

## WORKLOAD NARRATIVE

### FIELD OPERATIONS

#### August 2015

**Workload:** In August, the number of new cases for all programs was 20,095. This was the lowest number since May and below the average for the year. Dispositions in August [19,088] were 9% fewer than average for the year and were below 20,000 for the first time since last November. Several factors led to the lower production, primarily the high number of judges on leave and a large influx of reasonable assurance cases that reduced the split rate over the past two months. The open balance [26,422] is 3% above average levels for 2015.

**UI.** In August, the number of new UI cases [18,448 cases; 11,179 appellants] was 2% below the average so far this year, even though reasonable assurance cases represented approximately 9% of the new cases for the second straight month. As most schools have re-opened for the fall semester, the volume of new appeals under code section 1253.3 should quickly dissipate. Closed cases [17,767 cases; 10,767 appellants] were the fewest since November for the reasons cited above. The open balance [16,198 cases; 9,816 appellants] rose slightly above the average for the year.

**DI.** In August, verifications of disability cases [1,158] were 6% above the average for the year, but relatively consistent with the intake for the past three months. Dispositions [1,052] were 6% below the average for 2015, which caused the open inventory to rise to 1,639.

**Tax, Rulings, Other.** New tax petitions in August [235] were the fewest in three months but still 7% greater than the yearly average. With the last official tax judge no longer on calendar, dispositions [93] fell sharply. The open inventory [4,112] is over 4,000 for the first time in three years, although that total is just 4% greater than the average for the year. Verifications of new ruling cases [245] were 7% below the average for 2015, but dispositions [165] were 39% below the norm. The inventory of ruling cases [4,453] is 2% greater than the average this year.

**Case Aging and Time Lapse.** This was the sixth consecutive month in which all timeliness measures far exceeded DOL requirements. Average case age was 23.4 days; 30-day time lapse was at 70.8%, and 45-day time lapse was at 90.0%.

**Cycle Time.** The cycle time for time lapse cases [34 days] was up slightly. The time to process extension appeals [43 days] continued to fall. For disability cases [61 days], the cycle time also fell last month.

**ALL PROGRAM CY TRENDS - FO**

**NEW OPENED CASES**

CY	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	35,262	32,109	38,944	35,539	36,576	34,012	33,820	39,560	35,059	38,330	32,377	27,469	419,057	<b>34,921</b>		
2013	35,188	32,990	35,462	34,280	35,060	30,208	31,649	31,789	26,509	29,993	24,703	26,488	374,319	<b>31,193</b>	89%	-3,728
2014	30,651	25,592	27,945	32,463	28,565	26,278	26,130	23,655	23,363	22,861	17,201	21,439	306,143	<b>25,512</b>	82%	-5,681
2015	18,740	17,502	21,282	23,417	19,659	21,153	21,735	20,095					163,583	<b>20,448</b>	80%	-5,064
Multi	2		7		22		47		6				2014	80%	74%	
													2013	66%	61%	
													2012	59%	57%	
														chg 2015 avg	chg 2015 YTD	

All Programs registrations Aug to date are down 26% from 2014, down 39% from 2013, and down 43% from 2012  
 All Programs registrations monthly average is down 20% from 2014, down 34% from 2013, and down 41% from 2012

**CLOSED CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	35,665	39,521	46,692	30,554	36,743	33,437	32,226	37,179	31,752	41,106	34,450	33,674	432,999	<b>36,083</b>		
2013	34,777	34,753	39,525	30,992	31,139	27,467	37,227	35,005	31,214	29,718	25,437	24,098	381,352	<b>31,779</b>	88%	-4,304
2014	27,304	26,789	28,051	28,143	28,600	26,672	27,086	25,897	22,225	25,206	18,498	20,377	304,848	<b>25,404</b>	80%	-6,375
2015	20,925	22,273	22,494	21,249	20,206	20,759	21,282	19,088					168,276	<b>21,035</b>	83%	-4,370
Multi	1/4												2014	83%	77%	
													2013	66%	62%	
													2012	58%	58%	
														chg 2015 avg	chg 2015 YTD	

All Programs dispositions Aug to date are down 23% from 2014, down 38% from 2013, and down 42% from 2012  
 All Programs dispositions average is down 17% from 2014, down 34% from 2013, and down 42% from 2012

**BALANCE OPEN CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOTAL	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	55,113	47,540	39,388	44,228	43,982	44,458	45,980	48,183	51,402	48,515	46,318	40,048		<b>46,263</b>		
2013	40,368	38,419	34,291	37,401	41,214	43,875	38,202	34,844	30,062	30,217	29,380	31,701		<b>35,831</b>	77%	-10,432
2014	34,463	33,209	33,026	37,269	37,183	36,725	35,656	33,331	34,401	31,980	30,632	31,633		<b>34,126</b>	95%	-1,706
2015	29,381	24,557	23,290	25,400	24,815	25,127	25,470	26,422						<b>25,558</b>	75%	-8,568
Multi	7		7		25		69		64				2014	75%	73%	
													2013	71%	66%	
													2012	55%	55%	
														chg 2015 avg	chg 2015 YTD	

All Programs balance Aug to date is down 27% from 2014, down 34% from 2013, and down 45% from 2012  
 All Programs balance monthly average is down 25% from 2014, down 29% from 2013, and down 45% from 2012

**UI CY 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**

CY	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg		
2012	33,339	30,233	36,391	33,590	34,531	31,871	32,132	37,791	33,363	36,746	31,266	26,393	397,646	<b>33,137</b>				
2013	33,691	31,654	33,967	32,876	33,258	28,418	29,941	30,154	24,997	28,576	23,320	25,020	355,872	<b>29,656</b>	89%	-3,481		
2014	29,259	24,091	26,279	30,284	26,654	24,702	24,330	22,177	21,805	21,462	16,062	19,991	287,096	<b>23,925</b>	81%	-5,731		
2015	17,415	16,163	19,647	21,674	18,055	19,418	20,036	18,448					150,856	<b>18,857</b>	79%	-5,068		
Multi:													22	47	6			
UI registrations Aug to date are down 27% from 2014, down 41% from 2013, and down 44% from 2012																		
UI registrations monthly average is down 21% from 2014, down 36% from 2013, and down 43% from 2012																		

**CLOSED CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2012	33,604	37,167	44,615	28,383	34,802	31,915	30,672	35,346	30,299	38,963	32,844	32,269	410,879	<b>34,240</b>			
2013	33,153	33,375	37,440	29,390	29,752	26,058	35,658	33,322	29,065	27,591	24,375	22,868	362,047	<b>30,171</b>	88%	-4,069	
2014	26,057	25,250	26,573	26,957	27,140	25,221	25,688	24,541	20,520	23,658	17,228	18,900	287,733	<b>23,978</b>	79%	-6,193	
2015	19,584	20,754	20,060	19,749	18,729	19,303	19,666	17,767					155,612	<b>19,452</b>	81%	-4,526	
Multi:													1/4				
UI dispositions Aug to date are down 25% from 2014, down 40% from 2013, and down 44% from 2012																	
UI dispositions monthly average is down 19% from 2014, down 36% from 2013, and down 43% from 2012																	

**BALANCE OPEN CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg			
2012	45,315	38,225	29,603	34,674	34,327	34,188	35,578	37,843	40,820	38,495	36,792	30,853		<b>36,393</b>					
2013	31,303	29,396	25,859	29,169	32,572	34,851	29,038	25,729	21,580	22,445	21,288	23,364		<b>27,216</b>	75%	-9,177			
2014	25,994	24,779	24,421	27,670	27,131	26,548	25,113	22,670	23,888	21,619	20,404	21,447		<b>24,307</b>	89%	-2,909			
2015	19,211	14,570	14,111	15,981	15,268	15,304	15,571	16,198						<b>15,777</b>	65%	-8,530			
Multi:													7	7	25	69	64		
UI balance Aug to date is down 38% from 2014, down 47% from 2013, and down 56% from 2012																			
UI balance monthly average is down 35% from 2014, down 42% from 2013, and down 57% from 2012																			

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

**NEW OPENED CASES**

CY	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr.-Yr AvgChg
2012	1,395	1,490	1,611	1,256	1,362	1,382	1,206	1,122	1,233	1,069	845	754	14,725	<b>1,227</b>		
2013	982	811	995	971	970	884	1,043	991	1,046	1,086	941	945	11,665	<b>972</b>	79%	-255
2014	1,004	958	979	1,158	1,088	1,131	1,352	1,027	1,113	1,102	815	1,062	12,789	<b>1,066</b>	110%	94
2015	1,104	990	1,035	1,085	1,019	1,141	1,205	1,158					8,737	<b>1,092</b>	102%	26
													2014	102%	100%	
													2013	112%	114%	
													2012	89%	81%	
													chg 2015 avg	chg 2015 YTD		

DI registrations Aug to date are even with 2014, up 14% from 2013, and down 19% from 2012  
DI registrations monthly average is up 2% from 2014, up 12% from 2013, and down 11% from 2012

**CLOSED CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr.-Yr AvgChg
2012	1,334	1,547	1,456	1,424	1,460	1,140	1,079	1,220	999	1,452	938	1,039	15,088	<b>1,257</b>		
2013	1,083	906	1,186	734	758	860	1,026	1,098	1,223	1,298	749	822	11,743	<b>979</b>	78%	-279
2014	835	891	958	927	1,047	1,038	1,024	1,101	1,241	1,165	965	1,073	12,265	<b>1,022</b>	104%	44
2015	1,144	1,230	1,376	1,045	939	978	1,149	1,052					8,913	<b>1,114</b>	109%	92
													2014	109%	114%	
													2013	114%	116%	
													2012	89%	84%	
													chg 2015 avg	chg 2015 YTD		

DI dispositions Aug to date are up 14% from 2014, up 16% from 2013, and down 16% from 2012  
DI dispositions monthly average is up 9% from 2014, up 14% from 2013, and down 11% from 2012

**BALANCE OPEN CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg.	% Chg of Avg	Yr.-Yr AvgChg	
2012	1,815	1,757	1,905	1,734	1,636	1,877	2,005	1,906	2,139	1,755	1,663	1,379	<b>1,798</b>			
2013	1,277	1,182	991	1,227	1,437	1,462	1,481	1,374	1,198	986	1,177	1,300	<b>1,258</b>	70%	-540	
2014	1,469	1,536	1,557	1,788	1,830	1,922	2,250	2,176	2,048	1,984	1,834	1,823	<b>1,851</b>	147%	594	
2015	1,782	1,542	1,198	1,237	1,318	1,480	1,534	1,639					<b>1,466</b>	79%	-385	
													2014	79%	81%	
													2013	117%	112%	
													2012	82%	80%	
													chg 2015 avg	chg 2015 YTD		

DI balance Aug to date is down 19% from 2014, up 12% from 2013, and down 20% from 2012  
DI balance monthly average is down 21% from 2014, up 17% from 2013, and down 18% from 2012

**TAX CY TRENDS - FO**  
Program Codes 15, 17, 18, 32, 46, 47, 48

**NEW OPENED CASES**

CY	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	346	141	196	117	78	335	253	229	254	200	215	214	2,578	215		
2013	223	245	299	199	243	321	233	264	247	242	307	411	3,234	270	125%	55
2014	232	320	285	230	222	217	217	234	255	178	253	253	2,896	241	90%	-28
2015	124	197	271	194	189	300	247	235					1,757	220	91%	-22
													2014	91%	90%	
													2013	81%	87%	
													2012	102%	104%	
														chg 2015 avg	chg 2015 YTD	

Tax registrations Aug to date are down 10% from 2014, down 13% from 2013, and up 4% from 2012  
Tax registrations monthly average is down 9% from 2014, down 19% from 2013, and up 2% from 2012

**CLOSED CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	227	352	322	492	267	217	236	290	284	357	234	195	3,473	289		
2013	299	222	475	590	375	301	214	263	352	231	151	185	3,658	305	105%	15
2014	208	265	232	129	257	300	200	149	195	174	145	120	2,374	198	65%	-107
2015	81	150	143	212	252	272	196	93					1,399	175	88%	-23
													2014	88%	80%	
													2013	57%	51%	
													2012	60%	58%	
														chg 2015 avg	chg 2015 YTD	

Tax dispositions Aug to date are down 20% from 2014, down 49% from 2013, and down 42% from 2012  
Tax dispositions monthly average is down 12% from 2014, down 43% from 2013, and down 40% from 2012

**BALANCE OPEN CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2012	4,711	4,498	4,371	3,995	3,803	3,918	3,931	3,871	3,841	3,683	3,664	3,683	3,997			
2013	3,606	3,629	3,453	3,062	2,930	2,949	2,967	2,965	2,861	2,872	3,028	3,253	3,131	78%	-866	
2014	3,276	3,328	3,381	3,482	3,447	3,363	3,379	3,463	3,523	3,526	3,633	3,766	3,464	111%	333	
2015	3,808	3,854	3,979	3,961	3,897	3,923	3,969	4,112					3,938	114%	474	
													2014	114%	116%	
													2013	126%	123%	
													2012	99%	95%	
														chg 2015 avg	chg 2015 YTD	

Tax balance Aug to date is up 16% from 2014, up 23% from 2013, and down 5% from 2012  
Tax balance monthly average is up 14% from 2014, up 26% from 2013, and down 1% from 2012

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

**NEW OPENED CASES**

CY	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	182	245	746	576	605	424	229	418	209	315	51	108	4,108	<b>342</b>		
2013	292	280	201	234	589	585	432	380	219	89	135	112	3,548	<b>296</b>	86%	-47
2014	156	223	402	791	601	228	231	217	190	119	71	133	3,362	<b>280</b>	95%	-16
2015	97	152	329	464	396	294	247	254					2,233	<b>279</b>	100%	-1
													2014	100%	78%	
													2013	94%	75%	
													2012	82%	65%	
														chg 2015 avg	chg 2015 YTD	

Ruling/Other registrations Aug to date are down 22% from 2014, down 25% from 2013, and down 35% from 2012  
Ruling/Other registrations monthly average is even with 2014, down 6% from 2013, and down 18% from 2012

**CLOSED CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	500	455	299	255	214	165	239	323	170	334	434	171	3,559	<b>297</b>		
2013	242	250	424	278	254	248	329	322	574	598	162	223	3,904	<b>325</b>	110%	29
2014	204	383	288	130	156	113	174	106	269	209	160	284	2,476	<b>206</b>	63%	-119
2015	116	139	915	243	286	206	271	176					2,352	<b>294</b>	142%	88
													2014	142%	151%	
													2013	90%	100%	
													2012	99%	96%	
														chg 2015 avg	chg 2015 YTD	

Ruling/Other dispositions Aug to date are up 51% from 2014, even with 2013, and down 4% from 2012  
Ruling/Other dispositions monthly average is up 42% from 2014, down 10% from 2013, and down 1% from 2012

**BALANCE OPEN CASES**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg	
2012	3,272	3,060	3,509	3,825	4,216	4,475	4,466	4,563	4,602	4,582	4,199	4,133		<b>4,075</b>			
2013	4,182	4,212	3,988	3,943	4,275	4,613	4,716	4,776	4,423	3,914	3,887	3,776		<b>4,225</b>	104%	150	
2014	3,724	3,566	3,667	4,329	4,775	4,892	4,914	5,022	4,942	4,851	4,761	4,597		<b>4,503</b>	107%	278	
2015	4,580	4,591	4,002	4,221	4,332	4,420	4,396	4,473						<b>4,377</b>	97%	-126	
														2014	97%	100%	
														2013	104%	101%	
														2012	107%	112%	
															chg 2015 avg	chg 2015 YTD	

Ruling/Other balance Aug to date is even with 2014, up 1% from 2013, and up 12% from 2012  
Ruling/Other balance monthly average is down 3% from 2014, up 4% from 2013, and up 7% from 2012

AO REPORT TO BOARD -- MONTH OF AUGUST 2015

	# Cases	Calendar Yr Avg	Last Yr Avg	2011
REGISTRATIONS	1586	1426	1642	3318
DISPOSITIONS	1597	1501	1680	2994
OPEN BALANCE	1483	1870	1662	5814

CASE AGING (40days) 32.9

TIME LAPSE	
45 Days (50%)	69.00%
75 Days (80%)	95.00%
150 Days (95%)	100.00%

OTHER INFORMATION

FO to AO Transfer Rate	1.47 days
FO ALLs working in AO	1
Appeal Rate FO to AO	7.50%

**California Unemployment Insurance Appeals Board**  
**Board Appeal Summary Report**  
**Average Days in Transfer from Date Received at AO to Board Appeal Event Date**

	August, 2015		July, 2015		June, 2015		May, 2015	
	Average Days in Transfer	Case Count						
Fr	3.57	69	10.04	93	14.62	135	5.51	76
Ing	3.04	85	15.48	186	14.05	238	5.90	184
Inl	2.89	119	10.70	162	12.71	188	7.04	181
LA	3.69	85	7.26	106	14.39	185	6.95	113
Oak	3.08	36	11.85	105	14.88	119	5.38	53
OC	2.90	96	8.59	153	13.91	138	6.26	121
Ox	2.50	52	8.31	67	10.72	78	7.30	76
Pas	2.40	25	8.31	77	12.61	88	8.55	80
Sac	4.19	83	13.78	157	13.35	146	6.25	115
SD	3.09	79	9.86	122	12.47	104	10.55	97
SF	1.91	22	9.25	56	15.10	72	11.93	42
SJ	2.37	49	7.50	72	15.28	108	5.78	79
Tax			21.00	1	2.50	2	5.00	3
<b>Total</b>	3.11	800	10.70	1357	13.74	1601	7.02	1220

**APPELLATE OPERATIONS TL & Case Aging TRENDS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Avg.
Standard	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Standard	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Standard	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
<b>09/10 45-Day</b>	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%
<b>09/10 75-Day</b>	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%
<b>09/10 150-Day</b>	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%
<b>Case Aging</b>	42	45	41	39	39	39	37	38	34	35	29	26	37
<b>10/11 45-Day</b>	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%
<b>10/11 75-Day</b>	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%
<b>10/11 150-Day</b>	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%
<b>Case Aging</b>	26	28	27	27	25	28	28	33	38	38	36	34	31
<b>11/12 45-Day</b>	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%
<b>11/12 75-Day</b>	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%
<b>11/12 150-Day</b>	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%
<b>Case Aging</b>	39	45	43	47	48	44	39	38	39	37	32	30	40
<b>12/13 45-Day</b>	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%
<b>12/13 75-Day</b>	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%
<b>12/13 150-Day</b>	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%
<b>Case Aging</b>	31	38	44	48	44	49	45	45	41	41	35	29.1	41
<b>13/14 45-Day</b>	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%
<b>13/14 75-Day</b>	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%
<b>13/14 150-Day</b>	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%
<b>Case Aging</b>	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
<b>14/15 45-Day</b>	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%
<b>14/15 75-Day</b>	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%
<b>14/15 150-Day</b>	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%
<b>Case Aging</b>	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
<b>15/16 45-Day</b>	43.2%	21.1%	35.0%	40.2%	69.0%								41.7%
<b>15/16 75-Day</b>	92.4%	94.6%	88.0%	89.1%	95.3%								91.9%
<b>15/16 150-Day</b>	99.6%	99.8%	100.0%	99.4%	99.8%								99.7%
<b>Case Aging</b>	37.3	40.9	42.2	33.1	32.9								37.3



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.
<b>WORKLOAD</b>																
<b>Registrations</b>																
UI TL	1,583	1,480											1,532	97%	3,063	
DI	52	91											72	127%	143	
Ruling & T-R	0	9											5	200%	9	
Tax	6	5											6	91%	11	
Other	1	1											1	100%	2	
Total	1,642	1,586	0	0	0	0	0	0	0	0	0	0	1,614	98%	3,228	864
Multi Cases																
<b>Dispositions</b>																
UI TL	1,782	1,527											1,655	92%	3,309	
DI	80	56											68	82%	136	
Ruling & T-R	18	4											11	36%	22	
Tax	7	9											8	113%	16	
Other	1	1											1	100%	2	
Total	1,888	1,597	0	0	0	0	0	0	0	0	0	0	1,743	92%	3,485	864
Multi Case/Ch																
<b>Balance - Open Cases</b>																
UI TL	1,394	1,342											1,368	98%		
DI	77	112											95	119%		
Ruling & T-R	2	7											5	156%		
Tax	24	20											22	91%		
Other	2	2											2	100%		
Total	1,499	1,483	0	0	0	0	0	0	0	0	0	0	1,491	99%		847
Multi Cases																Estimate
<b>FO to AO Appeal Rate</b>																
UI TL	8.2%	7.5%											7.9%	96%		
DI	5.3%	7.9%											6.6%	120%		
Ruling & T-R	0.0%	3.5%											1.8%	200%		
Tax	2.2%	2.6%											2.4%	107%		
Other	6.3%	6.3%											6.3%	100%		
Overall Rate	7.9%	7.5%											7.7%	97%		







**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	Y-r-Yr AvgChg
2012	2,661	2,205	3,383	2,517	2,307	1,875	2,319	2,824	2,338	2,632	2,260	2,091	29,412	<b>2,451</b>		
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	<b>2,309</b>	94%	-142
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	<b>1,615</b>	70%	-695
2015	1,027	1,225	1,534	1,518	1,394	1,056	1,583	1,480					10,817	<b>1,352</b>	84%	-262
													2014	84%	80%	
													2013	59%	54%	
													2012	55%	54%	
														chg to '14 avg	chg to '14 YTD	

UI registrations Jan to date are down 20% from 2014, down 46% from 2013, and down 46% from 2012  
 UI registration monthly average is down 16% from 2014, down 41% from 2013, and down 45% from 2012

**DISPOSITIONS**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Y-r-Yr AvgChg
2012	2,780	2,960	3,237	2,626	2,211	1,747	2,538	2958	2582	2235	2247	2512	30,633	<b>2,553</b>		
2013	2,823	2,240	3,363	2,704	2,504	1,920	2,173	2602	2040	1787	1582	2083	27,821	<b>2,318</b>	91%	-234
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	<b>1,599</b>	69%	-720
2015	1,348	1,285	1,212	1,271	1,231	1,733	1,782	1,527					11,389	<b>1,424</b>	89%	-175
													2014	89%	89%	
													2013	61%	56%	
													2012	56%	54%	
														chg to '14 avg	chg to '14 YTD	

UI dispositions Jan to date are down 11% from 2014, down 44% from 2013, and down 46% from 2012  
 UI disposition monthly average is down 11% from 2014, down 39% from 2013, and down 44% from 2012

**BALANCE OPEN CASES**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	End of yr Total	Avg.	% Chg of Avg	Y-r-Yr AvgChg
2012	3,398	2,671	2,785	2,703	2,784	2,910	2,744	2,578	2,363	2,727	2,722	2,199	2,199	<b>2,715</b>		
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	<b>2,148</b>	79%	-567
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	<b>2,121</b>	99%	-27
2015	1,613	1,549	1,873	2,120	2,277	1,599	1,394	1,342					13,767	<b>1,721</b>	81%	-400
													2014	81%	81%	
													2013	80%	80%	
													2012	63%	61%	
														chg to '14 avg	chg to '14 YTD	

UI balance of open cases Jan to date are down 19% from 2014, down 20% from 2013, and down 39% from 2012  
 UI balance monthly average is down 19% from 2014, down 20% from 2013, and down 37% from 2012

**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
2012	99	82	120	66	74	62	85	92	78	85	65	57	965	80		
2013	52	121	55	118	84	46	37	61	74	88	55	43	834	70	86%	-11
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					492	62	118%	9
													2014	118%	131%	
													2013	88%	86%	
													2012	76%	72%	

DI registrations Jan to date up 31% from 2014, down 14% from 2013, down 28% from 2012.

DI registration monthly average up 18% from 2014, down 12% from 2013, and down 24% from 2012.

**DISPOSITIONS**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	113	116	140	88	73	55	79	95	79	87	77	71	1,073	89		
2013	69	60	117	88	71	65	53	69	52	44	56	78	822	69	77%	-21
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					507	63	132%	15
													2014	132%	76%	
													2013	93%	49%	
													2012	71%	67%	

DI dispositions Jan to date down 24% from 2014, down 51% from 2013, down 33% from 2012.

DI disposition monthly average up 32% from 2014, down 7% from 2013, and down 29% from 2012.

**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
2012	163	130	109	87	89	97	102	97	97	95	82	68	68	101		
2013	51	110	50	78	91	72	55	49	71	116	115	79	79	78	77%	-23
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						109	131%	26
													2014	131%	154%	
													2013	140%	157%	
													2012	108%	100%	

Open Balance of DI Jan to date up 54% from 2014, up 57% from 2013, and equal to 2012.

Open Balance monthly average up 31% from 2014, up 40% from 2013, and up 8% from 2012.

**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
2012	22	20	39	23	34	21	2	13	11	9	44	6	244	20		
2013	27	0	0	53	24	17	12	12	5	42	9	27	228	19	93%	-1
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					43	5	58%	-4
													2014	58%	57%	
													2013	28%	30%	
													2012	26%	25%	

Tax registrations Jan to date are down 43% from 2014, down 70% from 2013, and down 75% from 2012  
 Tax registration monthly average down 42% from 2014, down 72% from 2013, and down 74% from 2012

**DISPOSITIONS**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	15	23	21	24	17	13	35	34	43	16	2	18	261	22		
2013	25	11	15	16	15	10	28	38	18	20	13	39	248	21	95%	-1
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					59	7	73%	-3
													2014	73%	57%	
													2013	36%	37%	
													2012	34%	32%	

Tax dispositions Jan to date are down 43% from 2014, down 63% from 2013 and down 68% from 2012  
 Tax disposition monthly average down 27% from 2014, down 64% from 2013, and down 66% from 2012

**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
2012	92	89	108	107	124	132	100	78	46	39	82	70	70	89		
2013	72	61	46	83	92	97	82	58	48	67	68	51	51	69	77%	-20
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						28	63%	-16
													2014	63%	54%	
													2013	41%	38%	
													2012	31%	27%	

Tax balance of open cases Jan to date is down 46% from 2014, down 62% from 2013, and down 73% from 2012  
 Tax balance monthly average is down 37% from 2014, down 59% from 2013, and down 69% from 2012

	End of yr Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2014	70	89		
2013	51	69	77%	-20
2012	35	44	64%	-24
2014		28	63%	-16
2014		63%	54%	
2013		41%	38%	
2012		31%	27%	

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
2012	7	9	13	2	3	0	1	3	3	2	7	2	52	4		
2013	2	4	6	9	13	5	11	4	4	14	7	4	83	7	160%	3
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					58	7	174%	3
													2014	174%	161%	
													2013	105%	107%	
													2012	167%	153%	

Other registrations Jan to date are up 61% from 2014 and up 7% from 2013, and up 53% from 2012  
Other registration monthly average up 74% from 2014, up 5% from 2013, and up 67% from 2012

**DISPOSITIONS**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	9	7	9	9	9	1	1	0	5	3	1	7	61	5		
2013	4	3	3	2	15	4	4	7	10	2	9	8	71	6	116%	1
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					55	7	153%	2
													2014	153%	157%	
													2013	116%	131%	
													2012	135%	122%	

Other dispositions Jan to date are up 57% from 2014, up 31% from 2013, and up 22% from 2012  
Other disposition monthly average up 53% from 2014, up 16% from 2013, and up 35% from 2012

**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
2012	10	12	16	9	3	2	2	5	3	2	8	1	1	6		
2013	0	2	2	5	2	11	18	13	7	19	19	13	13	9	152%	3
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						12	162%	5
													2014	162%	173%	
													2013	131%	183%	
													2012	199%	164%	

Other balance of open cases is up 73% from 2014, up 183% from 2013, and up 64% from 2012  
Other balance monthly average up 62% from 2014, up 31% from 2013, and up 99% from 2012

**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
2012	2,789	2,316	3,555	2,608	2,418	1,958	2,407	2,932	2,430	2,728	2,376	2,156	30,673	<b>2,556</b>		
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	<b>2,405</b>	94%	-151
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	<b>1,680</b>	70%	-725
2015	1,095	1,288	1,605	1,608	1,470	1,116	1,642	1,586					11,410	<b>1,426</b>	85%	-254
													2014	85%	82%	
													2013	59%	55%	
													2012	56%	54%	

Registrations Jan to date are down 14% from 2014, down 45% from 2013, and down 46% from 2012.

Registration monthly average down 15% from 2014, down 41% from 2013, and down 44% from 2012.

**DISPOSITIONS**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
2012	2,917	3,106	3,407	2,747	2,310	1,816	2,653	3,087	2,709	2,341	2,327	2,608	32,028	<b>2,669</b>		
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	<b>2,414</b>	90%	-256
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	<b>1,662</b>	69%	-751
2015	1,415	1,377	1,269	1,346	1,320	1,798	1,888	1,597					12,010	<b>1,501</b>	90%	-161
													2014	90%	90%	
													2013	62%	158%	
													2012	56%	54%	

Dispositions Jan to date are down 10% from 2014, up 58% from 2013, and down 46% from 2012.

Disposition monthly average down 10% from 2014, down 38% from 2013, and down 44% from 2012.

**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
2012	3,872	3,870	4,984	5,543	5,814	5,356	6,020	6,423	5,566	5,057	4,265	3,792	3,792	<b>5,047</b>		
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	<b>2,913</b>	58%	-2,134
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	<b>2,306</b>	79%	-607
2015	1,783	1,690	2,028	2,290	2,436	1,752	1,499	1,483						<b>1,870</b>	81%	-436
													2014	81%	81%	
													2013	64%	61%	
													2012	37%	36%	

Open Balance Jan to date is down 19% from 2014, down 39% from 2013, and down 64% from 2012.

Open Balance monthly average down 19% from 2014, down 36% from 2013, and down 63% from 2012.

**APPELLATE OPERATIONS TL & Case Aging TRENDS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Avg.
Standard	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Standard	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Standard	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
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%
<b>Case Aging</b>	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%
<b>Case Aging</b>	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%
<b>Case Aging</b>	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%
<b>Case Aging</b>	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%
<b>Case Aging</b>	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%
<b>Case Aging</b>	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%								41.7%
15/16 75-Day	92.4%	94.6%	88.0%	89.1%	95.3%								91.9%
15/16 150-Day	99.6%	99.8%	100.0%	99.4%	99.8%								99.7%
<b>Case Aging</b>	37.3	40.9	42.2	33.1	32.9								37.3

**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	<b>2,547</b>		
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	<b>1,800</b>	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	<b>1,429</b>	79%	-371
15/16	1,583	1,480											3,063	<b>1,532</b>	107%	103
													14/15	107%	88%	
													13/14	85%	77%	
													12/13	60%	60%	
														chg 14/15 avg	chg 14/15 YTD	

UI registrations Jan to date are down 12% from 14/15, down 23% from 13/14, and down 40% from 12/13  
 UI registration monthly average is up 7% from 14/15, down 15% from 13/14, and down 40% from 12/13

**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	2240	3363	2704	2504	1920	30,626	<b>2,552</b>		
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	<b>1,821</b>	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	<b>1,473</b>	81%	-348
15/16	1,782	1,527											3,309	<b>1,655</b>	112%	182
													14/15	112%	101%	
													13/14	91%	69%	
													12/13	65%	60%	
														chg 14/15 avg	chg 14/15 YTD	

UI dispositions Jan to date are up 1% from 14/15, down 31% from 13/14, and down 40% from 12/13  
 UI disposition monthly average is up 21% from 14/15, down 2% from 13/14, and down 30% from 12/13

**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	2,744	2,578	2,363	2,727	2,722	2,199	1,933	2,279	1,809	2,336	2,432	2,491		<b>2,384</b>		
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		<b>2,055</b>	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		<b>2,026</b>	99%	-29
15/16	1,394	1,342												<b>1,368</b>	68%	-658
														14/15	68%	57%
														13/14	67%	68%
														12/13	57%	51%
														chg 14/15 avg	chg 14/15 YTD	

UI balance of open cases to date are down 43% from 14/15, down 32% from 13/14, and down 49% from 12/13  
 UI balance monthly average is down 32% from 14/15, down 33% from 13/14, and down 43% 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											143	72	124%	14
													14/15	124%	152%	
													13/14	134%	146%	
													12/13	91%	81%	

DI registrations Jan to date are up 52% from 14/15, up 46% from 13/14, down 39% from 12/13.  
DI registration monthly average is up 24% from 14/15, up 34% from 13/14, and down 9% from 12/13.

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											136	68	1268%	12
													14/15	121%	143%	
													13/14	130%	111%	
													12/13	85%	78%	

DI dispositions Jan to date are up 43% from 14/15, up 11% from 13/14, down 22% from 12/13.  
DI disposition monthly average is up 21% from 14/15, up 30% from 13/14, and down 15% from 12/13.

chg 14/15 avg chg to 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	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											95	28%	-10	
													14/15	91%	109%	
													13/14	129%	182%	
													12/13	114%	95%	

Open Balance of DI case to date is up 9% from 14/15, up 82% from 13/14, and down 5% from 12/13.  
Open Balance monthly average down 9% from 14/15, up 29% from 13/14, and up 14% from 12/13.

chg 14/15 avg chg to 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											11	6	92%	-1
													14/15	92%	220%	
													13/14	37%	46%	
													12/13	32%	73%	
													chg 14/15 avg		chg 14/15 YTD	

Tax registrations Jan to date are up 120% from 14/15, down 54% from 13/14, and down 27% from 12/13  
 Tax registration monthly average is down 8% from 14/15, down 63% from 13/14, and down 68% 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											16	8	126%	2
													14/15	126%	100%	
													13/14	39%	24%	
													12/13	40%	23%	
													chg 14/15 avg		chg 14/15 YTD	

Tax dispositions Jan to date are equal to 14/15, down 76% from 13/14 and down 77% from 12/13.  
 Tax disposition monthly average is up 26% from 14/15, down 61% from 13/14, and down 60% 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											22	78%	-6	
													14/15	78%	110%	
													13/14	35%	31%	
													12/13	30%	25%	
													chg 14/15 avg		chg 14/15 YTD	

Tax balance of open cases to date is up 10% from 14/15, down 69% from 13/14, and down 75% from 12/13  
 Tax balance monthly average is down 22% from 14/15, down 65% from 13/14, and down 70% from 12/13

**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											11	6	92%	-1
													14/15	92%	100%	
													13/14	96%	73%	
													12/13	116%	275%	

Other registrations Jan to date is are equal to 14/15, down 27% from 13/14, and up 175% from 12/13.  
 Other registration monthly average is down 8% from 14/15, down 4% from 13/14, and up 16% from 12/13.

**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											24	12	253%	7
													14/15	253%	343%	
													13/14	212%	218%	
													12/13	300%	2400%	

Other dispositions Jan to date are up 243% from 14/15, up 118% from 13/14, and up 2300% from 12/13.  
 Other disposition monthly average up 153% from 14/15, up 12% from 13/14, and up 200% from 12/13.

**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												7	59%	-5
													14/15	59%	93%	
													13/14	60%	42%	
													12/13	181%	186%	

Other balance of open cases is down 7% from 14/15, down 58% from 13/14, and up 86% from 12/13.  
 Other balance monthly average is down 41% from 14/15, down 40% from 13/14, and up 81% from 12/13.

	14/15	13/14	12/13	chg 14/15 avg	chg 14/15 YTD
Avg.	4	11	11		
% Chg of Avg		305%	101%		
Yr-Yr AvgChg		7	0		

**FY ALL PROGRAM TRENDS-AO**

**REGISTRATIONS**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2,407	2,932	2,430	2,728	2,376	2,156	2,789	2,721	3,003	3,403	2,735	2,082	31,762	<b>2,647</b>		
13/14	2,057	2,055	2,359	2,377	1,612	1,665	1,681	1,666	1,620	1,959	1,623	1,812	22,486	<b>1,874</b>	71%	-773
14/15	1,847	1,729	1,636	1,873	1,298	1,417	1,095	1,288	1,605	1,608	1,470	1,116	17,982	<b>1,499</b>	80%	-375
15/16	1,642	1,586											3,228	<b>1,614</b>	108%	116
													14/15	108%	90%	
													13/14	86%	79%	
													12/13	61%	60%	

Registrations Jan to date down 10% from 14/15, down 21% from 13/14, and down 40% from 12/13.

Registration monthly average down 20% from 13/14, down 43% from 12/13, and down 46% from 11/12.

**DISPOSITIONS**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Total	Avg.	% Chg of Avg	Yr-Yr AvgChg
12/13	2,653	3,087	2,709	2,341	2,327	2,608	2,921	2,314	3,498	2,810	2,605	1,999	31,872	<b>2,656</b>		
13/14	2,258	2,716	2,120	1,853	1,660	2,208	1,517	1,549	1,743	1,877	1,661	1,634	22,796	<b>1,900</b>	72%	-756
14/15	1,583	1,813	1,925	1,568	1,438	1,637	1,415	1,377	1,269	1,346	1,320	1,798	18,489	<b>1,541</b>	81%	-359
15/16	1,888	1,597											3,485	<b>1,743</b>	819%	202
													14/15	113%	103%	
													13/14	92%	70%	
													12/13	66%	61%	

Dispositions Jan to date are up 3% from 14/15, down 30% from 13/14, and down 39% from 12/13.

Disposition monthly average is up 13% from 14/15, down 8% from 13/14, and down 34% from 12/13.

**BALANCE OPEN CASES**

	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	June	Avg.	% Chg of Avg	Yr-Yr AvgChg	
12/13	6,020	6,423	5,566	5,057	4,265	3,792	3,663	2,902	3,018	2,906	3,014	3,141	<b>4,147</b>			
13/14	2,948	2,758	2,509	2,863	2,894	2,340	2,057	2,452	1,910	2,509	2,625	2,671	<b>2,545</b>	61%	-1,603	
14/15	2,484	1,804	2,049	2,575	2,562	1,970	1,783	1,690	2,028	2,290	2,436	1,752	<b>2,119</b>	507%	-426	
15/16	1,499	1,483											<b>1,491</b>	1157%	-628	
													14/15	70%	70%	
													13/14	59%	52%	
													12/13	36%	24%	

Open Balance to date is down 30% from 14/15, down 48% from 13/14, and down 76% from 12/13.

Open Balance monthly average is down 30% from 14/15, down 41% from 13/14, and down 64% from 12/13.

chg 14/15 Avg	chg 14/15 YTD
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**APPELLATE OPERATIONS TL & Case Aging TRENDS**

	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Avg.
Standard	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Standard	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Standard	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%	95%
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%								41.7%
15/16 75-Day	92.4%	94.6%	87.9%	89.1%	95.3%								91.8%
15/16 150-Day	99.6%	99.8%	99.8%	99.4%	99.8%								99.7%
Case Aging	37.3	40.9	42.2	33.1	32.9								37.3

# Monthly Board Meeting Litigation Report - August 2015

AGENDA ITEM 9

<u>LITIGATION CASES PENDING</u>	TOTAL = 159
<b>SUPERIOR COURT:</b> Claimant Petitions.....	122
Employer Petitions.....	16
EDD Petitions.....	0
Non-benefit Court Cases .....	4
<b>APPELLATE COURT:</b> Claimant Appeals.....	11
Employer Appeals.....	3
EDD Appeals.....	0
Non-benefit Court Cases .....	1
<b>ISSUES:</b> UI.....	137
DI.....	10
Tax.....	5
Non-benefit Court Cases .....	7

## 2015 CALENDAR YEAR ACTIVITY - Benefit & Tax Cases

<u>LITIGATION CASES FILED</u>	<u>YTD</u>	<u>August</u>
<b>SUPERIOR COURT:</b> Claimant Petitions.....	23	4
Employer Petitions.....	5	1
EDD Petitions.....	0	0
<b>APPELLATE COURT:</b> Claimant Appeals.....	6	0
Employer Appeals.....	1	0
EDD Appeals.....	0	0
 <u>LITIGATION CASES CLOSED</u>	 <u>YTD</u>	 <u>August</u>
<b>SUPERIOR COURT:</b> Claimant Petitions.....	129	66
Employer Petitions.....	24	13
EDD Petitions.....	2	0
<b>APPELLATE COURT:</b> Claimant Appeals.....	4	0
Employer Appeals.....	2	2
EDD Appeals.....	0	0

## 2015 Decision Summary

<u>Claimant Appeals</u>		<u>Employer Appeals</u>		<u>CUIAB Decisions</u>		
Win: 6	Loss: 126	Win: 3	Loss: 19	Affirmed: 146	Reversed: 6	Remanded: 2

# CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

## AUGUST 2015 PERFORMANCE INDICATORS

### FIELD OPERATIONS

#### MEETING DOL STANDARDS

##### UI TIMELAPSE CASES

	<u>Closed</u>	<u>DOL Standard</u>
Closed Cases		
% Closed in <= 30 Days	70.8%	≥60%
% Closed in <= 45 Days	90.0%	≥80%

	<u>Avg. Days</u>	<u>DOL Standard</u>
Pending Cases		
Case Aging	23.4	≤30

	<u>UI</u>	<u>ALL</u>
WORKLOAD		
Opened	18,448	20,095
Closed	17,767	19,088
Balance of Open Cases	16,198	26,422

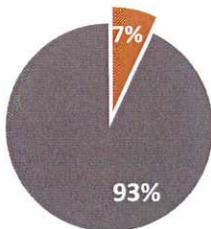
#### CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

UI Timelapse Appeals	34 days
DI Appeals (including PFL)	61 days
All Programs	45 days

#### UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

Regular UI Appeals as % of All UI	94%
UI Extensions as % of All UI	6%

#### UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 7% of UI Open Balance, and Regular UI cases made up 93%.

### APPELLATE OPERATIONS

#### MEETING DOL GUIDELINES & STANDARDS

##### UI TIMELAPSE CASES

	<u>Closed</u>	<u>DOL Guideline</u>
Closed Cases		
% Closed in <= 45 Days	69.0%	≥50%
% Closed in <= 75 Days	95.3%	≥80%

	<u>Avg. Days</u>	<u>DOL Standard</u>
Pending Cases		
Case Aging	32.9	≤40

	<u>UI</u>	<u>ALL</u>
WORKLOAD		
Opened	1,480	1,586
Closed	1,527	1,597
Balance of Open Cases	1,342	1,483

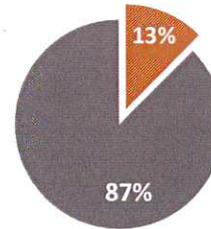
#### CYCLE TIME: AVERAGE DAYS TO CLOSE APPEALS

UI Timelapse Appeals	47 days
DI Appeals (including PFL)	73 days
All Programs	48 days

#### UI WORKLOAD COMPOSITION AT INTAKE (OPENED)

Regular UI Appeals as % of All UI	82%
UI Extensions as % of All UI	18%

#### UI WORKLOAD COMPOSITION AT END OF MONTH OPEN BALANCE:



UI Extensions made up 13% of UI Open Balance, and Regular UI cases made up 87%.

**California Unemployment Insurance Appeals Board  
FO Cycle Time Summary Report  
For Cases Closed in August 2015**

<b>PFL CASES</b>	<b>Average Days to Process an Appeal</b>	<b>Case Creation Date to Verified Date</b>	<b>Verified Date to Scheduled Date</b>	<b>Scheduled Date to Hearing Date</b>	<b>Hearing Date to Decision Mailed Date</b>
<b>Jurisdiction</b>	<b>Average</b>	<b>Average</b>	<b>Average</b>	<b>Average</b>	<b>Average</b>
Fresno	28	4	17	15	5
Inglewood	73	8	39	18	2
Inland	52	7	23	13	5
Los Angeles	55	10		14	3
Oakland	56	6	22	16	1
Orange County	54	5	21	14	12
Oxnard	64	4	53	14	0
Pasadena	64	3	43	15	0
Sacramento	55	6	18	16	6
San Diego	44	7	7	13	4
San Francisco	64	6	27	14	4
San Jose	45	7	13	11	2
<b>Statewide</b>	<b>54</b>	<b>6</b>	<b>22</b>	<b>14</b>	<b>4</b>

<b>DI CASES (No PFL)</b>	<b>Average Days to Process an Appeal</b>	<b>Case Creation Date to Verified Date</b>	<b>Verified Date to Scheduled Date</b>	<b>Scheduled Date to Hearing Date</b>	<b>Hearing Date to Decision Mailed Date</b>
<b>Jurisdiction</b>	<b>Average</b>	<b>Average</b>	<b>Average</b>	<b>Average</b>	<b>Average</b>
Fresno	57	6	22	15	3
Inglewood	72	11	31	14	3
Inland	58	6	23	15	4
Los Angeles	76	7	44	14	2
Oakland	62	7	23	13	3
Orange County	62	6	19	14	10
Oxnard	81	6	48	13	1
Pasadena	60	6	20	15	3
Sacramento	68	5	16	18	4
San Diego	58	7	23	14	3
San Francisco	63	9	21	14	5
San Jose	45	6	10	11	3
<b>Statewide</b>	<b>62</b>	<b>7</b>	<b>24</b>	<b>14</b>	<b>4</b>

**California Unemployment Insurance Appeals Board**  
**FO Cycle Time Summary Report**  
**For Cases Closed in August 2015**

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	34	3	11	14	1
Inglewood	38	6	9	15	2
Inland	32	3	7	14	1
Los Angeles	33	3	6	15	2
Oakland	35	4	11	13	1
Orange County	35	3	9	14	3
Oxnard	37	3	14	14	0
Pasadena	33	2	9	14	1
Sacramento	34	2	7	17	1
San Diego	33	4	8	14	1
San Francisco	37	4	12	14	1
San Jose	28	3	7	11	0
<b>Statewide</b>	<b>34</b>	<b>3</b>	<b>9</b>	<b>14</b>	<b>1</b>

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	36	3	12	14	1
Inglewood	69	6	14	16	2
Inland	36	3	8	15	1
Los Angeles	36	3	8	15	2
Oakland	39	4	13	14	1
Orange County	49	4	11	14	4
Oxnard	58	3	16	19	0
Pasadena	35	3	10	14	2
Sacramento	35	3	7	17	1
San Diego	43	4	10	14	3
San Francisco	42	4	15	15	2
San Jose	45	3	8	14	1
Tax Office	556	N/A	N/A	309	427
<b>Statewide</b>	<b>45</b>	<b>4</b>	<b>11</b>	<b>15</b>	<b>2</b>

# Comments received for item # 12

**From:** Lita Krowech [mailto:ljcrow@yahoo.com]

**Sent:** Friday, September 04, 2015 12:04 AM

**To:** Levy, Michael@CUIAB

**Subject:** Re: Sept. 8 Board Meeting : Agenda item 12: Staff Layoffs

Dear Chair Dresser, CUIAB Board members and Chief ALJ Elena Gonzalez,

I am scheduled to work and hear cases on September 8 and as a result will not be able to attend the Board meeting in which the subject of staff layoffs is listed on the agenda.

I am writing to protest the proposed CUIAB layoffs of ALJs. I believe these layoffs are extremely short sighted and damaging to the agency as well as the individuals who have worked so hard to provide service to the public.

In response to *Ochoa*, the agency greatly expanded, hiring numerous judges in 1991, and 1992, including myself. Many of us are close to retirement age and will retire in the next year or two. I have retired 40%. When my cohort retires, there will be a dearth of experienced ALJs if the layoff proceeds.

The ALJs you seek to layoff all have at least 5 years experience with the agency. From my experience, this is about the minimum one needs to handle the variety of cases we hear expeditiously. While dealing with the legal issues can be easily taught, handling the variety of individuals who appear at hearings, keeping the hearings on track, in compliance with federal standards, deciding and issuing decisions that same day, takes skill and experience.

Our economy is cyclical and affected by world wide forces. Recently, the stock market has suffered a huge decline which previously preceded layoffs and high unemployment. It is critical that the agency have experienced ALJs when this happens again. If you proceed with the layoffs this will not occur.

While there is currently a declining caseload, this will not continue to be the case and is not the case in all offices. Oakland has scheduled a mass calendar on September 8th and 9th. Why is this if we do not have enough cases? The agency has typically spread work to different offices when there is a caseload decline in one area. Offices experiencing a significant decline could be closed to save money and jobs. Judges have been loaned to other agencies in the past preserving our capacity to respond to a downturn. What efforts have been made to do this?

The layoffs are destroying the morale of the the agency. Whereas once we had an ALJ staff eager to work with and for management whom we believed would fight for our mutual interests in fair hearings and good working conditions, now there is distrust, anger and distain toward management.

Perhaps you seek to remedy your lack of openness in making the layoff decision by putting the item on the agenda today. But your secrecy in many items, such as no longer publishing the caseload figures for each office, does not inspire trust that there is any intent to truly have an open discussion.

I have worked for the agency for over twenty years, I am saddened and angered by your secrecy and your unwillingness to take actions to deal with the budget issues besides throwing out hard working employees. These people are critical to the agency's success in carrying out its mission.

I urge you to reconsider this shortsighted plan by canceling the layoffs.

Lita Krowech  
ALJ 1  
Oakland Office of Appeals  
Hired 4/6/1992

**Comments of Vernon Bogy regarding California Unemployment Insurance  
Appeals Board Meeting, September 8, 2015, Agenda Item Number 12, Vote on  
Staff Layoffs for FY2015/2016**

I am presently a CUIAB administrative law judge assigned to the Pasadena Office of Appeal. I have held my position for more than six years. I recently learned of the CUIAB board meeting scheduled for September 8, 2015. Because I am presently scheduled to hear a full case load that day, I am unable to attend the board meeting personally. I therefore offer the following written comments with respect to the Agenda Item Number 12, Vote on Staff Layoffs for FY2015/2016.

CUIAB issued a layoff plan on or about July 22, 2015 which states that 34 ALJ positions were targeted for layoff, including 27 ALJ IIs and 7 ALJ Is. Under the plan, the effective date of the layoff is November 20, 2015. To the best of my knowledge and belief, the topic of layoffs, either for the fiscal year 2015/16 or otherwise, has never been placed on a CUIAB board meeting agenda.

The Bagley-Keene Open Meeting Act (California Government Code Sections 11120-11132), which applies to CUIAB, requires CUIAB to publicly notice their meetings, prepare agendas, accept public testimony and conduct their meetings in public unless specifically authorized by the Act to meet in closed session. To my knowledge and belief, CUIAB meetings, discussions or information related to the present layoff plan do not fall within any of the very narrow closed meeting exceptions under the Bagley-Keene Act.

The clearly stated legislative intent underlying the Bagley-Keene Act is to require complete transparency whenever a statutorily created multimember body such as CUIAB goes through *any* consensus building process to reach a decision or take some action. Under the Act, whenever a body such as CUIAB meets in order to develop a consensus on any issue, it is mandatory that there be a seat at the table reserved for those affected by the body's decision, including, of course, the public. By reserving this place for the public, the Act ensures that the public has the ability to monitor and participate in the decision-making process. If the body were permitted to meet in secret, the public's role in the decision-making process would be negated. Under Bagley-Keene, a covered "meeting" also includes situations in which the body is merely receiving information. To the extent that a body receives information under circumstances where the public is deprived of the opportunity to monitor the information provided and either agree with it or challenge it, the open-meeting process is deficient.

In the event a statutorily created body, including CUIAB, violates the Bagley-Keene Act, any and all decisions or actions taken by that body are null and void. While the body can seek to cure and correct a violation so as to avoid having its decision overturned, the only manner in which the mandates of Bagley-Keene

can be met is start the entire process over from the beginning. To the extent that information has been disseminated or received, or statements have been made or heard, or any discussions have taken place, the body must include all of this on the record to ensure that everyone is aware of these events and has had an opportunity to respond.

With respect to the present layoff plan, CUIAB clearly has had meetings preparatory to and in furtherance of the layoff plan, and CUIAB presumably has received information upon which CUIAB bases the layoff plan. Because any such meetings, and the discussion of any such information, have never been properly noticed, neither I, nor any other CUIAB administrative law judge, nor any member of the public, has had any opportunity to comment on or challenge any actions taken by CUIAB with respect to the present layoff, and I, other CUIAB administrative law judges, and members of the public, have been deprived of the opportunity to monitor the information provided, and either agree with it or challenge it.

In the event CUIAB decides to proceed with a layoff of administrative law judges for fiscal year 2015/16, the layoff process must begin from the start, because every action or decision taken to this point is null and void under the clear terms of Bagley-Keene. The layoff plan issued on or about July 22, 2015 is deficient in its entirety as a matter of law, and should not proceed, and a single "curative" board meeting cannot resolve issues which should have been, but were not, properly noticed.

In addition to the issues presented above, other compelling economic reasons militate against a layoff at this time and any layoff under the present circumstances and at the present time would be exceedingly precipitous and ill-advised.

The California economy is comprised of numerous micro-economies, and as such is uniquely tied to and dependent upon certain industries, primary among them the oil and gas and agricultural industries.

With respect to the oil and gas industry in California, in 2012 a total of 188,500 people were directly employed by the state's oil and gas industry, according to a report last year from the Los Angeles County Economic Development Corporation, and a total of 468,000 people are supported by and dependent upon the Oil and gas industry in California. (See, *Oil and Gas in California: The Industry and its Economic Contribution in 2012*, Los Angeles County Economic Development Corporation.)

In 2014, California produced 17.3 million barrels of crude oil last year -- the third-most in the nation, according to the U.S. Energy Information Administration. Oil

and gas production is centered primarily in central and southern California. (See, *Los Angeles Times*, January 28, 2015).

However, the price of crude oil is at virtually an historic low, when adjusted for inflation. At present, the market price of crude (that is, unrefined) oil hovers at around \$40 per barrel, down from a high of \$150 per barrel in July 2008 (See, *The Guardian*, August 21, 2015). As a result of this dive in market price, the oil industry has already cut nearly 22,000 jobs nationwide since the summer, when oil prices began plunging, and industry analysts predict that if past price dives are any indication, more layoffs are coming. (*Los Angeles Times*, January 28, 2015). Mark Evans, chair of the economics department at California State University at Bakersfield recently predicted a major downward correction in the California Oil and Gas industry, which translates directly into loss of jobs in California. (*Ibid*).

According to all oil and gas analysts, therefore, substantial, if not massive, layoffs are looming in California, and especially central and southern California, which will necessarily result in a tidal wave of unemployment claims in the coming months.

With respect to agriculture, California is presently in the grip of an historic four year drought, which has adversely affected, and will continue to adversely affect, the California agricultural industry. At present, the California Agriculture industry, leads all of the other states in agricultural income, and is recognized as the agricultural powerhouse of the United States generating more than twice the revenues and production of the next nearest state. (See, *California Department of Food and Agriculture*, [www.cdfa.ca.gov](http://www.cdfa.ca.gov).) California agriculture is a \$42.6 billion dollar industry that generates at least \$100 billion in related economic activity. (*Ibid.*)

A very recent study by the California Department of Food and Agriculture and the University of California at Davis estimates that direct job losses in agriculture as a result of the current drought situation is 10,100 seasonal jobs, with total job losses due to the drought estimated to be 21,000 jobs statewide. These job loss estimates do not include estimates of changes in labor intensity (hours of work per job) or other non-agricultural impacts of the drought. (See, *Economic Analysis of the 2015 Drought for California Agriculture*, UC Davis Center for Watershed Sciences ERA Economics, UC Agricultural Issues Center, August 17, 2015.)

The current conditions in California therefore make it inevitable that there will be continuing job losses on an alarming scale, both in terms of actual unemployment as well as under-employment.

Finally, it is unquestionable that the current global economic crisis, fueled by the impending collapse of the Chinese Market as well as the ongoing unrest in the

European Union, must necessarily adversely affect the global economy, the United States economy, and the California economy. The Dow Jones industrial average has careened precipitously in past weeks based on the conditions in China, as has every United States market index, ultimately resulting in near historic drops in value. (*See, Los Angeles Times, September 1, 2015: U.S. stocks plummet on China fears; Dow down 12.5% from peak.*) In light of this ongoing global economic unrest, California's job market, which is intimately tied to Pacific Rim trade, must certainly suffer.

In short, the California oil and gas industry is poised for massive layoffs in the coming months, as is the California Agricultural industry. The present global economic crisis spurred by the near collapse of the Chinese and EU markets can only result in the fear of California industry on all levels to invest in new jobs.

Thank you for your consideration.

Vernon Bogy

**Sent:** Thursday, September 03, 2015 11:34 AM

**To:** Levy, Michael@CUIAB

**Subject:** Comments for the September 8th Board Meeting, Agenda Item 12

As a Judge, I find it especially important to be well informed as to issues that affect my work including, but not limited to, important news events, changes in the law, and issues involving the EDD and CUIAB; especially those involving budgetary issues that might result in a layoff of CUIAB employees. I appreciate that I have now been given notice that a discussion and vote regarding a potential CUIAB layoff is taking place and that I can now attend or provide written comments as to these issues.

Under the Bagley Keene Act, I should have been given such notice and opportunity to attend or comment as to all previous meetings regarding any potential layoffs now being discussed. Since I, and others affected, received no notice or invitation to participate previously, and since these meetings and discussions were held in secret, it would be improper to continue with any layoff.

Moreover, the board has not demonstrated that the workload or budget require a layoff of judges. Despite the CUIAB's concerns that the caseload has dropped significantly, judges are still handling the maximum number of cases under the MOU on a weekly basis. With regard to the budget, despite the lack of any significant changes in the salaries of judges, I understand that the last time the annual budget for the agency was at the current and proposed levels, the agency had more judges who heard fewer cases. Certainly this indicates that the budget allocation has shifted from the salaries for judges (who generate income for the agency) to other budget line items that solely increase costs.

For an agency that has been placed under financial constraints, there is an obvious economic benefit to doing everything possible to maintain employees that generate income while doing everything possible to reduce other costs. CUIAB has been doing just the opposite by maintain the costly liabilities of budget items that add only to the expenses of the agency while reducing the number of income generating judges. The reduction in office space has not kept pace with the shrinking agency over time and so many facilities look like ghost towns with few employees. The lease cost per square foot of the Fresno office is remarkably high for the area, and is one of the most costly offices. The lease could be renegotiated as could the leases of other offices.

Finally, with so many of the administrative functions being handled by the EDD, perhaps the EDD should handle the agency's IT needs. An agency this small does not require its own IT group and the systems within the agency could be easily and more efficiently be supported by the EDD's IT department.

It is unclear why the CUIAB is proposing to act in contradiction of simple economics by suggesting that the agency is better served with such high volume of costly and unnecessary administrative and supporting staff along with maintaining so much unused office space. The last thing the CUIAB should be doing is reducing its ability to generate revenue by eliminating judges. These and many more issues need to be addressed in "public" board meetings open to those affected. Since they have not been addressed "publicly" before, pursuant to Bagley Keene, the current layoff should be abandoned.

Thank you,

Marc J. Levine, ALJ

Pasadena Office of Appeals

**From:** Thornton, Cynthia@CUIAB  
**Sent:** Friday, September 04, 2015 11:57 AM  
**To:** Lee, Susan@CUIAB; Levy, Michael@CUIAB  
**Cc:** Cwern, Mark@CUIAB; Bloom, Susan@CUIAB; [lobby@ellisonwilson.com](mailto:lobby@ellisonwilson.com); Katherine Regan  
**Subject:** Hand Out for September 8, 2015 board meeting

Agenda Item: Lay Offs

Please include the following as a hand out for the September 8, 2015 board meeting.

FY	ALJ FTE's	Decisions	Budget	DEC/ALJ	\$/ALJ	\$/DEC
1999-00	175.4	205,411	\$47,830,403	1171	\$272,693	\$233
2000-01	184.2	227,454	\$54,773,268	1235	\$297,358	\$241
2001-02	190.4	251,598	\$59,068,170	1321	\$310,232	\$235
2002-03	199.3	288,780	\$64,196,813	1449	\$322,112	\$222
2003-04	192.2	306,375	\$65,740,562	1594	\$342,043	\$215
2004-05	193.2	279,311	\$70,508,705	1446	\$364,952	\$252
2005-06	183.2	274,071	\$66,040,463	1496	\$360,483	\$241
2006-07	175.1	267,947	\$70,797,376	1530	\$404,325	\$264
2007-08	172.1	315,788	\$72,880,385	1835	\$423,477	\$231
2008-09	192.6	356,787	\$74,434,271	1852	\$386,471	\$209
2009-10	257.4	489,422	\$85,740,409	1901	\$333,102	\$175
2010-11	267.3	508,280	\$93,677,349	1902	\$350,458	\$184
2011-12	261.4	484,476	\$92,485,479	1853	\$353,808	\$191
2012-13	249.7	440,995	\$90,172,164	1766	\$361,122	\$205
2013-14	228.8	371,114	\$83,653,733	1622	\$365,620	\$225
2014-15	177.2	285,685	\$79,478,152	1612	\$448,522	\$278
2015-16	140**	270,000**	\$75,743,000**	1928	\$541,021	\$280

\*Recession is highlighted in yellow

\*\*Projected or estimated

**From:** Lee, Susan@CUIAB  
**Sent:** Monday, August 31, 2015 2:20 PM  
**To:** Levy, Michael@CUIAB  
**Cc:** Cwern, Mark@CUIAB; Thornton, Cynthia@CUIAB; Bloom, Susan@CUIAB; [lobby@ellisonwilson.com](mailto:lobby@ellisonwilson.com); Katherine Regan  
**Subject:** RE: Written testimony for September 8, 2015 board meeting

Thank you, Mr. Levy.

**From:** Levy, Michael@CUIAB

**Sent:** Saturday, August 29, 2015 3:35 PM

**To:** Lee, Susan@CUIAB

**Cc:** Cwern, Mark@CUIAB; Thornton, Cynthia@CUIAB; Bloom, Susan@CUIAB; [lobby@ellisonwilson.com](mailto:lobby@ellisonwilson.com); Katherine Regan

**Subject:** Re: Written testimony for September 8, 2015 board meeting

Dear Judge Lee,

To ensure adequate time for circulation and review, any written comments received by noon on Friday September 4th will be deemed timely, and included in the record. Comments may be emailed to me with the subject-line identifying that they are Comments for the September 8th Board Meeting. It may be helpful to identify the agenda item to which the comments are directed.

Please let me know if you have any questions.

*Michael J. Levy, Secretary/Chief Counsel*  
*California Unemployment Insurance Appeals Board*  
*2400 Venture Oaks Way, Suite 300*  
*Sacramento, CA 95833*  
*(916) 263-6806*  
[Michael.levy@cuiab.ca.gov](mailto:Michael.levy@cuiab.ca.gov)

On Aug 28, 2015, at 1:42 PM, Lee, Susan@CUIAB <[Susan.Lee@CUIAB.CA.GOV](mailto:Susan.Lee@CUIAB.CA.GOV)> wrote:

Hello Mr. Levy,

Various ALJs would like to submit written comment to the Board for the September 8, 2015 board meeting. Most, if not all, will ask that the comments be part of the record. How should the public submit these comments in order to be timely? How can the individuals be assured that their written statements will be part of the record? Is there some language which should be included?

Thank you.

Susan F. Lee  
CUIAB, Administrative Law Judge  
Oakland Office of Appeals  
510-622-3900

**J. Kevin Elmendorf**  
*Folsom, California*

September 4, 2015

**Memo to CUIAB Re Pending 2015 ALJ Layoff Plan**

**Dear Board:**

I submit this to you in an effort to dissuade you from going forward with your 2015 lay-off plan.

I served faithfully as an Administrative Law Judge for CUIAB in Appellate Operations from June 2009 to September 1, 2014 when I was laid off due to an alleged surplus of ALJ's. As you know, it has been held in a Cal/HR legal action that the lay-off in September 2014 was conducted in violation of the applicable Government Codes and other applicable statutes and regulations.

On June 15, 2015, I was re-instated to my former position, only to be notified in July that I would be included in the new round ALJ layoffs in 2015, with a lay-off date of November 20, 2015. Thankfully, after 9.5 months of unemployment and countless employment application rejections, in August I was fortunate enough to be selected for a new position as an ALJ with another State agency.

What I hope to impart to you is the difficulty the freshly unemployed judges will face in attempting to obtain a new job at this stage of their lives and careers and the devastating effect the last lay-off had on me and my family. With this information, I hope that you will reconsider your new layoff plan and find an alternate path toward resolving the CUIAB's budget issues.

Upon being laid off last year, I immediately commenced seeking alternate State employment only to be consistently rejected either by not even being offered interviews or rejected after the few interviews that were granted. Seeking Attorney III positions was not fruitful because those positions are typically taken by attorneys who have been working for that

particular agency for many years and are simply “moving up”. Also, unemployment law was not seen as a transferable skill set. I even sought Attorney I positions but was routinely rejected without explanation even though I have 25+ years in private practice prior to State service. While it would be difficult to prove, I believe my age (62) and my relatively high pay scale as an ALJ left me too old, over-qualified and over-paid for most attorney positions – in both the public and private sectors.

While seeking another ALJ position with another State agency would appear to be the logical approach, I found that unemployment law is not considered by other agencies to be “complicated” or “complex” – in that the hearings are short, the cases have few, if any, pre-trial motions, rarely are teams of lawyers involved and the decisions are typically only a few pages long. Also, while CUIAB did not require “Active Status” with the State Bar, many agencies have established a rule that applicants for ALJ positions must have been “Active” Bar members for at least 3 years. This resulted in rejections when otherwise the application may have been accepted.

On the personal side, I found unemployment to be emotionally debilitating after months of rejection and watching my savings and resources depleted. Fear and self-incrimination were constant companions. I am certain my immeasurable sufferings were not unique.

While I recognize the harsh realities of budgeting and economic shortfalls, I implore the Board to consider the devastating “human side” of the decision to lay off 30+ skilled and hard-working judges. Please search for and create alternate resolutions to the budget issues.

/Kevin Elmendorf

Received 9-8-15 from Susan Lee

**Silva, Robert@CUIAB**

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**From:** Watts, Cristal@EDD  
**Sent:** Wednesday, April 23, 2014 2:39 PM  
**To:** Silva, Robert@CUIAB  
**Cc:** Jacobson, Laura@EDD; Horel, Caleb@EDD  
**Subject:** FW: Questions Regarding 2014-15 CUIAB Budget

Hi Rob, sorry for the delay in getting back to you. Based on what you and I discussed, and a quick calculation of CUIABs projected costs for CY and BY, I am not seeing where CUIAB will have a significant enough OEE savings (if any) to make a difference in your staffing concerns, especially considering the additional costs that PB eat up when converting OEE dollars into staffing dollars. I know you said that there is a slight possibility that CUIAB could have some OEE savings, but without seeing a plan or any sort of numbers, I am not seeing it based on the current data we have access to in Budgets.

Ultimately, this is a discussion that should occur at the CUIAB/Agency level, but from a fiscal perspective, there does not appear to be much value in the effort. It would seem to me that a better solution to help CUIAB meet their targets would be a more aggressive SROA effort.

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**From:** Watts, Cristal@EDD  
**Sent:** Thursday, April 17, 2014 4:40 PM  
**To:** Silva, Robert@CUIAB  
**Subject:** RE: Questions Regarding 2014-15 CUIAB Budget

Ok, so I am looking at the CY expenditures, and based on numbers alone, it is difficult to see a realistic amount of proposed savings in OEE that would make much of a difference to the staffing concerns (taking into consideration the benefits piece of the conversion). Would you be able to provide numbers that outline where you think CUIAB can get to (OEE expenditures), and what that converts to for staffing?

In looking at CUIAB's Feb report, if I average the years OEE expenses and assume that number for the rest of this SFY, then CUIAB is around \$16 million. How much more of a reduction were you hoping to get, beyond what the OEE target is? Also, are we still looking good with being able to permanently move the ALJ's that are loaned to DSS by the end of the year?

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**From:** Silva, Robert@CUIAB  
**Sent:** Wednesday, April 16, 2014 11:30 AM  
**To:** Watts, Cristal@EDD  
**Subject:** RE: Questions Regarding 2014-15 CUIAB Budget

Thank you.

Would it be possible to get some feedback, even if not totally definitive, by Monday or Tuesday? We have budget negotiation session scheduled for Wed & Thu of next week.

If something like this were possible, CUIAB is mindful of the fact that any movement from OE&E to Staffing is not an even exchange due to the benefit rate. For instance, if we were able to identify a \$1 million reduction in OE&E from our current target (not likely), that would theoretically only amount to \$655,000 that we could move to staffing to account for the need to pay benefits on top of that staffing cost.

Rec'd into Record 11/17/15  
(Read by commenter)

September 8, 2015 Comments of Mark Cwern to CUIAB Board.

Distinguished members of the Board:

My name is Mark Cwern and I am an ALJ in the Los Angeles office of Appeals. I am here as an individual Administrative Law Judge and concerned member of the public. I do not represent anyone, although I am similarly situated to many.

I was hired in March 2009 during the Great Recession. I have learned the vital role that this agency and its judges play in the process of assisting those unemployed through no fault of their own, and those hobbled by disability. We judges have been here to assure that benefits are paid when due. We have taken our responsibilities seriously and applied ourselves diligently.

Since 2009, I have presided over some 9,000 hearings. My colleagues and I have eliminated a backlog of tens of thousands of cases by conducting mass calendars for two weeks per month even while we were furloughed and our pay was cut by about 14%. We took on added "floating calendar cases" and heard them when there were non-appearances on our regular calendars, giving up time we otherwise would have used to draft our decisions.

These conditions were difficult, but we got the job done, because we were dedicated to serving the public, and reducing the time parties had to wait for a hearing and for desperately needed benefits.

Ironically and unfortunately for the ALJs, we were repaid for our hard work with layoffs. During the meet and confer process and at a meeting of this board last year, ALJs voiced our concerns about the layoffs and provided alternatives for this Board's consideration. Despite our pleas, 54 ALJs were separated from the agency.

The Agency's actions were challenged and those who appealed were reinstated with back pay.

Now the agency again seeks to lay off judges. Once again, the layoffs face a legal challenge. The agency filed a layoff plan which indicates that 27 ALJ IIs and 7 ALJ Is would be impacted.

Once again, the layoff plan previously filed is unnecessary, ill-advised and inappropriate.

Judge Cynthia Thornton is the former chair of this board. She has ably demonstrated in detail why the proposed layoff, targeted once again solely at ALJs and no other job classification, is not justified by either caseload or budgetary concerns.

Had this board ever sought public comment about its proposed course of action, it could have benefitted from the wealth of experience and wisdom of its judges and the public. That never happened because the plan was filed without any public notice or discussion of whether there should be any layoffs.

By failing to post an agenda and to have an open meeting regarding layoffs, the agency violated the Bagley Keene Open Meeting Act of 2004 prompting another lawsuit. Shortly after the CASE lawsuit was filed, the board posted the agenda for today's meeting, and for the first time gave notice that layoffs would be discussed at a board meeting.

Depending on how the Board proceeds, this might bring the agency into compliance with the Bagley Keene Act. The Board should act deliberately and take all steps to fully comply with Bagley Keene.

Bagley Keene requires boards including CUIAB to conduct its business in public, with limited exceptions not applicable here. It requires that the public be provided 10 days notice of a board's agenda, and an opportunity for the public to provide testimony regarding the agenda items.

The Attorney General of California has published a document entitled "A Handy Guide to the Bagley Keene Open Meeting Act of 2004":

According to the Attorney General, the Act imposed a value judgment "that when a body sits down to develop its consensus, there needs to be a seat at the table reserved for the public. Section 11120."

"To ensure public participation, the legislature expressly afforded an opportunity to the public to speak or otherwise participate at meetings, ***either before or during the consideration of each agenda item.*** Section 11125.7." ***Thus an opportunity to speak after consideration of the agenda item is insufficient and violates the Act.***

The Guide states: "Within 90 days of the decision or action of the body, any interested person may file suit alleging a violation of the act and seeking to overturn the decision or action... ***Although the body is permitted to cure and correct a violation so as to avoid having its decision overturned, this can be much like trying to put toothpaste back in the tube. If possible, the body should try to return to a point prior to when the violation occurred and then proceed properly. For example, if the violation involves improper notice, we recommend that the body invalidate its decision, provide proper notice, and start the process over. To the extent that information has been received, statements made, or discussions have taken place, we recommend that the body include all of this on the record to ensure that everyone is aware of these events and has had an opportunity to respond.***"

According to the Handy Guide, meetings include situations in which the board is merely receiving information under circumstances where the public is deprived of the opportunity to monitor the information provided and either agree with it or challenge it. Under these circumstances, the open meeting process is deficient.

The board must proceed with utmost caution and openness. To comport with the Attorney General's guidelines, this board must start its process over. It must invalidate the former decision to lay off judges, withdraw its layoff plan and provide the public with all information that was received by the board in reaching its former decision, all statements made, and all discussions which took place. The Board should disclose all Budget Advisory Committee Recommendations and staff advice and any other information obtained, accepted or rejected. And I implore the Board to carefully consider all public comment regarding the advisability of the layoff and to act judiciously.

Thank you for your attention.



Pamela Cooke

September 8, 2015

To The Members of California Unemployment Insurance Appeals Board:

Please answer the following questions regarding the lay off:

Why lay off only ALJs?

Where is the evidence that other classifications have already experienced sufficient attrition to avoid layoffs?

Where is the data that the workload for other classifications will not decrease in the same manner as projected for ALJs?

If the case load is indeed low, why hasn't the case load per ALJ been reduced?

If the case load is indeed low, why haven't you begun training again?

Why is it that in 2014, only ALJs were targeted for layoff, and now, in 2015, after ALJs prevailed in the appeal of their layoff, only ALJs are being targeted again?

The secret vote taken to implement layoffs started a chain of events, including the preparation of documents by CalHR, the completion of reports of current performance for all ALJs, and many others. If in fact that initial secret decision was illegal, shouldn't all of those procedures be deemed null and void and the process started anew?

Are you going to restart the layoffs from scratch, or only restart the 120-day SROA clock? If the latter, how does that cure the initial Bagley-Keene violation?

As of July 22, 2015, CUIAB targeted 27 ALJ II positions for layoff. Since that time, several ALJs have retired or left CUIAB for other jobs. When can we expect an update regarding the number of positions that CUIAB believes it needs to eliminate?

Are you going to disclose all reports, Budget Advisory Committee recommendations, documents, verbal advice, staff advice, and any other information in any form, which the board considered, accepted, or rejected relating to the decision to engage in layoffs?

With this vote today, are you planning on resetting the 120 day clock? Or are you attempting to ratify what was previously done in a meeting that violated Bagley Keene? If you reset the 120 day clock, will judges currently interviewing under SROA still be considered SROA?

What criteria will be used and when will performance evaluations be given? The performance evaluations are required to be current with the release of workers to be laid off and the current evaluations were performed over a month ago. Will current evaluations be made as required by the statute?

Very Truly Yours,

*Pamela Cooke*

Pamela Cooke

Administrative Law Judge II