resources by allowing best utilization of office space.
- Increases employee morale (higher job satisfaction/flexibility).
- Improves retention of experienced AO ALJs.

TELECOMMUTE REPORT 2015

- Assists in recruitment of new AO ALJs.
- Saves wear and tear on car, gasoline costs, etc.

Savings on Office Space:

- Reasonable effort required to provide private, enclosed offices for ALJs (confidentiality, listen to audio recordings, drafting decisions).
- Consultation with union (CASE) required if such space is not available. (Unit 2 CBA, section 13.3).

Less Commuting Means Benefits for ALJs and the Environment:

- 2 telework ALJ's live within 11 to 22 mile radius.
- 2 telework ALJ's live within 38-40 mile radius.
- 3 telework ALJ's live within 56-68 mile radius.
- 4 telework ALJ's live over the 120 mile radius.
- Teleworking ALJs save between 82,000 and 95,000 miles of driving annually, fuel consumption and car maintenance, traffic congestion, air pollution effects, and related health issues; also increases safety.
- By teleworking, ALJs save between 1650 and 1800 hours of commuting time annually.

Downside of telecommuting:

- Isolation (Use of email & phone to communicate).
- Slower network connection.
- Merging of personal and work lives.
- Difficulty setting last minute meetings.
- Less personal interaction between support staff and ALJs and between ALJs amongst themselves and with management and on site board members.
- Distractions at home not present in office

Two days per week (up to 20 hours) provides the ideal balance for teleworking ALJs:

- Maintains opportunities for collaboration, innovation, on-site brainstorming and for recording cases and case processing.

TELECOMMUTE REPORT 2015

- Maintains balance of human interaction and telecommuting benefit, prevents blurring of work and personal life that may occur when individuals telecommute full time.
- Allows the Chief ALJ to meet with ALJs in person to discuss pressing and complex issues and provide oversight as appropriate.
- Preserves the opportunity for on-site board members to meet or consult with board authors face to face.
- Facilitates planning of AO staff and ALJ meetings.
- Fosters good relationships between support staff and ALJs, and between ALJs with each other, management staff, and on site board members.

Recommendations:

To update Board Policy #17.

References

<http://www.documents.dgs.ca.gov/dgs/telework/calfinal.pdf>



STATE OF CALIFORNIA – GOVERNOR
EDMUND G. BROWN, JR.

LABOR AND WORKFORCE DEVELOPMENT AGENCY
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
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February 10, 2016

Proposal to Adopt as Precedent the Board's Previously Issued Decision
in Case No. AO-379222 Concerning the Issue of Impact of Application of
Employer's Attendance Points System on Appeals Board's Determination of
Whether there was Misconduct under Unemployment Insurance Code, section
1256

By decision issued on February 8, 2016, in Case No. AO-379222, copy enclosed, the Appeals Board addressed the benefit disqualification under section 1256 of the Unemployment Insurance Code, of a claimant who was discharged based on the employer's application of its attendance points system to her history of attendance transgressions. The decision holds that even if a claimant is discharged based solely on an accumulation of points under an attendance policy, the Appeals Board will focus on the issue of whether the final attendance deficiency that proximately caused the discharge was misconduct within the meaning of the unemployment insurance law.

The California Unemployment Insurance Code, section 409 provides, in pertinent part:

The appeals board, acting as a whole, may designate certain of its decisions as precedents. Precedent decisions of the appeals board are subject to Section 11425.60 of the Government Code. The appeals board, acting as a whole, may, on its own motion, reconsider a previously issued decision solely to determine whether or not the decision shall be designated as a precedent decision. Decisions of the appeals board acting as a whole shall be by a majority vote of its members. The director [of the Employment Development Department] and the appeals board administrative law judges shall be controlled by those precedents except as modified by judicial review. If the appeals board issues decisions other than those designated as precedent decisions, anything incorporated in those decisions shall be physically attached to and be made a part of the decisions. The appeals board may make a reasonable charge as it deems necessary to defray the costs of publication and distribution of its precedent decisions and index of precedent decisions.

Government code section 11425.60 governs criteria for designating decision as a precedent and provides, in pertinent part:

An agency may designate a decision or part of a decision that contains a significant or policy determination of general application that is likely to recur. (Gov. Code, § 11425.60, subd. (b).)

CUIAB regulations go further in setting out the criteria we must apply in determining whether a case is an appropriate vehicle for a precedent decision:

§ 5109. Precedent Decision.

(a) A majority of the board acting as a whole may designate all or part of a decision as a precedent decision if it contains a significant legal or policy determination of general application that is likely to recur.

(b) A legal or policy determination is significant if it establishes a new rule of law or policy, resolves an unsettled area of law, or overrules, modifies, refines, clarifies, or explains a prior precedent decision.

(c) A legal or policy determination is of general application if the facts are sufficiently common to give guidance to future cases, clearly illuminate the legal or policy determination, and are significant to the parties, the public, the taxpayers, or the operation of the department or the agency.

(d) A legal or policy determination is likely to recur if it is of continuing public interest because of the frequency or the ongoing likelihood of occurrence.

(e) A precedent decision shall be clearly identified as such and published in such a manner as to make it available for public use. Information identifying any party, except the party's name, shall be removed prior to publication.

(f) The agency shall maintain an index of significant legal and policy determinations made in precedent decisions, in accordance with the requirements of Government Code section 11425.60.

(Cal. Code. Regs, tit. 22, § 5109.)

*The Board will consider whether the above-referenced decision meets the criteria set forth in the California Unemployment Insurance Code and section 5109 of title 22, California Code of Regulations for a precedent decision. The matter will be presented to the Board at its upcoming meeting **on February 24, 2016**. Interested parties may submit public comment at the board meeting and/or submit written comments regarding the advisability of the Board's adopting this case as a precedent decision. Written comments are requested to be received by the Appeals Board no later than **5 p.m. on February 19, 2016**. Those comments should be entitled, "Comments on Case No. AO-379222 Being Designated a Board Precedent" and mailed to Elise S. Rose, Chief Administrative Law Judge, Appellate Operations, California Unemployment Insurance Appeals Board, 2400 Venture Oaks Way, Suite 310, Sacramento, CA 95833*

or faxed to Elise S. Rose, Chief, Appellate Operations, California Unemployment Insurance Appeals Board at 916-263-6837. Any written comments by the parties to this case should include a certification that you have mailed a copy of your comments to each of the other addressees on the following list of entities that have participated in this particular case.

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CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD
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DEJANAY T WASHINGTON
Claimant-Appellant

THE TACHI PALACE HOTEL
c/o EQUIFAX WORKFORCE SOLUTIONS
Account No.:
Employer

Case No.: **AO-379222 REMAND**

OA Decision No.: 5539540

EDD: 1210 BYB: 06/21/2015

DECISION

Attached is the Appeals Board decision in the above-captioned case issued by Board
Panel members:

MICHAEL ALLEN

ROBERT DRESSER

ELLEN CORBETT

This is the final decision by the Appeals Board. The Appeals Board has no authority to
reconsider this decision. If you disagree with the decision, please refer to the information
attachment which outlines your rights.

Date Mailed: 2/8/2016

Case No.: AO-379222
Claimant: DEJANAY T WASHINGTON

REM

The claimant appealed from the decision of the administrative law judge that held the claimant disqualified for benefits under section 1256 of the Unemployment Insurance Code.¹ The employer's reserve account was relieved of benefit charges.

ISSUE STATEMENT

The issues before us are as follows: Was the claimant discharged for misconduct connected with her most recent work within the meaning of code section 1256 and should the employer's reserve account be relieved of benefit charges pursuant to code sections 1030 and 1032? What is the effect of an employer's "no fault" attendance policy upon the adjudication of the unemployment insurance claim of a claimant who was discharged for exceeding the maximum points allowed under that policy?

FINDINGS OF FACT

Prior to filing her claim for unemployment insurance benefits, the claimant was last employed by the subject employer as a gift shop clerk earning \$9.38 per hour. The claimant had been so employed for approximately one year and eight months when she was discharged on June 23, 2015.

The claimant was discharged because her late arrival at work on June 23, 2015 caused the claimant to incur a five point penalty under the employer's "No Fault Attendance System" and thereby exceed the ceiling of ten points allowable under that system within a twelve month span. Pursuant to that system, an employee who receives ten attendance points in any twelve month period is separated from employment. That system was instituted in December, 2014 and the claimant concedes that she was aware of the terms of the system.

Under the employer's attendance point system, a failure to notify the employer by two hours into an employee's scheduled work shift that the employee would be late or absent for that shift is considered an instance of "no-call, no-show" and results in a five point penalty. That penalty was imposed on the claimant because the claimant on June 23, 2015 arrived at work at 8:08 a.m. for a work shift that

¹ Unless otherwise specified, all code references are to the Unemployment Insurance Code.

was scheduled to start at 6:00 a.m. without providing the employer with any advance notice that the claimant would be tardy. The employer's attendance system requires an employee who will be unable to arrive at work as scheduled to notify the employer of that fact at least two hours before that scheduled start time. The record does not reflect whether the employer, before discharging the claimant, inquired of her as to the reason for her tardiness on June 23, 2015 and the reason for her failure to promptly notify the employer in advance that she would be tardy.

When the claimant on June 30, 2015 opened her claim for unemployment insurance benefits, the claimant gave the Employment Development Department (EDD) the following explanation for her separation from employment: "I was 2 hours late due to personal reasons[.] I wasn't able to make it to work on time [.] I been homeless for a month [.] I barely got a place[.]"

A representative of EDD interviewed the claimant on July 15, 2015 concerning the claimant's benefit claim. That representative's record of that interview indicates that the claimant attributed her tardiness on June 23, 2015 to a "personal problem" that the claimant did "not wish to disclose." Both the record of that interview and the documentation of the claimant's June 30, 2015 description of the reason for her separation from employment were in the case file prior to the hearing and were admitted into evidence during the hearing on August 26, 2015.

At the hearing, the claimant conceded both that she arrived at work at 8:08 a.m. on June 23, 2015 and that she failed to notify the employer prior to that late arrival that she would be tardy that morning. During the hearing, the claimant did not offer any explanation for either that tardiness or her failure to provide the employer with advance notice that she would be tardy. The administrative law judge did not ask the claimant for any explanation concerning those two matters.

The employer is a hotel and casino that operates 24 hours per day. The gift shop clerk who was on duty prior to 6:00 a.m. on June 23, 2015 was scheduled to be relieved of duty by the claimant when the claimant reported for her work shift at 6:00 a.m. Due to the claimant's tardiness, that gift shop clerk remained at his work station until the claimant arrived at 8:08 a.m. The claimant's manager was unaware of the claimant's tardiness on June 23, 2015 until that manager observed the other gift shop clerk preparing to finally leave the work premises subsequent to the claimant's late arrival.

The claimant admits that prior to June 23, 2015 she had been warned about her attendance. The claimant also admits that she had incurred six attendance points before June 23, 2015. The employer contends that the claimant left work early on

April 7, 2015 and April 16, 2015, was tardy on April 4, 2015 as well as April 9, 2015, was absent on January 30, 2015, February 12, 2015, and March 10, 2015, and issued a final written warning on April 18, 2015 due to her attendance deficiencies. No further details concerning those incidents prior to June 23, 2015 were offered by the parties or elicited by the administrative law judge during the hearing. On one occasion the employer ultimately agreed to delete an attendance point that had been charged to the claimant because the employer conceded that the claimant had not been afforded an adequate break between assigned work shifts.

The employer's "No Fault Attendance System" essentially requires an employee to obtain advance approval for taking time off from work. Unapproved absences from work result in the employee being assessed attendance points, except in limited circumstances. The employer's attendance system does not assess points for absences due to a documented on-the-job injury, pre-approved scheduled time off, jury duty, bereavement leave, approved personal leave and approved military leave. The employer reserves the right to review each attendance infraction on a case-by-case basis, but otherwise the fact that an employee may have had good cause for any instance of tardiness, absence, early departure from work, or failure to provide the required advance notice is not necessarily relevant to the assessment of points under the employer's system.

The number of points assessed under the employer's attendance system for each incident of tardiness depends upon the extent of the tardiness and the timing of the employee's notification, if any. Thus, a late arrival within two hours of the start time results in a one-half point penalty, whereas a late arrival of more than two hours past the start time with notice to the employer results in a one point penalty. The employer's system also specifies the range of points to be assessed in a number of other attendance scenarios.

REASONS FOR DECISION

Many employers have adopted strict liability or "no fault" attendance policies similar to the system instituted by the employer in this case. Under these policies, the reason for the attendance infraction that generates the penalty point or points is often irrelevant and employers frequently impose points for absences, incidents of tardiness, or early departures that are for good cause. The Appeals Board has thus far not issued a decision that specifically addresses the relevance of such a "no fault" attendance policy to the adjudication of the unemployment insurance benefit claim of a claimant who was discharged for exceeding the maximum points allowed under the policy. Our review of this case has convinced us to remedy that omission.

The Elements of Claimant Fault, Employer Injury, and Proximate Cause in
Unemployment Insurance Law

An individual is disqualified for unemployment benefits if he or she has been discharged for misconduct connected with his or her most recent work. (Unemployment Insurance Code, section 1256.)

The employer's reserve account may be relieved of benefit charges if the claimant was discharged for misconduct. (Unemployment Insurance Code, sections 1030 and 1032.)

Code section 100 affirms that the unemployment insurance program has been established to provide benefits to persons "unemployed through no fault of their own." "Accordingly, fault is the basic element to be considered in applying the code sections on unemployment compensation." (*Rowe v. Hansen* (1974) 41 Cal. App. 3d 512 at p. 521.) Thus, disqualification under code section 1256 generally requires a showing of fault on the part of the claimant.

The type of fault that constitutes misconduct for purposes of code section 1256 was defined in Precedent Decision P-B-3. Precedent Decision P-B-3, citing *Maywood Glass Co. v. Stewart* (1959) 170 Cal. App. 2d 719, described misconduct as being a substantial breach by the claimant of an important duty or obligation owed the employer that is willful or wanton in character and tends to injure the employer. The same decision established that mere inefficiency, unsatisfactory conduct, poor performance as a result of inability or incapacity, isolated instances of ordinary negligence or inadvertence, or good faith errors in judgment or discretion do not represent misconduct.

In *Amador v. California Unemployment Insurance Appeals Board* (1984) 35 Cal. 3d 671, the California Supreme Court confirmed that an employee who establishes good cause for failing to comply with a reasonable employer rule or directive has only made a good faith error in judgment that does not amount to misconduct. In *Paratransit v. Unemployment Insurance Appeals Board* (2014) 59 Cal. 4th 551, the California Supreme Court held that a claimant who was discharged for refusing to comply with a reasonable employer directive had good cause for that refusal and was therefore discharged for reasons other than misconduct. The claimant's refusal was attributed to a reasonable and good faith error in judgment rather than behavior that was sufficiently culpable to embody misconduct. In so holding, the Court observed that "one cannot determine whether an employee's action is misconduct within the humanitarian purpose of the unemployment compensation statutes without judging the reasonableness of his act from his standpoint in light of the circumstances facing him and the knowledge possessed by him at the time." (*Ibid.* at p. 559.)

Significantly, in *Paratransit, supra*, 59 Cal 4th at p. 564, the Court also declared that “a single act of disobedience without prior reprimands or warnings generally is not misconduct unless the act is substantially detrimental to the employer’s interest.” We believe it can be safely posited that in referring to “prior reprimands or warnings” the Court intended to reference only those prior reprimands or warnings that were justified.

On the question of what actions will injure or tend to injure an employer’s interest, much less be “substantially detrimental” to that interest, limited guidance exists and the answer will depend upon an analysis of the facts presented. Yet it is clear that such analysis need not be limited to economic or easily quantifiable factors and may include the intangible injury to an employer’s authority that results when that authority is openly defied. In *Rowe, supra*, 41 Cal. App. 3d 512 the claimant was discharged for refusing to obey a supervisor’s order to go home following the claimant’s failure to comply with a reasonable rule. The claimant had previously received numerous warnings concerning a wide variety of rule violations. The claimant’s refusal to comply with the supervisor’s directive was held to represent misconduct. The claimant’s conduct was characterized as manifesting “a persistent and enduring intractability.” (*Ibid.* at p.522) Although the record was devoid of evidence that the claimant’s recalcitrance had harmed the employer’s economic interests, created an obvious disturbance in the workplace, or resulted in a loss of business, the claimant’s contention that the employer had not been harmed by the claimant’s insubordination was rejected: “However, such harm as [claimant] contends must be shown cannot reasonably be limited to immediate and direct economic consequences. When the authority of those in whom the employer has confided responsibility for the day-to-day operation of the business is flouted, the interests of the employer suffer.” (*Ibid.* at p. 523)

In addition to the principles set forth in the above-cited authorities, two other fundamental precepts have been established in the unemployment insurance law with regard to cases involving a claimant who was discharged from his or her most recent employment. First, it is the employer’s burden to prove that the claimant was discharged for reasons that constitute misconduct. (*Prescod v. California Unemployment Insurance Appeals Board* (1976) 57 Cal. App. 3d 29.) Second, a direct and proximate relationship must be established by the employer between the specific acts of misconduct and the discharge. (Precedent Decision P-B-192.)

In Precedent Decision P-B-192, the Appeals Board explained the requirement that an employer show a “direct and proximate relationship” between acts that comprise misconduct and the discharge itself. In that case, a claimant whose only acts of misconduct had occurred approximately one year before his discharge and who was discharged merely because his coworkers did not like

him was found to have been discharged for reasons other than misconduct. It is thus an employer's obligation to show that the claimant's acts that actually triggered the employer's decision to terminate the employment relationship represented misconduct and absent such a showing the claimant will not be disqualified for benefits.

Attendance Deficiencies as Misconduct

The same requirements of proximate cause for the discharge, fault by the claimant, and harm to the employer apply in cases in which a claimant has been discharged for attendance deficiencies.

Prior precedent decisions by the Appeals Board demonstrate a consistent application of the rule that holds fault by the claimant is generally necessary in order for an attendance shortcoming to represent misconduct that will result in a disqualification for unemployment insurance benefits.² In Precedent Decision P-B-216, a claimant who was discharged for being absent from work due to illness was held to have been discharged for reasons other than misconduct. In Precedent Decision P-B-213, a claimant who was discharged due to a two-day absence from work without notice to the employer was held to have been discharged for reasons other than misconduct on the ground that the claimant's preoccupation with the serious illness of her hospitalized child during that time period supplied the claimant with good cause for those attendance derelictions.

By comparison, recurring and unjustified tardiness that persisted after at least one warning and reflected an intentional disregard for the employer's interest was held to constitute misconduct in *Drysdale v. Department of Human Services Development* (1978) 77 Cal. App. 3d 345 and Precedent Decision P-B-143. The claimant in Precedent Decision P-B-143 received one warning about tardiness prior to the final incident of tardiness that caused the discharge, and the claimant in *Drysdale (Ibid.)* received at least two reprimands about tardiness prior to the final incident of tardiness that caused the discharge. In Precedent Decision P-B-215, an unjustified failure to comply with a reasonable employer rule requiring advance notice of an absence was held to represent misconduct despite the fact that good cause existed for the absence itself.

² The role of the Appeals Board is limited to deciding whether a claimant was discharged for reasons that disqualify the claimant for unemployment insurance benefits and entitle the employer's reserve account to relief from benefit charges. It is not the function of the Appeals Board to decide whether the discharge was lawful or appropriate. The mere fact that an employer might have had understandable business reasons for terminating the claimant's employment does not necessarily warrant the conclusion that the claimant was discharged for reasons that constitute misconduct connected with the work.

California Code of Regulations, title 22, section 1256-31 provides, in pertinent part:

...(c) Unexcused Absences. Except for an isolated instance of a short period of unexcused absence for the first time due to an employee's good faith error in judgment, and except as provided in subdivision (d) of this section, an employee who is discharged by the employer due to the employee's absence from work without prior approval of the employer is discharged for misconduct if any of the following conditions exists:

(1) The employee did not have a real, substantial, and compelling reason for, and continuing during the period of, the absence from work of such nature that a reasonable person genuinely desirous of retaining employment would have been absent from work, and the employer has not condoned the employee's absence by failing to warn or reprimand the employee if prior similar unexcused absences from work have occurred.

(2) The employee has not, personally if reasonably possible or by a reliable agent and with reasonable promptness under the circumstances, notified the employer of the employee's absence from work and the reasons for the absence, where notice to the employer is reasonably feasible, and there is no real, substantial, and compelling reason to excuse the failure to give such notice.

This regulation, enacted in 1980 under code section 1256, further endorses the principle that fault on the part of the claimant is an important component for finding that a discharge based on attendance deficiencies is a discharge for misconduct. In other words, if a claimant can establish good cause for an absence, incident of tardiness, or other attendance shortcoming, that attendance deficiency will not represent misconduct.

While the above-described authorities focused on the question of the claimant's fault for the attendance deficiency involved, the impact of that attendance infraction on the employer's interest is an additional element that must be considered. Even a claimant who is at fault for the attendance deficiency that caused the discharge might be held to have been discharged for reasons other than misconduct if that deficiency does not tend to injure the employer. In Precedent Decision P-B-186, an incident of unjustified tardiness consisting of only a few seconds was held not to represent misconduct on the ground that it had not been shown that such minimal tardiness had in any way interfered with the employer's operations.

As Precedent Decision P-B-186 and *Paratransit, supra*, 59 Cal. 4th 551 reveal, the effect of the claimant's attendance deficiency on the employer may be pivotal

in deciding whether the claimant should be disqualified for benefits. An attendance infraction that is so minor or inconsequential as not to be truly injurious to the employer will not represent misconduct, whereas a single attendance transgression that is sufficiently momentous as to be substantially detrimental to the employer's interest will constitute misconduct that, in itself, disqualifies the claimant for benefits. The resolution of this issue concerning the impact on the employer's interest will depend upon a careful analysis of the pertinent circumstances involved in each individual case.

Those circumstances may include, but are not limited to, the nature of the employer's business, the extent to which the claimant's attendance deficiency was disruptive of that business or damaged the employer's productivity, the responsibilities associated with the claimant's position, the extent to which the claimant's actions may have had a negative financial effect on the employer, the extent to which the claimant's attendance transgression affected the morale and productivity of other employees, the impact of the claimant's actions upon the employer's relationship with other employees, whether the claimant's attendance violation may have been reasonably perceived as defying or undermining the employer's authority, whether the claimant had been previously warned about the behavior involved, the extent to which similar attendance deficiencies may have been previously accepted or condoned in the workplace, the number of prior occasions when the claimant engaged in similar behavior, and the extent to which the claimant's actions were either harmful to the employer's relationship with customers and clients or damaging to the employer's reputation.

The "No Fault" Attendance Points Policy

As we have noted, misconduct was defined in Precedent Decision P-B-3 as consisting of a substantial breach by the claimant of an important duty or obligation owed the employer that is willful or wanton in character and tends to injure the employer. In this case, the important duties involved are the employee's duty to render punctual attendance at work as scheduled by the employer and the employee's duty to promptly provide advance notice to the employer if the claimant will not be in attendance at work as required.

In recent years, many employers have chosen to codify such attendance duties in policies or systems similar to that instituted by the employer in this case. These policies typically provide that an employee will be assessed points for each instance of absence or tardiness regardless of the reason for that attendance incident. While such "no fault" attendance policies or systems may serve legitimate employer business objectives, the power of employers to

enforce these policies has been limited by the Labor Code.³ More importantly, such policies do not limit or control this agency's decision as to whether the facts surrounding a claimant's discharge warrant the claimant's disqualification for benefits.

The decision as to whether a claimant's attendance policy violation represents misconduct under code section 1256 must hinge upon the facts of the case rather than the points and consequences allocated to those facts by the attendance policy formulated by the employer. That decision will chiefly depend upon the claimant's fault for the violation and there is no justification for basing that decision on a "no fault" policy that largely excludes the claimant's fault as a factor to be considered. Many employers have implemented extensive attendance policies that impose penalties for a wide variety of attendance infractions, but those policies should never be permitted to deter or distract this agency from our duty to ascertain all the pertinent facts and then apply the existing unemployment insurance law to those facts. That responsibility requires us to proactively develop a comprehensive evidentiary record with regard to all the relevant facts rather than merely passively accept a point tally offered by an employer.

In a case in which a discharge is based upon an excess accumulation of attendance points under an employer's "no fault" attendance policy, pursuant to the principles set forth in Precedent Decision P-B-192 we must first examine the final attendance incident that proximately caused the employer's decision to discharge the claimant. It is the employer's burden to prove that the final attendance incident represented a breach by the claimant of an important duty owed to the employer and that such incident injured or tended to injure the employer. If the employer fails to satisfy its burden of proof on each of these necessary elements, the claimant will have been discharged for a reason other than misconduct. If the employer satisfies its burden of proof on these elements, it is then the claimant's burden to prove that good cause existed for that final

³ The following represents a general overview of various Labor Code provisions that relate to an employee taking time off from work for the purpose of attending to important personal matters: Labor Code section 230 prohibits employers from discharging, discriminating against, or retaliating against an employee for taking time off from work to serve on a jury or seek relief from domestic violence, sexual assault, or stalking; Labor Code section 230.2 prohibits employers from discharging or discriminating against an employee for taking time off from work in order to attend judicial proceedings related to that employee or an immediate family member of that employee being a victim of a crime; Labor Code section 230.8 prohibits employers with 25 or more employees at the same location from discharging or discriminating against an employee for taking limited time off from work to participate in activities at the school or child care provider of the employee's child; Labor Code sections 233 and 246.5 prohibit employers from discharging, demoting, suspending or in any manner discriminating against an employee for using accrued sick days for the diagnosis, care, or treatment of an existing health condition of, or preventive care for, the employee or the employee's family member.

attendance deficiency and that the claimant was thus without fault for that incident. If the claimant shows good cause for that final attendance incident, then the claimant will have been discharged for a reason other than misconduct and the claimant will not be disqualified for benefits under code section 1256.

If the claimant was at fault for that final attendance breach of duty and that attendance deficiency tended to injure the employer, pursuant to the principles set forth in *Paratransit, supra*, 59 Cal. 4th 551 that single breach of duty will disqualify the claimant for benefits if (1) that final attendance deficiency was so consequential as to be substantially detrimental to the employer's interest or (2) the claimant had received at least one prior, justified reprimand or warning concerning a similar attendance deficiency. A warning for a prior attendance deficiency would not be justified if good cause was established for that deficiency. Given the nature of attendance policy infractions and the holding in Precedent Decision P-B-143, we have concluded that, in cases concerning discharges for attendance policy violations, the prior reprimand or warning referenced in *Paratransit (Ibid.)* must concern an attendance deficiency similar to the attendance deficiency that prompted the discharge.

Insufficiency of the Record

The record developed in this matter is inadequate to support a proper decision on the issue of whether the claimant was discharged for reasons that constitute misconduct within the meaning of code section 1256. The record is insufficient to ascertain all the relevant facts concerning the June 23, 2015 incident that prompted the claimant's discharge.

California Code of Regulations, title 22, section 5062(m), provides, in pertinent part, that the taking of evidence in a hearing shall be controlled by the administrative law judge in a manner best suited to ascertain the facts and safeguard the rights of the parties.

A fundamental requisite of due process of law is the opportunity to be heard. At a minimum, this requires that a party have timely and adequate notice of the proposed action and the issues to be discussed at the hearing, as well as an effective opportunity to present one's own evidence, confront or cross-examine adverse witnesses and make final arguments. (*Goldberg v. Kelly* (1970) 397 U.S. 254.) "The opportunity to be heard must be tailored to the capacities and circumstances of those who are to be heard." (*Ibid.* at p.268.)

In order to provide due process in "no fault" attendance policy cases, it is the responsibility of the administrative law judges of this agency to first ascertain all of the relevant facts concerning the final incident that proximately caused the

claimant's discharge. Inasmuch as the claimant's admitted June 23, 2015 tardiness and admitted failure to provide advance notice to the employer proximately caused her discharge, it was the responsibility of the administrative law judge hearing the appeal to develop a comprehensive evidentiary record as to the reasons for that tardiness, the reasons for the claimant's failure to provide the employer with the required advance notice of that tardiness, and the impact of that incident on the employer. Unfortunately, an adequate record concerning these matters was not developed at the hearing. In this regard, it is noteworthy that information in the documentary record of the case that was compiled before the hearing and admitted into evidence during the hearing indicated that the June 23, 2015 incident of tardiness might have been attributable to the claimant becoming homeless.

The existing record is inadequate to support a decision as to whether the claimant had good cause for both her failure to arrive at work on time on June 23, 2015 and her failure to promptly provide advance notice to the employer that she would be late on that day. Given the proximity in time of those failures, they will be treated as a single incident notwithstanding the fact that they involve separate duties. The record is also less than adequate concerning the effect on the employer of those failures by the claimant. A further hearing is therefore necessary on this case. At such hearing, it will be the claimant's burden to establish good cause for both that tardiness and lack of notice, whereas it will be the employer's burden to establish both that those actions by the claimant tended to injure the employer and the extent of any such harm to the employer's interest.

If the claimant is successful in establishing good cause for both that tardiness and the failure to promptly provide advance notice of that tardiness to the employer, then the claimant would be without fault for those shortcomings and the claimant must be held to have been discharged for reasons other than misconduct. If the effect of those infractions on the employer was so inconsequential as not to be truly injurious to the employer, then the claimant must also be held to have been discharged for reasons other than misconduct regardless of whether the claimant was at fault for those lapses.

If the claimant is unable to establish good cause for both her June 23, 2015 tardiness as well as her failure to promptly provide the employer with advance notice of that tardiness and it is also established that those actions tended to injure the employer, then such transgression would represent a single incident of the claimant breaching an important duty that she owed the employer. Pursuant to the analysis required by *Paratransit, supra*, 59 Cal. 4th 551, that single incident would not constitute misconduct under code section 1256 unless it was either (1) substantially detrimental to the employer's interest or (2) preceded by at least one justified reprimand or warning concerning a similar attendance deficiency.

Accordingly, in addition to ascertaining whether good cause existed for both the claimant's tardiness on June 23, 2015 and the claimant's failure to promptly provide the employer with advance notice of that tardiness, the administrative law judge assigned to conduct the next hearing on this matter should also develop a comprehensive evidentiary record as to both (1) the impact of the claimant's June 23, 2015 actions on the employer's interest and (2) the relevant facts concerning the claimant's prior attendance deficiencies and the reprimand(s) or warning(s) that she received concerning those prior attendance deficiencies. With regard to the claimant's attendance deficiencies prior to June 23, 2015, it will be the employer's burden to prove the claimant received a warning for an attendance deficiency similar to the incident on June 23, 2015, that warning was due to a breach by the claimant of an important duty owed the employer, and that breach injured or tended to injure the employer. It will be the claimant's burden to prove that good cause existed for any such breach of duty prior to June 23, 2015.

For the reasons described above, this case will be remanded for a further hearing and the issuance of a new decision.

DECISION

The decision of the administrative law judge is set aside. The case is remanded to another administrative law judge for a further hearing and a new decision on the merits. The hearing audio recording, exhibits, and other documents previously produced in the course of these proceedings shall remain a part of the record.